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THE

LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume I, 1937

(25th January to 19th February, 1937)

FIFTH SESSION

OF THE

FIFTH LEGISLATIVE ASSEMBLY,

1937



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1937

Legislative Assembly.

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MR. MATHURADAS VISSANJI, M.L.A.

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THE

LEGISLATIVE ASSEMBLY DEBATES.

(OFFICIAL REPORT OF THE FIFTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY.)

VOLUME I—1937.

LEGISLATIVE ASSEMBLY.

Monday, 25th January, 1937.

The Assembly met in the Assembly Chamber of the Council House in New Delhi at Eleven of the Clock, being the First Day of the Fifth Session of the Fifth Legislative Assembly, pursuant to Section 63-D (2) of the Government of India Act, Mr. President (The Honourable Sir Abdur Rahim, K.C.S.I., Kt.) was in the Chair.

MEMBERS SWORN:

Mr. A. Aikman, M.L.A. (Bengal: European);

Maulvi Muhammad Ahsan, M.L.A. (Bhagalpur Division: Muhammadan);

Mr. James Drummond Anderson, M.L.A. (Secretary, Legislative Department);

Major-General Sir Cuthbert Sprawson, Kt., C.I.E., K.H.P., M.L.A. (Government of India: Nominated Official);

Mr. Alan Hubert Lloyd, C.S.I., C.I.E., M.L.A. (Government of India: Nominated Official);

Mr. Mead Slade, M.L.A. (Government of India: Nominated Official);

Mr. Arthur Henry Ashworth Todd, C.I.E., M.L.A. (Madras: Nominated Official);

Mr. Vithal Shivram Bhide, M.L.A. (Bombay: Nominated Official);

Mr. Chandrakant Balvantrav Nagarkar, M.L.A. (Bombay: Nominated Official);

Mr. Apurva Kumar Chanda, M.L.A. (Bengal: Nominated Official);

Mr. John Ford Sale, M.L.A. (United Provinces: Nominated Official);

Thakur Lalit Chand, M.L.A. (Punjab: Nominated Official);

Rai Sahib Bansidhar, M.L.A. (Bihar and Orissa: Nominated Official);

Rai Sahib Hiralal Verma, M.B.E., M.L.A. (Central Provinces: Nominated Official); and

Mr. Shrimukhrao Laxmilal Mehta, M.L.A. (Assam: Nominated Official).

INTRODUCTION OF TEA LESSONS IN TEXT BOOKS IN SCHOOLS OF THE UNITED PROVINCES.

1. ***Mr. C. N. Muthuranga Mudaliar:** (a) Is it a fact that the Education Department of the Government of the United Provinces has approved of a proposal for the introduction of tea lessons in text books to be used in Vernacular and Anglo-Vernacular Schools?

(b) Has the above proposal been put through at the instance of the Tea Cess Committee?

(c) Are Government prepared to consider the advisability of instructing the Tea Cess Committee not to do propaganda for the consumption of tea among young children?

The Honourable Sir Muhammad Zafrullah Khan: (a) In the instructions issued in September, 1935, by the Director of Public Instruction, United Provinces, for the preparation of new common language readers for classes I to IV of primary schools for boys, 'Tea Topics' was mentioned as a subject on which lessons may also be included.

(b) The Indian Tea Cess Committee did make a representation, but the principle that lessons on common industries might also be introduced had already been accepted by the Government of the United Provinces.

(c) Government are informed that the lessons in question contain no propaganda on behalf of tea but are confined mainly to the importance to India of the indigenous tea industry. They see no reason, therefore, to issue any instructions on the subject to the Indian Tea Cess Committee.

FALL IN PRICES OF IMPORTED RAW SILK AND SILK PRODUCTS.

2. ***Mr. C. N. Muthuranga Mudaliar:** (a) Is it a fact that there has been a definite fall in prices of imported raw silk and silk products since the Tariff Board reported in 1933 and since the protective duty was introduced in 1934?

(b) Was the above scheme of protection partially based on an *ad valorem* duty? If so, was not the scheme of protection proportionately reduced?

(c) Are Government aware that the imports of silk and artificial silk products have either remained unaffected by the protective duties, or have increased in spite of them?

(d) Are Government aware that large quantities of surplus stocks are held in Japan and designed to be dumped on the Indian market at below home prices?

(e) Are Government aware that India has lost her foreign markets?

(f) What steps do Government propose to take to protect Indian producers of raw silk and reelers and weavers of indigenous silk?

(g) Are Government prepared to consider the advisability of ordering an expeditious enquiry by the Tariff Board with a view to ascertaining the exact degree of enhanced protection required?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (d). Government have received representations to this effect.

(b) and (f). The attention of the Honourable Member is invited to the Indian Tariff (Textile Protection) Amendment Act, 1934, and to the debates on the Bill. A further measure of tariff assistance was granted to the industry under the Indian Tariff (Second Amendment) Act, 1936.

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

(e) As the Honourable Member no doubt realises an industry which requires tariff protection in the home market is hardly in a position to compete in a foreign market.

(g) No, Sir.

PROTECTION OF THE INDIGENOUS SILK INDUSTRY.

3. ***Mr. C. N. Muthuranga Mudaliar:** (a) Is it a fact that Government recently received a deputation on behalf of the Mysore Chamber and the Mysore Silk Association?

(b) What steps have Government taken or propose to take to protect the indigenous silk industry in India?

(c) Are Government aware that the increase of duties on spun silk from 25 per cent. *ad valorem* to 25 per cent. *ad valorem plus* 14 annas a maund has not materially helped the bulk of the industry?

(d) Are Government aware that the application of protective duties to one small section of the industry has left the bulk of the industry exposed to foreign competition?

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

(b) If the Honourable Member is referring to the Government of India, they have, with the concurrence of the Legislature, imposed fiscal duties for the purpose and are also making an annual grant to assist the industry. The Local Governments concerned also assist the industry.

(c) Government have received representations to this effect. Incidentally, I would point out that the additional specific duty is 14 annas per lb. (not per maund).

(d) The industry as a whole has been protected under the Indian Tariff (Textile Protection) Amendment Act, 1934. Under the Indian Tariff (Second Amendment) Act, 1936, the protection previously granted to the industry was merely supplemented.

SAFEGUARDING OF THE INTERESTS OF INDIANS IN CEYLON.

4. ***Mr. C. N. Muthuranga Mudaliar:** (a) Is it a fact that the Civil Service Ordinance of Ceylon has completely shut out the Indian community from entering the State services of any kind whatsoever?

(b) Are Government aware that "the Destitutes' Ordinance" is being invariably invoked for application at Talaimannar in respect of any Indian immigrant whose political complexion is misunderstood and in respect of any other Indian immigrant who does not satisfy the technical requirement of having Rs. 250 on his person?

(c) Are Government aware that the Branch of the British Medical Association in Colombo successfully got passed an Ordinance to the effect that no Indian medical graduate is registerable, and consequently shut them out from practising the profession among the large number of Indian settlers in Colombo and the provinces?

(d) Are Government aware that the Branch of the British Medical Association recently submitted a memorandum to the sub-committee appointed by the Ministry of Health to enquire into the working of the College of Indigenous Medicine by castigating the Ayurvedic and *Unani* 'Quacks' as real social dangers, thereby implying the urgent necessity of gagging the Indian Ayurvedic practitioner and the *Unani Hakim* from practising their professions in Colombo and in the provinces?

(e) Is it a fact that a Land Commission was recently appointed which recommended that only those who were included in a list kept by Government could bid at auction in Crown Land Sales?

(f) Is it a fact that the list referred to in part (e) above excludes the Indian merchants?

(g) Are Government aware of the anti-Indian policy in Ceylon towards restriction and repatriation and finally towards the elimination of Indian element in the island?

(h) Did the Agent to the Government of India stationed in Ceylon take any steps to guard against such discriminatory measures being taken against Indians in Ceylon? If not, why not?

(i) Do Government propose to take drastic action to safeguard the interests of Indians? If not, why not?

Sir Girja Shankar Bajpai: (a), (c), (d), (e), (f) and (g). The answer is in the negative.

(b) No; but, possibly on account of unemployment which is said to have resulted from the economic depression, the administration of the Ordinance appears to have been tightened.

(h) and (i). Both the Government of India and their Agent in Ceylon are constantly watchful of the legitimate interests of Indian nationals in Ceylon and have every intention of doing their utmost to safeguard them, if they should be threatened.

TRAINING OF INDIANS IN FIELD-WORK IN THE ARCHÆOLOGICAL DEPARTMENT.

5. ***Mr. C. N. Muthuranga Mudaliar:** With reference to the answer to part (a) of unstarred question No. 63, dated the 15th September, 1936, will Government state who has been deputed for training in excavation work?

Sir Girja Shankar Bajpai: Mr. K. G. Goswami, M.A., has been deputed by the Calcutta University for training.

PUBLICATION OF THE REPORT OF MR. S. S. MARKHAM, EMPIRE SECRETARY, MUSEUM ASSOCIATION, ON THE MUSEUMS IN INDIA.

6. ***Mr. C. N. Muthuranga Mudaliar:** (a) With reference to the answer to unstarred question No. 64, dated the 15th September, 1936, will Government state whether the official report of Mr. S. S. Markham, Empire Secretary, Museum Association, on the museums in India has since been published? If so, will Government place a copy on the table of the House?

(b) What steps have Government taken on the recommendations of the report?

Sir Girja Shankar Bajpai: (a) and (b). Government have received *one* copy of the report which has probably not yet been published. The Honourable Member's request for supplying copies for the use of Members will be borne in mind; the copy now in possession of Government is being examined in order to determine what action on Government's part is desirable or feasible.

ARCHÆOLOGICAL INVESTIGATION IN THE CHHOTA NAGPUR DIVISION.

7. ***Mr. C. N. Muthuranga Mudaliar:** With reference to the answer to unstarred question No. 65, dated the 15th September, 1936, will Government state whether the report of the Superintendent, Archæology, Central Circle, who examined the antiquities in the Chhota Nagpur has since been received? If so, will Government place a copy of the same on the table of the House?

Sir Girja Shankar Bajpai: The answer to the first part is in the affirmative. Government do not consider the document to be of sufficient public interest to justify its publication in the manner suggested.

INDIAN FILM INDUSTRY.

8. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will Government state whether a deputation of the Motion Picture Society of India waited on the 4th August, 1936 on the Honourable Member for Industries and Labour and invited his attention to the following points:

(i) that the proposed erection of a new cinema theatre at Dhobi Talao, Bombay, by a foreign firm will considerably damage the interests of Indian exhibitors;

(ii) that exemption of duty on 16 mm. cameras and projectors is necessary to produce films most suitable for educational and propaganda work for rural reconstruction in which the Government of India are at present keenly interested,

(iii) that permission should be given for importing artistic and educational films for training technical talent without going into the formalities of customs and censorship;

(iv) that Government should take steps to compile statistics concerning the Indian film industry such as are available in all progressive countries in the world, or in the alternative that Government should sanction a small annual grant to the Motion Picture Society of India for undertaking this work;

(v) that railways should accord the same concessions to the film industry in the matter of fares as are shown to dramatic companies and entertaining parties;

(vi) that a reduction of duty on raw cinema films should immediately be granted;

(vii) that the Government in fulfilment of their promise given in the Legislative Assembly on the 31st March, 1933, "should treat the film industry as a whole, much in the same way as the broadcasting industry" and that Government should give annual grants to the film industry as is being given to broadcasting every year;

(viii) that Government should utilize the services of the Motion Picture Society in all matters pertaining to the Indian film industry whenever negotiations with any foreign country are entered into; and

(ix) that Government should increase the valuation of the exposed negatives or master prints from seven annas to Rs. 2-8-0 per foot minimum, further increasing the valuation in proportion to the importance of the film, with a view to checking foreign producers from competing with the Indian film industry?

(b) What steps have Government taken to comply with the demands of the industry as set out in part (a) above?

The Honourable Sir Frank Noyce: (a) Yes.

(b) The replies to the various points mentioned in part (a) are:

(i) As I explained to the deputation, Government cannot do anything in the matter. I may add that as recently as July, 1935, the Society admitted that the Indian industry was unable to build more theatres which were badly needed.

(ii) The use of 16 mm. cameras and projectors is not confined to educational and propaganda work only. As they are also used by private individuals, a general concession of the nature asked for is not justified.

(iii) It is not possible to grant a general exemption in this respect.

(iv) It is not possible to enlarge the scope of the present statistics in respect of the cinematograph industry. The deputation has already been informed that Government are unable to make an annual grant to the Society for the purpose. Government are, however, willing to consider the possibility of showing cinematograph machinery separately in the Annual Statement of Sea-borne Trade.

(v) In March, 1934, the Agents of State-managed Railways were advised that film producing companies should be granted the same concession as was allowed to *bona fide* professional entertainers subject to the following conditions:

(a) that not less than 20 persons travel by the same train,

(b) that the minimum distance for charge is 100 miles,

(c) that the journey is being undertaken for the production of films.

The Government of India see no reason to modify these instructions.

(vi) I have already informed the deputation that I am unable to make a statement on the subject at present.

(vii) If the statement quoted were read in its context, it would be clear that no such promise was made by Government.

(viii) As I pointed out to the deputation, it is always open to the Society to represent its point of view whenever negotiations with any foreign countries are in progress.

(ix) Government are not satisfied that the importation of exposed negatives or master prints has any detrimental effect on the indigenous film industry at present and are not prepared to take action as suggested. Moreover, I understand that the Society has since decided not to press this point for the present.

DELHI ELECTRIC SUPPLY COMPANY.

9. ***Mr. C. N. Muthuranga Mudaliar:** (a) Is it a fact that the Delhi Electric Supply Company was originally founded in 1905 with a sterling capital of £100,000?

(b) Is it a fact that the Directorate of the company is entirely non-Indian and that no shares were issued in India?

(c) Are Government aware that from time to time the shareholders were issued additional shares (out of the profits of the company) without any actual payment by the shareholders towards such additional shares?

(d) What are the reasons for such free issue of shares?

(e) What was the rate of dividend paid by the company to the shareholders in 1930, 1931, 1932, 1933, 1934 and 1935?

(f) What are the gross assets of the company at present?

(g) Are Government prepared to consider the advisability of acquiring this company and running it as a State concern? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) The Company was registered on the 14th May, 1906, as the Delhi Electric Tramway and Lighting Company, Limited, with a capital of £1,30,000.

(b) The Directorate of the Company is entirely non-Indian, and its capital was issued in sterling.

(c) Only once in 1929, when bonus shares to the amount of £50,000 were issued to the shareholders.

(d) Government have no information.

(e) 12 per cent. free of income-tax.

(f) The total value of the gross assets of the Company on the 31st December, 1935, amounted to £5,24,550.

(g) The question does not arise until the licence of the Company expires.

INDIANISATION OF THE KARACHI PORT TRUST.

10. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will Government state how many posts there are in the Karachi Port Trust carrying a salary of Rs. 500 and above? How many of those posts are held by Indians and how many by Europeans?

(b) Is it a fact that two posts are due to fall vacant in the beginning of 1937? If so, are Government prepared to consider the advisability of filling up those posts departmentally or by selection from among outside Indian candidates?

(c) How many Indian Trustees are there on the Karachi Port Trust?

(d) Have Government received any communication from the Secretary, the Karachi Buyers and Shippers Chamber, requesting them to take up the matter of amending the constitution of the Board so as to secure on it a statutory Indian majority? If so, what steps do Government propose to take on that representation?

The Honourable Sir Muhammad Zafrullah Khan: (a) On the 15th January, 1937, there were 31 appointments under the Karachi Port Trust Board carrying a maximum salary of Rs. 500 and above. Of these, 14 were held by Indians and 17 by Europeans.

(b) The posts referred to have been filled by Departmental promotion of one Indian and one European.

(c) Seven, Sir.

(d) Yes, Sir, but Government do not propose to take any action in the matter in view of the explanation already afforded in the letter to the Secretary, Indian Merchants Chamber, Bombay, dated the 18th July, 1935, a copy of which was laid on the table of this House in reply to Mr. T. S. Avinashilingam Chettiar's question No. 148 asked on the 5th September, 1935.

SAFEGUARDING OF THE INTERESTS OF INDIANS IN NATAL AND TRANSVAAL.

11. ***Mr. C. N. Muthuranga Mudaliar:** (a) Is it a fact that Indians in Natal have been deprived of parliamentary franchise and municipal franchise?

(b) Is it a fact that Indians in Transvaal have been debarred from ownership of land in proclaimed areas, which means good lands, and is it a fact that they may start no business?

(c) Is it a fact that in Transvaal the Indians have been deprived in recent years of the right of residence and trade except in their own specified bazars?

(d) If the answer to parts (a) to (c) above be in the affirmative, what steps do Government propose to take to safeguard the interests of Indians in those places?

Sir Girja Shankar Bajpai: (a) The Parliamentary franchise was withdrawn from Indians in Natal in 1896 and the Municipal franchise in 1924-25.

(b) As regards the first part of the question, the Honourable Member probably has in mind the restrictions commonly known as the Gold Law restrictions. His attention is invited to the relaxation of these restrictions incorporated in the Transvaal Asiatic Land Tenure Amendment Act, 1936; the answer to the second part is in the negative.

(c) No.

(d) As the Honourable Member will have observed the answers to parts (a)—(c) of his question are not uniformly in the affirmative. The attention of the Honourable Member is invited to the reply given by me on the 22nd September, 1936, to part (c) of Mr. Satyamurti's question No. 491 regarding the Government of India's activities to safeguard Indian interests in South Africa.

SAFEGUARDING OF THE INTERESTS OF INDIANS IN CEYLON AND THE APPOINTMENT OF AN IMMIGRATION COMMISSION.

12. ***Mr. C. N. Muthuranga Mudaliar:** (a) Is it a fact that the Ceylon Government have appointed an Immigration Commission? What is its personnel? Are there any Indians on the Commission?

(b) What steps do Government propose to take to safeguard the interests of Indians in Ceylon and to see that the Commission referred to in part (a) does not make recommendations adversely affecting the position of Indians in the island?

Sir Girja Shankar Bajpai: (a) Yes. The Immigration Commission consists of a single commissioner, Sir Edward Jackson.

(b) Attention of the Honourable Member is invited to the reply given by me on the 8th October, 1936, to Mr. Satyamurti's question No. 873 on the same subject.

PUBLICATION OF A COMPREHENSIVE NOTE RELATING TO OR AFFECTING INDIANS IN DIFFERENT PARTS OF THE BRITISH EMPIRE.

13. ***Mr. C. N. Muthuranga Mudaliar:** With reference to the reply given on the 22nd September, 1936, to starred question No. 493 and the supplementary questions thereto regarding position of Indians outside India, will Government state whether they have decided to publish annually a comprehensive note summarising the important events relating to or affecting Indians in different parts of the British Empire?

Sir Girja Shankar Bajpai: Yes.

SUPPLY OF GOVERNMENT OF INDIA PUBLICATIONS IN REGARD TO AGRICULTURE TO VERNACULAR NEWSPAPERS.

14. ***Mr. C. N. Muthuranga Mudaliar:** With reference to the reply given on the 22nd September, 1936, to starred question No. 469, will Government state whether they have considered the suggestion of supplying the publications of the Imperial Council of Agricultural Research and other publications of the Government of India in regard to agriculture to all the vernacular papers in India so that they might publish relevant extracts from those publications for the benefit of the masses?

Sir Girja Shankar Bajpai: Agricultural publications which are not of a technical nature are supplied free to many vernacular newspapers and the question of revising the list of newspapers to whom such publications should be given free is under consideration.

RAILWAY FREIGHT RATES FOR THE TRANSPORT OF DRY MILCH CATTLE.

15. ***Mr. C. N. Muthuranga Mudaliar:** (a) Is it a fact that milch cattle are imported into Bombay mostly from Gujarat, Kathiawar, Delhi and Southern Punjab?

(b) What is the freight rate for the transport of wet milch cattle from the places mentioned in part (a) to Bombay?

(c) Are Government aware that a large number of milch cattle, after they have become dry, though they are potentially capable of giving milk, are slaughtered at the Bandra and Kurla slaughter houses in Bombay?

(d) Are Government aware that the dry cattle are slaughtered because of the uneconomic and prohibitive freight rate for transporting back such cattle to places wherefrom they were imported?

(e) Is it a fact that His Excellency the Viceroy is striving to help agriculture and live stock industries in India? If so, do Government propose to implement the wishes of His Excellency the Viceroy by charging only a nominal freight rate of one anna per wagon mile for taking dry cattle from Bombay to Gujarat, Kathiawar, Delhi and the Southern Punjab?

(f) Is it a fact that in the Madras Presidency, milch cattle are imported from Ongole, Nellore, etc., places in the Northern Circars to Madras City and places in the South? Are Government prepared to consider the advisability of charging the same nominal freight rate referred to in part (e) above for the transport of dry milch cattle back to the respective places of import?

(g) Are Government prepared to consider the advisability of laying down a general policy of the fixation of nominal freight rates over all railways for the transport of dry milch cattle back to their places of origin?

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

(b) Four annas per wagon per mile when booked from broad gauge stations and Re. -/3/6 per wagon per mile when booked from metre gauge stations.

(c) Government are not aware what proportion of the cattle slaughtered comes within the category referred to.

(d) The freight rates applicable may operate to prevent the return of dry cattle, but there is no traffic of corresponding value which is carried at lower rates than those for livestock.

(e) The reply to the first part is in the affirmative. As regards the second part, the matter is one for consideration by the Agent, Bombay, Baroda and Central India Railway, who states that a reduction of 25 per cent. in the freight rates from the 15th June to 15th October, 1935, and again in 1936 resulted in a loss of revenue, and he does not, therefore, propose to make any reduction this year.

(f) The Agent, Madras and Southern Mahratta Railway, states that milch cows are imported into Madras from Ongole, Nellore and other stations. He has arranged to quote a rate of two annas per wagon mile, instead of four annas as at present, for the transport of dry cows from Madras to Nellore, Ongole and other stations up to Tenali.

(g) No.

PENSIONS OF TELEGRAPH DELIVERY PEONS.

16. ***Mr. C. N. Muthuranga Mudaliar:** (a) Is it a fact that the telegraph delivery peons are classed under 'inferior' or 'menial' service?

(b) Is it a fact that under Finance Department No. F.-6 (48)-R. II/35, dated the 19th March, 1936, a retiring pension of Rs. 8 has been allowed for these employees on condition that their qualifying service is not less than 40 years?

(c) Are Government aware that the concession of increased pension is sought to be taken away by laying down a period of qualifying service not prescribed for any other class of Government servants?

(d) Is it a fact that Government servants should compulsorily retire at the age of 60?

(e) Are Government aware that telegraph peons in most cases are confirmed in service at the age of 25 or 30? If so, how can they earn a qualifying service of 40 years?

(f) Is it a fact that postmen who work in the same department as telegraph peons and who are recruited from the same class of people are classed under 'superior service' and are given half their salary after 30 years' qualifying service?

(g) Is it a fact that the conditions of service of telegraph peons are more onerous and exacting than those of postmen?

(h) Is it a fact that telegraph peons are called upon to perform duty day and night and to deliver messages within specified times regardless of rain, storm and danger to life?

(i) Is it a fact that postmen have no night duty and their circuit is much more restricted than that of the telegraph men?

(j) Are Government prepared to consider the advisability of taking steps to classify telegraph peons in the same category as postmen for purposes of pension and grant them a pension equal to half their salary after 30 years' service?

(k) If not, are Government prepared to consider the advisability of:

(i) including the telegraph men in Schedule No. II of the new rules;

(ii) reducing the minimum limit of qualifying service from 40 years to 30 years; and

(iii) substantially increasing the minimum rate of pension from Rs. 8 to a reasonable figure, though not equal to half the salary?

The Honourable Sir Frank Noyce: (a) Telegraph delivery peons belong to "inferior" service.

(b) Yes.

(c) The position is not as stated by the Honourable Member. The concession of increased pension is admissible not only to officials who retire on retiring pension after a qualifying service of 40 years, but also to those who retire on compensation, invalid or superannuation pension after a qualifying service of 25 years. The qualifying period laid down applies equally to all Government servants in inferior service and differs from that laid down for Government servants in superior service as the conditions differ.

(d) So far as inferior servants under the Central Government are concerned, the fact is as stated by the Honourable Member.

(e) As regards the first part, Government have no information. As the minimum age prescribed for appointment to the posts of telegraph delivery peons is 18 years, there is no reason why most of these officials should not be confirmed in service before the age of 25 or 30 years. Even assuming that some of these officials are confirmed in service so late as not to be able to put in a qualifying service of 40 years before attaining the age of 60, they do not stand to lose in the matter of pension under the new rules as compared with the old rules, in view of the explanation given in the reply to part (c) of this question.

(f) Postmen and telegraph delivery peons are not recruited from the same class. Otherwise, the fact is as stated by the Honourable Member.

(g), (h) and (i). Government do not admit that the conditions of service of telegraph delivery peons are more onerous and exacting than those of postmen. Both these classes of officials are equally exposed to the inclemencies of the weather in the performance of their outdoor duties. Their hours of duty are also the same, namely, eight hours a day. It is a fact that, unlike the postmen, telegraph delivery peons are required to perform night duty; but they get an allowance of two hours for the performance of night duty, 6 hours' night duty counting as eight hours day duty. While postmen may have smaller circuits to serve they have far larger quantities of traffic to deliver. They also handle cash and valuables involving monetary and account responsibilities. Telegraph delivery peons have no such responsibilities.

(j) and (k). No.

REVIEW OF INDIA'S EXCHANGE RATIO POSITION AND DEVALUATION OF RUPEE.

17. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will Government state the names of the countries which depreciated their currency since the Great War?

(b) Is it a fact that India is the only country in the world which appreciated her currency?

(c) Are Government aware that owing to appreciated currency, India is seriously handicapped in competition with other countries in world markets?

(d) Are Government aware that the prices of agricultural products began to fall since the Rupee value was appreciated?

(e) What are the peculiar features applicable to India which made the Government not to fall in line with other countries in depreciating her currency?

(f) Are Government aware of the international monetary agreement which has been reached stabilising the pound, dollar and franc, and do Government propose to take steps to review our exchange ratio position and devalue the rupee in order that we may be able to meet others on equal terms in world markets?

The Honourable Sir James Grigg: With your permission, Sir, I will answer questions Nos. 17, 52, 58 and 203 together. I would refer the Honourable Members to my remarks in the Assembly on this subject on the 30th September and the 8th October last to which I have nothing to add.

UNDERTAKING OF SPECIAL PUBLICITY CAMPAIGNS TO EXPLOIT THE MARKET FOR CASHEW NUTS IN EUROPE.

18. ***Mr. C. N. Muthuranga Mudaliar:** (a) Is it a fact that the United States of America imported from India cashew nuts to the following extent:

	lbs.		£
1934 . . .	14,610,917	Value	461,664
1935 . . .	22,212,510	Value	726,815
Jan. to May 1936 .	6,696,326	Value	203,915

(b) What is the quantity imported by Great Britain and other countries in Europe?

(c) Are Government prepared to take steps to instruct the High Commissioner in England and the Trade Commissioners on the continent to undertake special publicity campaigns to exploit the market for this commodity in Europe?

The Honourable Sir Muhammad Zafrullah Khan: (a) Imports of cashew nuts from India into the United States of America in 1934 amounted to 14,610,967 lbs. valued at $2,308,323. Later figures are not available.

(b) The available trade accounts of the United Kingdom and the continental countries do not give the required information, but exports of cashew nuts and kernels from Madras and Bombay, the chief exporting provinces, to the United Kingdom and the Continent in 1935-36 were valued at Rs. 1·64 and 2·39 lakhs and Rs. 10,000 and Rs. 24,000, respectively.

(c) The Trade Department of the High Commissioner for India has already been taking steps to give publicity to Indian cashew nuts in the United Kingdom. The question of asking the Indian Trade Commissioners at Hamburg and Milan to take similar action will be considered.

HARDSHIPS EXPERIENCED BY THE SALT LICENSEES OF CERTAIN PLACES IN THE MADRAS PRESIDENCY.

19. ***Mr. C. N. Muthuranga Mudaliar:** (a) Is it a fact that the Salt Licensees of Markanam, Chunampet and Cheyyur in the Madras Presidency, sent representations to the Salt Assistant Commissioner, Madras, bringing to his notice the following hardships experienced by them:

(i) granting of restricted bag storage;

(ii) joint storage system;

(iii) refusal to give cover and protection to salts unstored and lying on drying grounds and platforms;

(iv) silting of supply channels; and

(v) construction of common drying ground resulting in double transport expenses and deterioration of the quality of salt?

(b) What action have Government taken on the representation referred to in part (a)?

(c) Are Government prepared to consider the advisability of removing all the hardships referred to in part (a) above?

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

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

ALLEGED EXACTIONS ON THE PART OF SUBORDINATE SALT OFFICIALS IN CERTAIN SALT FACTORIES IN THE MADRAS PRESIDENCY.

20. ***Mr. C. N. Muthuranga Mudaliar:** (a) Are Government aware that unlawful exactions are on the increase on the part of subordinate salt officials in Markanam, Chunampet and Cheyyur salt factories?

(b) Are Government prepared to consider the advisability of modifying the Salt Manual and the Rules so as to prevent the subordinate salt officials from using them for oppressing the licensees?

Mr. A. H. Lloyd: (a) Inquiries have been made into allegations to this effect and it has been found that the allegations are groundless.

(b) Does not arise.

APPOINTMENT TO THE POST OF THE DIRECTOR GENERAL OF INDIAN MEDICAL SERVICE.

21. ***Mr. C. N. Muthuranga Mudaliar:** Will Government be pleased to state:

(a) whether it is a fact that the post of the Director General of Indian Medical Service will shortly fall vacant;

(b) whether it is a fact that it has been decided to appoint Major-General Bradfield to the vacancy;

(c) whether he is the seniormost officer in the service from which selection is made;

(d) whether Major-General Goil is not senior to him;

(e) whether Major-General Goil is not at present the head of the Medical Service in Bengal;

(f) whether it is not a fact that the post he is now holding is a selection post, a post to which he was appointed on grounds of merit;

(g) who makes the appointment to the post of Director General, Indian Medical Service, and on whose recommendations;

(h) whether the Local Government under whom he is serving at present has any say in the matter;

(i) whether the Local Government was consulted, and, if so, what was their recommendation;

(j) the grounds on which the Government of India decided in favour of Major-General Bradfield;

(k) whether racial considerations weighed with Government in the matter; and

(l) whether they are aware that there is great resentment on account of this action of the Government?

Sir Girja Shankar Bajpai: (a) to (l). The Honourable Member is referred to the reply I gave to his practically identical starred question No. 1126 on the 12th October, 1936.

RECENT AMENDMENT OF SECTION 4 (2) OF THE INDIAN INCOME-TAX ACT.

22. ***Mr. C. N. Muthuranga Mudaliar:** Will Government be pleased to state:

(a) whether they are aware of the view that the recent amendment of section 4 (2) of the Indian Income-tax Act, which gets under its purview income from property, employment and other source arising or accruing out of British India, is detrimental to national interests;

(b) whether they are aware that the working of this Act has prevented the flow of foreign income into British India;

(c) whether they have examined the working of this amendment, especially on taxation of salaries and wages of employees;

(d) whether this prevented foreign wage-earners to spend their surplus earning in British India as often as they would otherwise do;

(e) whether they have compared the working of the Act with a similar English Act; and

(f) whether they propose to take steps to repeal this amendment or amend it in a suitable manner; and if not, why not?

The Honourable Sir James Grigg: I would refer the Honourable Member to the reply given on the 18th September, 1936, to a similar question No. 517 by Mr. Satyamurti.

FILLING UP OF THE VACANCY OF THE DIRECTOR OF ESTABLISHMENT, RAILWAY BOARD.

23. ***Mr. C. N. Muthuranga Mudaliar:** Will Government be pleased to state:

(a) whether it is a fact that Diwan Bahadur Mathra Das, the Director of Establishment, Railway Board, is to go on leave shortly;

(b) whether it is a fact that this vacancy is to be filled up by a European Supervisor of Railway Labour;

(c) whether this vacancy is a temporary one, or permanent;

(d) whether it is not possible for Government to find a suitable Indian to be appointed in that vacancy; and

(e) whether it is their policy or object to Europeanise the Departments as and when occasion arises?

The Honourable Sir Muhammad Zafrullah Khan: (a) to (d). Diwan Bahadur Mathra Das has been granted leave for three months and the post is being left unfilled for the time being.

(e) Does not arise.

GRIEVANCES OF INDIANS IN KENYA.

24. ***Mr. C. N. Muthuranga Mudaliar:** (a) Is it a fact that the Marketing Bill, which has become the law of the land in Kenya Colony, excludes Indians from acquiring agricultural land in the highlands, while even Nazi Germans and Fascist Italians can own such lands in the colony?

(b) Is it a fact that it is open to Indians in Kenya to follow commercial, industrial and all lawful pursuits other than agriculture in any part of the colony including the highlands?

(c) Is it a fact that attempts are being made to create all sorts of difficulties in the way of British Indians in acquiring land for industrial purposes in places like Rongai, Limuru and Koru?

(d) Is it a fact that exclusive markets are being opened to Native Reserves from which Indians, as non-Natives, would be excluded?

(e) Are Government aware that various measures in the name of rationalisation of industries are being introduced which would lead to the transfer of all trading activities into the hands of a few companies to the exclusion of the Indian trading community?

(f) Are Government aware that various 'pools' such as the wheat pool, maize pool and butter pool, are being created which are mere ramifications of the same scheme?

(g) Is it a fact that Indians are particularly excluded from trading in coffee, sisal and wheat, which are exclusively grown by Europeans?

(h) Do Government propose to take steps to redress all the above grievances of Indians in the colony?

Sir Girja Shankar Bajpai: (a)—(h). The attention of the Honourable Member is invited to the replies given by Mr. Yeatts to his identical question No. 1265 on the 15th October, 1936.

SAFETY OF LADIES TRAVELLING IN FEMALE COMPARTMENTS ON RAILWAYS.

25. ***Mr. C. N. Muthuranga Mudaliar:** Will Government be pleased to state:

(a) whether their attention has been drawn to the article in the *Indian Express*, dated 26th September, 1936, from its correspondent at Jubbulpore, regarding an outrage perpetrated by a Muslim on a lady in a females' compartment in a running train between Shujalpur and Akodia and also an article in the *Hindustan Times*, dated the 6th October, 1936, reporting a daring robbery in a females' compartment in No. 103-Up passenger train from Ismailpore on the Grand Chord Line about 12 miles from Gaya;

(b) what steps they propose to take to ensure the safety of life and property of the ladies travelling in ladies' compartments, in view of such frequent occurrences;

(c) whether they propose to consider the advisability of fixing suitable bolts to the doors on the inside, in order that only *bona fide* lady passengers may enter the compartment; and

(d) if the answer to part (c) be in the negative, whether they propose to consider the advisability of abolishing the ladies' compartment in all trains altogether?

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

(b) Alarm chains are provided in all compartments. Orders have recently been issued for additional alarm pulls to be provided in all compartments reserved for women in which the existing pulls are located only over body side doors. A suggestion that the upper part of partitions separating women's compartments from adjacent compartments should be provided with suitable shielded openings, which would more readily permit of oral communications between the two compartments, is under examination.

(c) No. The provision of bolts, if and when actually used, is likely to lead to serious delays to trains at way-side stations if other ladies desire to enter such compartments.

(d) No. I would refer the Honourable Member to section 64 of the Indian Railways Act according to which the provision of such compartments in third class carriages is a statutory obligation.

EXCAVATION AND RESEARCH ACTIVITIES OF THE ARCHÆOLOGICAL DEPARTMENT.

26. ***Mr. C. N. Muthuranga Mudaliar:** (a) Has the attention of Government been drawn to the leading article on Archæology in India in the *Current Science* of September, 1936?

(b) If so, are Government aware that enlightened scientific opinion in India is definitely against the present policy of starving the research and excavation activities of the Archæological Department?

(c) Are Government prepared to follow an active policy during the next five years?

(d) If the reply to part (c) be in the affirmative, are Government prepared to lay down a five year programme of excavation and research for the Archæological Department and sanction adequate funds and also provide ample opportunities for young Indian talent to be trained for Archæological work?

Sir Girja Shankar Bajpai: (a) Yes.

(b), (c) and (d). Government realise that enlightened opinion in India is in favour of developing these activities and have the fullest sympathy with it. The Honourable Member may rest satisfied that, as funds permit, the activities of the Archæological Department will be encouraged. I have already informed my Honourable friend, in answer to another question, that facilities to train a number of University scholars are being provided. I need not remind him that the personnel of the Archæological Survey of India is already predominantly Indian.

EXCAVATION AND RESEARCH ACTIVITIES OF THE ARCHÆOLOGICAL DEPARTMENT.

27. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will the Government of India be pleased to state what is being done by the Archæological Department towards:

(i) investigation and study of the innumerable stone and iron age monuments in the Madras Presidency;

(ii) the excavation of the Indus Valley sites;

(iii) the further exploration of the great Buddhist sites; and

(iv) the study of Hindu Architecture in the different provinces of India?

(b) How do Government expect to accelerate the growth of research in Indian Archæology?

(c) Will the experts, still existing in the Department, be given the opportunity to train a number of young men before they retire?

Sir Girja Shankar Bajpai: (a) I lay a statement of information on the table.

(b) and (c). The Government of India do what they can with their own staff; they have also recently approved of a scheme of training by the Archæological Department of a limited number of University scholars in methods of excavation.

Statement.

(i) Nothing is possible in this respect owing to shortage of staff.

(ii) Clearance on a small scale at Harappa and Mohenjodaro.

(iii) Exploration of monastic areas at Nalanda in Bihar and Taxila in the Punjab.

(iv) The Archæological Superintendents in different circles devote their attention to Hindu as well as other monuments.

IMPORTS OF RICE AND PADDY IN MADRAS.

28. ***Mr. C. N. Muthuranga Mudaliar:** Will Government be pleased to state:

(a) whether their attention has been drawn to an article, dated the 16th August, in the *Hindu* of Madras, regarding imports of foreign rice and paddy in Madras;

(b) whether they are prepared to consider the advisability of imposing a protective duty on rice imported into India from foreign countries;

(c) considering the fact that Burma is separated from India, whether they propose to impose a duty on broken rice and paddy imported into India from Burma; and

(d) if the answer to part (c) be in the negative, whether they propose to consider the suggestion made by the Director of Agriculture, Madras, to fix a quota on rice imported from Burma?

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

(b) The matter is receiving the consideration of the Government of India.

(c) No, Sir.

(d) The Government of India are not aware that any such suggestion has been made by the Director of Agriculture, Madras.

KEEPING OF CERTAIN OFFICES OF ARMY HEADQUARTERS AT SIMLA DURING THE WINTER.

29. ***Mr. M. Asaf Ali:** (a) Is it a fact that certain offices of Army Headquarters, which are kept at Simla during the winter, unlike other offices forming part of the Government of India, are not required to be with the latter for six months of the year? If so, will Government please state the reason underlying the centralisation of these offices at the headquarters of the Government of India?

(b) Are Government aware that employment in these offices is very unpopular among Indians who form 75 per cent. of the establishment because these are non-moving offices, and Indians are loath to be kept in a hill station during the winter? If so, what facilities are given to these clerks for transfer to other offices that move between Simla and Delhi?

(c) Will Government please state the number of clerks who have succeeded in securing transfers to other offices from Army Headquarters during the last five years?

(d) Will Government please state the names of the departments of Army Headquarters which were centralized at Simla since the Great War from such stations as Calcutta, Poona, Lahore, Rawalpindi, etc.? Does any of these departments form part of the moving establishments of Army Headquarters?

(e) Is it a fact that Government cannot afford to spend 40 lakhs of rupees to place the whole of Army Headquarters offices on the same footing as other offices of the Government of India in the matter of move? If so, are Government prepared to decentralize those portions of Army Headquarters not required by the Government of India for six months, to any station in the plains? If not, why not?

Mr. G. R. F. Tottenham: With your permission, Sir, I propose to reply to questions Nos. 29 and 30 together.

I have already, on more than one occasion, answered very similar questions and I would refer the Honourable Member in particular to the replies given on the 4th September, 1935, to his own question No. 87, on the 13th March, 1936, to Mr. Satyamurti's question No. 1192, and on the 23rd March, 1936, to Mr. Muhammad Azhar Ali's question No. 1382.

COMPENSATORY ALLOWANCES TO ASSISTANTS AND SUPERINTENDENTS OF ARMY HEADQUARTERS.

†30. ***Mr. M. Asaf Ali:** (a) Will Government please state why Assistants and Superintendents of Army Headquarters are given allowances at Rs. 60 to Rs. 100 per mensem for temporary transfer to Delhi, while those remaining at Simla during winter are given no compensatory allowances for being subjected to additional expenditure on account of heating and other comforts?

(b) Is it a fact that a couple of years ago when Government decided to grant allowances to those kept at Simla during winter, the British personnel made a representation against that decision, and as a result the decision was abandoned? If so, why?

SUFFERINGS OF FOUR BENGALI STATE PRISONERS DETAINED UNDER REGULATION III OF 1818 IN JAIL IN THE BOMBAY PRESIDENCY.

31. ***Mr. Mohan Lal Saksena:** Has the attention of Government been drawn to the report published in the *Bombay Sentinel* of the 20th August, 1936, about the sufferings of four Bengali State Prisoners detained under Regulation III of 1818 in jails in the Bombay Presidency? If so, what action, if any, have Government taken to redress their sufferings?

The Honourable Sir Henry Craik: I have seen the report to which the Honourable Member refers. The allegations contained therein are not new but have been brought to the notice of Government in the past. All complaints have been carefully investigated by Government and, where they proved reasonable, orders have been passed to meet them. Government are satisfied that the allegations of ill-treatment are unfounded.

†For answer to this question, *see* answer to question No. 29.

CERTAIN DETENUS UNDER REGULATION III OF 1818.

32. *Mr. Mohan Lal Saksena: (a) Is it a fact that Messrs. Manoranjan Gupta, Bhupendra Kumar Dutt, Satya Bhushan Gupta and Dr. Arun Guha Roy are detenus under Regulation III of 1818? If so, will Government state how long they have been under detention, and when were their cases examined last?

(b) Is it a fact that they are allowed B class treatment? What is their status and does it entitle them to A class treatment?

The Honourable Sir Henry Craik: (a) Yes. The State Prisoners have been under detention for above five years. Their cases are reviewed every six months and were last examined in July, 1936.

(b) No. As State prisoners they are not classified with ordinary convicts under the Classification Rules, but are treated in accordance with rules specially framed for their treatment.

STATE OF HEALTH OF MR. MANORANJAN GUPTA, A DETENU.

33. *Mr. Mohan Lal Saksena: (a) Is it a fact that Mr Manoranjan Gupta, a detenu, is about 47 years of age and is getting shooting pains? If so will Government state if the cause of these pains has been diagnosed?

(b) Is it a fact that he often faints?

(c) Is it a fact that he fainted during the course of a search?

The Honourable Sir Henry Craik: (a) Manoranjan Gupta is a State Prisoner detained under Regulation III of 1818 and his age is 47. He complained 18 months ago of pains. Since then his health has been uniformly good.

(b) and (c). Manoranjan Gupta fainted once on the 2nd August, 1934. This was not during the course of a search.

STATE OF HEALTH OF MR. BHUPENDRA KUMAR DUTTA, A DETENU.

34. *Mr. Mohan Lal Saksena: Is it a fact that Mr. Bhupendra Kumar Dutta, a detenu, has profuse bleeding piles and was also suffering from dyspepsia? If so, what treatment has he been having and what is his present state of health?

The Honourable Sir Henry Craik: No. The general health of Mr. Dutta is reported to have been good throughout the past year. In December he showed some signs of dysentery for which he is receiving treatment.

SEARCHES OF DETENUS.

35. *Mr. Mohan Lal Saksena: (a) Is it a fact that searches are carried on after making the detenus stark naked? If so, why?

(b) Is it a fact that during the course of one of these searches in Arthur Road Prison, there was a scuffle between the jail authorities and Mr. Bhupendra Kumar Dutt, and the latter was thrown down from the barracks into the yard?

(c) Is it also a fact that due to this Mr. Dutt has developed pain in the liver and was examined by Col. Thomas, who gave emetine injection?

(d) Is it a fact that notwithstanding the emetine injections, Mr. Dutt is having pain?

(e) Do Government propose to direct that the searches of persons should be stopped?

The Honourable Sir Henry Craik: (a) It is not a fact.

(b), (c) and (d). No. I would refer the Honourable Member to the reply given by me on the 13th March last to part (f) of question No. 1209.

(e) No.

ALLOWANCE PAID TO THE FAMILY OF MR. BHUPENDRA KUMAR DUTT, A DETENU.

36. ***Mr. Mohan Lal Saksena:** (a) Will Government state what allowance, if any, is being paid to the family of Mr. Bhupendra Kumar Dutt, a detenu?

(b) Is it a fact that his aged parents, his two unmarried sisters and his younger brother, a student of B.A. class, are in great financial difficulties?

(c) Do Government propose to consider their hard cases and provide financial assistance to them?

The Honourable Sir Henry Craik: (a) Rs. 20 a month.

(b) and (c). Government have received and considered petitions in the matter, but see no reasons for increasing the allowance. Mr. Bhupendra Kumar Dutt contributed nothing to his family before he was detained.

ILLNESS OF DR. ARUN GUHA ROY, A DETENU.

37. ***Mr. Mohan Lal Saksena:** (a) Is it a fact that Dr. Arun Guha Roy, a detenu, is suffering from gout lumbago and very acute insomnia?

(b) Is it a fact that frequently he passes sleepless nights and has sleep only with the help of drugs?

(c) If the answer to parts (a) and (b) be in the affirmative, will Government be pleased to state what treatment he is having?

(d) Is it a fact that he is confined in Yervada Central Jail and is having no companions?

The Honourable Sir Henry Craik: (a), (b) and (c). The State Prisoner has had attacks of lumbago but they are not acute and do not ordinarily confine him to bed. His condition has yielded to treatment and the last report received in January shows that his health has improved. He has complained of insomnia on occasions and has received treatment.

(d) He is confined in Yeravda Central Jail with S. B. Gupta as a companion.

ILLNESS OF SATYA BHUSAN GUPTA, A DETENU.

38. ***Mr. Mohan Lal Saksena:** Is it a fact that Satya Bhusan Gupta, a detenu, is unwell and is suffering from headache and piles?

The Honourable Sir Henry Craik: During the last three months of the past year he complained of headache and piles. He has received proper treatment for his complaints. Otherwise his health has been reported to be good.

HUMILIATING TREATMENT METED OUT TO CERTAIN DETENUS BY THE AUTHORITIES OF THE ARTHUR ROAD JAIL.

39. ***Mr. Mohan Lal Saksena:** (a) Is it a fact that while in the Arthur Road Jail the detenus Manoranjan Gupta, Bhupendra Kumar Dutt, Satya Bhusan Gupta, and Dr. Arun Guha Roy submitted representations against humiliating treatment by the jail authorities?

(b) Is it a fact that it was after no action was taken by Government on their complaints that they resisted and refused to be allowed to be searched naked?

(c) Is it a fact that the jail authorities used physical force and locked them up in separate cells?

(d) Is it also a fact that books and writing material were taken away from them and they were not allowed to write or receive letters?

(e) What other punishments, if any, were awarded?

(f) Are the detenus also subject to the rules of Jail Manual? If so, under what authority?

(g) Is it a fact that as a last resort, they were forced to go on hunger strike?

(h) Were two of them consequently transferred to Nasik and Yervada Central Jails?

(i) Is it a fact that later on when they demanded being kept in one jail, they were informed that their grievances were under consideration?

(j) Will Government state what steps have been taken to redress their grievances and whether they propose to keep them together?

(k) Is it a fact that they are not allowed and cannot have any recreation, having no company?

(l) Is it a fact that they were not locked up in the Punjab and Bengal Jails?

(m) Do Government propose to consider the advisability of transferring them to some detention camp?

The Honourable Sir Henry Craik: (a)—(e). Representations were made to Government but the facts are that the State Prisoners were guilty of resisting lawful authority and indulging in mutinous behaviour. I would refer the Honourable Member in this connection to the replies given by me on the 13th March to parts (f) to (i) of question No. 1209.

(f) State Prisoners for purpose of discipline are subject to such rules relating to civil prisoners as are not inconsistent with special orders passed by the Governor General in Council, in regard to their detention.

(g) No. A hunger strike was resorted to as an act of opposition to jail authority.

(h) Yes; for the reason given by me in reply to part (a) of question No. 1211 on the 13th March last.

(i) No.

(j) Government always take immediate steps to redress genuine grievances of the State Prisoners. The reply to the second part of the question is in the negative.

(k) No.

(l) The rules require that State Prisoners should be locked in at a specified time.

(m) No.

ALLOWANCES PAID TO CERTAIN DETENUS AND THEIR FAMILIES.

40. *Mr. Mohan Lal Saksena: Will Government state what allowance is being paid to the detenus Manoranjan Gupta, Bhupendra Kumar Dutt, Satya Bhushan Gupta, and Dr. Arun Guha Roy, and their families?

The Honourable Sir Henry Craik: I lay a statement on the table.

Statement regarding Allowances granted to State Prisoners.

Name of State Prisoners.	Amount of allowance sanctioned.	
	For State Prisoner himself.	For his family and dependents.
(1) Arun Chandra Guha . .	Rs. 2 per diem for diet *plus* Rs. 34 per mensem.	*Nil.*
(2) Satya Bhusan Gupta . .	Rs. 2 per diem for diet *plus* Rs. 34 per mensem.	40 per mensem.
(3) Manoranjan Gupta . . .	Rs. 1-12-0 per diem for diet *plus* Rs. 34 per mensem.	*Nil.*
(4) Bhupendra Kumar Datta .	Rs. 1-12-0 per diem for diet *plus* Rs. 34 per mensem.	20 per mensem.

REDUCED RETURN FARE FOR DAIRY CATTLE SENT BACK FROM CALCUTTA OFFERED BY THE NORTH WESTERN AND EAST INDIAN RAILWAYS.

41. *Mr. Ghanshiam Singh Gupta: (a) Is it a fact that the North Western Railway and the East Indian Railway are offering a specially reduced return fare for dairy cattle sent back from Calcutta?

(b) If so, will Government please state what is the reduction or concession allowed?

(c) Are the other Railways also giving the said concession, or contemplating to do so?

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

(b) A return journey rate of six annas per 4-wheeled wagon per mile for milch cows from North Western Railway stations to Howrah has been quoted: the return journey to be completed within nine months. A rate of two annas per 4-wheeler wagon per mile is also allowed for dry cows from Howrah to:

(i) stations on the North Western Railway;

(ii) over the East Indian Railway to:

any station on the Great Indian Peninsula Railway *via* Naini, Cawnpore or Agra;

any station on the Bombay, Baroda and Central India Railway *via* Agra Cantonment.

(c) Government have no information, but I will communicate the Honourable Member's question to the Agents of other principal railways for consideration.

REDUCTION OF RAILWAY FREIGHT ON MILCH CATTLE TO AND FROM CHHATISGARH DIVISION IN THE CENTRAL PROVINCES.

42. ***Mr. Ghanshiam Singh Gupta:** (a) Are Government aware of the condition of the milch cattle in Chhatisgarh Division (in the Central Provinces)?

(b) What is the estimated average yield of milk per Chhatisgarh cow per day?

(c) What is the estimated average yield in the case of other provinces or divisions in India?

(d) In view of the extremely poor condition of the Chhatisgarh milch cattle, do Government propose to extend the concession of especially reduced railway freight on such cattle from the Punjab to Chhatisgarh and of dry milch cattle from Bombay and Calcutta to Chhatisgarh?

Sir Girja Shankar Bajpai: (a) Yes, generally.

(b) and (c). No reliable information is available at present, but the Imperial Council of Agricultural Research are conducting enquiries into the production and consumption of milk in certain selected areas which may throw light on the question of average yield.

(d) The Honourable Member's suggestion will be conveyed to the Railway Administrations concerned.

UNDERTAKING OF MILK CENSUS.

43. ***Mr. Ghanshiam Singh Gupta:** In view of the importance of milk as human diet, are Government prepared to undertake milk census to find out exactly which tract in British India requires special treatment and attention of the Government?

Sir Girja Shankar Bajpai: The Imperial Council of Agricultural Research is conducting an enquiry into the production and consumption of milk in certain selected cattle breeding areas. Pending the result of this survey, Government cannot consider the suggestion for an all-India census of milk production.

REFUSAL OF ADMISSION TO INDIAN STUDENTS IN THE RAILWAY SCHOOL AT KALYAN.

44. ***Mr. Mohan Lal Saksena:** (a) Is it a fact that in the Railway School at Kalyan, Indian children are admitted at the rate of one Indian for every thirty Europeans and Anglo-Indians? If so, why?

(b) Is it a fact that the school is a free school and is being principally maintained by the Railway for the use of children of the Railway employees?

(c) Will Government state:

(i) the number of Indian, European and Anglo-Indian Railway employees residing at Kalyan; and

(ii) the number of Indian and European and Anglo-Indian students reading in the school?

(d) Is it a fact that a number of Indian students have been refused admission, because of the aforesaid rule and the number of European and Anglo-Indian students being small?

(e) Is it a fact that the South Indian children residing in Kalyan have no other facilities for elementary education?

(f) Do Government propose to consider the desirability of abrogating this rule at an early date?

The Honourable Sir Muhammad Zafrullah Khan: Government are informed as follows:

(a) No.

(b) It is not a free school. It is maintained by the Great Indian Peninsula Railway with the help of a Government grant.

(c) (i) The information asked for is not readily available and Government do not consider that the time and labour involved in collecting the information would be justified by the results to be achieved.

(ii) The number of students in the school is as follows:

European and Anglo-Indian	67
Indian	28

(d) In view of reply to part (a) above, this does not arise.

(e) No. It is understood that vernacular schools exist in Kalyan and its vicinity.

(f) Does not arise.

MAINTENANCE OF THE RAILWAY SCHOOL AT KALYAN.

45. ***Mr. Mohan Lal Saksena:** (a) What is the total amount of aid given by Government and the railway for the maintenance of the Railway School at Kalyan?

(b) What is the maximum capacity of the School?

(c) What is the number of students studying at present?

The Honourable Sir Muhammad Zafrullah Khan: Government are informed as follows:

(a) Government grant-in-aid is Rs. 1,800 per annum, and the expenses incurred by the Railway for 1934-35 were Rs. 3,590.

(b) 95.

(c) 95.

GRIEVANCES OF INDIANS IN MALAYA.

46. *Mr. Mohan Lal Saksena: (a) Have Government considered the annual report of R. S. Mukundan, Agent of the Government of India in Malaya?

(b) Have they considered his observation on the question of wages and their inadequacy? If so, what steps, if any, have they taken to raise them?

(c) Has the attention of Government been drawn to his remark that the arrangements for the feeding of third class passengers are not satisfactory? If so, what action, if any, has been taken to improve them?

(d) Are Government aware that the composition of the Indian Immigration Committee is not fully representative of all interests?

(e) What steps do Government propose to take to make it representative?

(f) Is it a fact that on Estates, clerks and part-time clerks are employed as dressers, and the Agent has suggested the need for a little more generosity in the matter of distribution of free milk to the children, and to the appointment of trained nurses to look after them?

Sir Girja Shankar Bajpai: (a)—(f). Government have noted the points in their Agent's report to which the Honourable Member has drawn attention and will consider what action is desirable in respect of them after they have received and examined Mr. Sastri's report on his deputation to Malaya?

INDO-BRITISH TRADE AGREEMENT.

47. *Mr. Mohan Lal Saksena: (i) With reference to the press note regarding the Indo-British Trade Agreement, issued on the 19th October, 1936, will Government be pleased to state:

(a) when the decision was arrived at by the Government of India;

(b) whether the proposal emanated from the Government of India or the British Government;

(c) whether non-official advisers were consulted regarding the *interim* agreement;

(d) whether the *interim* agreement between the British and Indian Governments virtually means the continuation of the Ottawa Pact;

(e) what the position of other Empire countries will be under the *interim* agreement;

(f) the reasons why the new agreement could not be concluded in time to replace the Ottawa Agreement;

(g) whether it is a fact that the notice of termination of the Ottawa Pact was given more than two months after the decision of the Assembly;

(h) how long the negotiation will take to arrive at a new agreement; and

(i) the reasons for accepting the last condition, *i.e.*, providing for prior consultation before withdrawing the existing preferences in the event of failure to conclude a new agreement?

(ii) Will Government lay on the table a copy of the agreement?

The Honourable Sir Muhammad Zafrullah Khan: (a) The decision was arrived at shortly before it was communicated to the Assembly on the 17th September, 1936.

(b) Government do not consider it to be in the public interest to give that information.

(c) No, Sir.

(d) Yes, temporarily pending the conclusion of a fresh agreement for which negotiations are in progress.

(e) The *interim* agreement has introduced no change in the position *vis-a-vis* other Empire countries.

(f) Necessary preliminary steps such as consultations with the Local Governments and commercial bodies as to the lines on which it is considered desirable to conclude a new Trade Agreement with His Majesty's Government and the scrutiny of the replies received did not allow sufficient progress to be made with the negotiations within the period of notice. The negotiations are still in progress.

(g) No, Sir. Notice of termination was given on behalf of the Government of India on the 13th May, 1936.

(h) It is not possible to calculate at the present moment the period that may be required before a new agreement is concluded.

(i) The provision in question has been inserted with a view to avoid uncertainty and disturbance in our trade by temporary amendments of the tariff.

(ii) The Agreement is embodied in the Press Communiqué of the 19th October, 1936, copies of which have been placed in the Library of the House.

APPOINTMENT OF THE RAILWAY ENQUIRY COMMITTEE.

48. ***Mr. Mohan Lal Saksena:** With reference to press communiqué issued on the 19th October, 1936, regarding the appointment of the Railway Enquiry Committee, will Government state:

(a) when the personnel was settled;

(b) why no experts from countries other than Great Britain were appointed; and

(c) how long the Enquiry Committee will take to complete its work and what the probable expenditure will be?

The Honourable Sir Muhammad Zafrullah Khan: (a) In October, 1936.

(b) Mr. Cheadle, Chief Traffic Manager, South African Railways, has also been appointed a member of the Committee.

(c) As regards the first part, according to the present arrangements, the committee is expected to complete its work by March, 1937. As regards the second part, the expenditure is estimated to be about Rs. 2 lakhs.

UNIFORMITY IN THE TREATMENT OF DETENUS.

49. ***Mr. Mohan Lal Saksena:** (a) Is it a fact that the detenus in the centrally administered areas are not allowed uniformity of treatment?

(b) Is it a fact that those living in camp are allowed greater privileges and facilities in the matter of lock-up, free use of writing materials and exercise books, the use of musical instruments, etc., than those living in jails? If so, do Government propose to consider the advisability of granting uniform treatment to all detenus whether confined in camp or jails? If this is not possible because of their detention inside jails, do Government propose to take necessary steps to remove them also to detention camps?

The Honourable Sir Henry Craik: (a) and (b). No.

ALLOWANCE FOR BOOKS, ETC., ALLOWED TO DETENUS.

50. ***Mr. Mohan Lal Saksena:** (a) Is it a fact that the detenus in the centrally administered areas are generally allowed a monthly allowance of Rs. 10 for books and other requisites?

(b) Is it also a fact that representations have been made to Government that this allowance is wholly inadequate? If so, do Government propose to consider the advisability of increasing it?

The Honourable Sir Henry Craik: (a) Yes.

(b) No representation has been received by the Government of India in recent years.

STUDY ALLOWANCE ALLOWED TO DETENUS.

51. ***Mr. Mohan Lal Saksena:** (a) Is it a fact that a study allowance of Rs. 5 per mensem to detenus in the centrally administered areas is allowed even to students of B.A. and M.A.? If so, are Government aware that it is wholly inadequate?

(b) Do Government propose to consider the advisability of increasing it?

The Honourable Sir Henry Craik: (a) and (b). The amount of the allowance is as stated in the question. I may add that Government also pay a half, three-quarters or the whole of the examination fees, the proportion depending upon the particular examination for which the detenu is a candidate. Government do not consider these concessions to be inadequate.

INDIA'S EXPORT TRADE IN MERCHANDISE AND LOWERING OF THE RATE OF EXCHANGE.

†52. ***Seth Govind Das:** Will Government be pleased to state:

(a) whether or not it is a fact that India's export trade in merchandise is not equal to the aggregate of the imports of merchandise; and

(b) whether they propose to try and secure the lowering of the rate of exchange in the near future?

†For answer to this question, *see* answer to question No. 17.

REBATE SYSTEM OF FREIGHT ON WHEAT.

53. *Seth Govind Das: Will Government be pleased to state:

(a) whether the Buyers and Shippers Chamber, Karachi, submitted any proposition to the Agent, North Western Railway, to continue the rebate system; and

(b) whether it is a fact that Indian wheat was just in parity with other wheat in the United Kingdom markets to justify the necessity for a continuance of the rebate for another year?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes, in regard to the rebate that was being allowed on consignments of wheat.

(b) The continuance of the rebate till December, 1937, was sanctioned in November, 1936, when the following prices per kandy of wheat were ruling in London:

Manitoba No. 2	40 *sh.* 10½ *d.*
Choice white, Karachi	39 *sh.* 1½ *d.*

PROPOSAL FOR TEH ENHANCEMENT IN TEH CLASSIFICATION OF CERTAIN COMMODITIES ON THE EAST INDIAN AND EASTERN BENGAL RAILWAYS

51. *Seth Govind Das: Will Government be pleased to state:

(a) whether or not it is a fact that the East Indian and Eastern Bengal Railways have invited the views of the Chambers of Commerce in regard to their proposals for enhancing the classification of certain commodities (about 200 in number);

(b) whether or not it is a fact that the Commitee of the Chambers have replied protesting against enhancement in the classification of commodities;

(c) whether or not it has been represented that such enhancement in the classification of commodities at the present juncture would act in certain cases as a great handicap to the development of industries and in others, where the enhancement relates to the daily necessities of life, affect the consumers;

(d) whether it has been represented that the proposed enhancement in several cases would not only affect the indigenous industries concerned but would also affect adversely the Railway Revenues as a result of the fall in traffic;

(e) whether the Railway Board have given previous sanction to the proposal of the railways to give effect to the increased rates on sugar, kerosene oil, tobacco and piece goods; and if so, why?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). I understand that, in accordance with a recommendation made by a Committee of the Indian Railway Conference Association, each Railway Administration is endeavouring to obtain the views of principal local trade interests on certain proposals for an enhancement of the classification. Government have no information at present as to the views that have been expressed.

(c) and (d). Yes; these considerations will be borne in mind by Railways when they are formulating their recommendations in connection with the proposals they have under examination for changes in the classification.

(e) The Railway Board, in according sanction to the enhancement in the classification for the commodities referred to, advised Agents of State-owned Railways that, before coming to a decision as regards the date from which the enhanced classification should be given effect to, they should arrange to discuss the matter with Chambers of Commerce and other organised commercial bodies within their respective areas in order to satisfy themselves that the adoption of the enhanced classification would not affect railway earnings adversely.

IMPOSITION OF INCOME-TAX IN KENYA.

55. ***Seth Govind Das:** Will Government be pleased to state:

(a) whether their attention has been drawn to the Pim Committee Report in regard to the recommendation about income-tax and the replacement of the graduated non-native poll tax, education tax and the modification of the trades and profession licences in Kenya;

(b) what is the general view expressed by the European community in Kenya on the matter of imposing income-tax;

(c) whether or not it is a fact that Indians in Kenya have been always in favour of the income-tax imposition;

(d) whether or not they are aware that more than once in the past attempts have been made to introduce the imposition of income-tax, but those attempts were frustrated by the concerted efforts of the White settlers; and

(e) whether the recommendations of the Pim Committee with regard to the income-tax are proposed to be implemented?

Sir Girja Shankar Bajpai: (a) Yes.

(b) Government have no authentic information.

(c) Indian opinion has not been uniform.

(d) Attempts in recent years to impose an income-tax have not been successful but the cause to which the Honourable Member attributes this does not appear to have been the only one.

(e) Government do not know.

GRIEVANCES OF INDIANS IN IRAN IN REGARD TO FOREIGN EXCHANGE RESTRICTIONS.

56. ***Seth Govind Das:** Will Government be pleased to state:

(a) whether it is a fact that over one hundred Indians residing in Iran have submitted a petition to the Viceroy of India stating their grievances against the manner in which the foreign exchange restrictions are being administered in Iran, and appealing for help;

(b) whether or not it is a fact that the foreign exchange law imposes the punishment of imprisonment ranging from three months to three years, and in addition a fine is also payable if one is found in the act of buying or selling foreign exchange;

(c) whether or not it is a fact that in the official decree it has been distinctly mentioned that "facilities will be afforded to foreigners in the purchase of exchange for the importation of newspapers and periodicals, for remittance abroad, for expenses of children's education, for remittance of employees' wages and for the expenses of dependants at home";

(d) whether it is a fact that the Commissioner of Exchange in Iran does not grant the necessary facilities for obtaining exchanges even for the purposes mentioned in the decree;

(e) whether or not it is a fact that the usual remittances from the Indians in Iran have been overdue for several months;

(f) whether or not it is a fact that in the year 1934-35 India's total exports to Iran amounted to about Rs. 35 lakhs, whereas we imported from that country goods worth Rs. 208 lakhs, leaving a net balance of Rs. 173 lakhs in favour of Iran;

(g) the reason why Indians in that country are placed in such straits; and

(h) what action, if any, Government have taken or propose to take in the matter to redress the pressing grievances of Indian settlers in that country?

Sir Aubrey Metcalfe: (a) Yes.

(b) Yes, except that the penalty imposed by Article 9 of the Iranian Foreign Exchange Control Law is imprisonment from one to three years. The purchase or sale of foreign exchange is only illegal if it conflicts with the provisions of that Law.

(c) Regulations for the application of the Foreign Exchange Control Law were made by the Iranian Government, a translation of which is placed on the table of the House. It will be seen that under Article 15 (b) foreigners "who have direct commercial relations with public institutions" are entitled to remit abroad their profits up to ten per cent. on any transaction, and that under Article 15 (c) foreigners "who are in the service of public institutions" are entitled to remit abroad fifty per cent. of their salaries. The exact meaning of the term "public institutions" is uncertain. His Majesty's Legation at Tehran have made enquiries on this point and have also enquired how applications for permission to remit profits should be submitted; and a reply from the Iranian Government is now awaited. With regard to the importation of newspapers and periodicals, provision is made for the purchase of a limited amount of foreign exchange for this purpose under Article 16 of the Regulations. No express provision is made in the Regulation for any remittances for children's educational expenses, etc., but the final clause of Article 15 allows the Exchange Control Commission full discretion in regard to the grant or rejection of applications for such purposes.

(d) Numerous applications have been granted but in others difficulties and delays have been experienced. His Majesty's Legation are giving their full support to the interests of all British and British Indian subjects.

(e) While detailed information is not available, it apepars that in a large number of cases the position is as stated by the Honourable Member.

(f) It is not a fact.

(g) and (h). The Exchange Control Law was brought into force by the Iranian Government in pursuance of their own economic and financial policy. Its application is universal and all traders whether of Iranian or foreign nationality have to conform with the provisions of the Law. In these circumstances the Government of India find great difficulty in devising means to remedy the situation, although they have given and are continuing to give anxious consideration to the matter in consultation with His Majesty's Minister at Tehran.

Translation of Regulations for the Application of the Foreign Exchange Control Law approved on the 10th Esfand, 1314.

1. Composition of the Commission.

Article 1.—The Control Commission mentioned in Article 2 of the Exchange Law shall be composed of five members as follows :

Two persons from the Finance Ministry, one of whom shall be President of the Commission.

One from the General Commerce Administration.

Two from the National Bank of Iran, one acting as Vice-President of the Commission.

Article 2.—The duties of the Commission shall be :

(a) To examine and formulate proposals necessary for assuring the application of the Exchange Law.

(b) To keep account of all exchange transactions in the country.

(c) To maintain equilibrium in exchange transactions through special accounts.

(d) To examine applications for the purchase of exchange and, if necessary, the issue of Djevazes (permits) when the application has been made by the Government or by public institutions, associations or individuals.

(e) To inspect if necessary the books of banks and exchange establishments.

General Regulations.

Article 3.—Individuals, societies and firms must inform the Control Commission before the end of the 9th Farvardine 1315 (29th March 1936) of the quantity of exchange obtained by them in 1314 (21st March 1935—20th March 1936) and in their possession on the 10th Esfand (1st March 1936).

Banks and establishments which keep accounts of the said exchange must also transmit these accounts to the Control Commission before the end of the 5th Farvardine 1315.

Article 4.—With effect from the date the present regulations are passed no one may make contracts in exchange without the previous permission of the Control Commission.

Article 5.—It is forbidden to agree to loans or any other security facilities in foreign exchange unless the exchange serving as security are in Iran or abroad.

Article 6.—The sale of exchange by authorised banks shall take place in accordance with the permit issued by the Commission, by telegraphic transfer, in writing or any kind of letter of credit, except in cases where the issue of a cheque is indispensable.

Article 7.—Transactions in "Salaf" (Transactions* the object of which must be intimated at a later date) of exchange between banks and the public are forbidden and are governed by the regulations which shall be passed by the Council of Ministers.

Article 8.—The export of notes of the National Bank of Iran is forbidden, only travellers may take with them an amount up to 200 Rials at the most.

* Preemption.

Article 9.—When exchange is sold, authorised banks must obtain and keep the permits for purchase of exchange; in respect of surplus exchange which they sell for the purpose of importing goods, they must intimate under their signature at the back of import licences, the kind and quantity and the amount in rials of the exchange sold.

Article 10.—Foreign diplomatic agents are excluded from the obligation to sell referred to in Article 7 of the Exchange Law: but in other respects they must abide by the provisions of the law and the regulations in the matter.

Duties of Authorised Banks.

Article 11.—Authorised banks must maintain in all their branches registers for the record of all exchange transactions; they must submit to the Commission the day following each transaction, the total transactions affected in their head office and by their branches; with regard to the surplus, a detailed list of transactions in exchange shall be submitted to the Commission in the manner required by them.

Article 12.—Authorised banks must pay cash at the rate fixed by the Council of Ministers for exchange presented for sale and must give the seller, if so desired, a certificate bearing a number and the date and testifying that the transaction has been concluded.

Article 13.—Authorised banks must sell in conformance with the stipulations of the permits, the quantity or exchange demanded every day, and of obtaining and keeping the permits.

If the exchange they have bought are not equivalent to those they sell, they must effect authorised sales upto the limit fixed in their contract with the Finance Department and must furnish the Commission within a fortnight an account of their transactions.

The Issue of Permits.

Article 14.—With regard to exchange required for the import of goods, the permit shall be issued in the following manner.

The Department of Commerce shall submit in each case to the Commission import licences before issuing them to the applicant, so that the Commission may endorse the said licences, consideration being given to the general balance of exchange, and then return them to the Department of Commerce for issue to the applicant.

Article 15.—In the case of exchange which are necessary for commercial requirements, purchasers must produce justification before the Commission and the latter shall issue the permit in the following manner:

(a) For the Government and for public institutions upto the limit of credit in exchange in cases other than import requirements.

(b) With regard to the transfer of profit of establishments or foreign persons who deal directly with public institutions, if the profit does not exceed 10 per cent. of the total amount of the transaction, the Commission shall have the right to postpone upto six months, permission for the transfer.

(c) With regard to foreigners resident in Iran and in the employ of public institutions, upto the limit of half their salaries or other income in Rials in accordance with the statements made by the employers and accepted by the Commission.

(d) With regard to Iranians going abroad for study or for treatment, who reside abroad or are returning thence; consideration must be given to their normal requirements and the extent of their incomes.

In other cases, the Control Commission shall have the power to reject, admit or reduce applications made.

Article 16.—Every authorised bank may sell without a permit from the Commission, exchange upto the value of 4,000 Rials per diem, for the requirements of Iranian students and invalids abroad, and for the purchase of books, reviews and newspaper subscriptions on condition that no one person is given more than £10 per month and that they are certain that the exchange required are being utilized for the above purposes.

Article 17.—A permit for the purchase of exchange is not transferable; it is only valid for 20 days in the case of commercial requirements. The period of validity of permits for the Government may be fixed for a period longer than 20 days.

If persons or establishments in possession of permits for exchange for the import of goods, do not effect import within three months from the date of issue, goods equivalent to the total amount of exchange obtained, they must sell the exchange not utilised to one of the authorised banks.

The Sale of Exchange.

Article 18.—The Export of goods shall take place in the following manner:

The exporter shall undertake, at the time of export, to sell to one of the authorised banks, within three months of the date of export, exchange equivalent to the amount calculated by the Customs *plus* 10 per cent.

This undertaking must be drawn up in triplicate, signed by the exporter and by the officer in charge of the Customs post, at the place of export; one copy shall be kept by the Said Customs post, another copy shall be transmitted to the Control Commission, and the third copy shall be returned to the exporter, if the latter so desires.

Article 19.—The certificate of export shall not be purchased before the execution of the undertaking relative to the exchange.

Article 20.—The sale of exchange is not necessary in the following cases:

1. Luggage and articles for the personal of travellers:

2. Articles sent abroad as gifts or as samples on condition that the price does not exceed 200 Rials in each case.

3. Goods which are exported from one of the frontiers of Iran to be imported on another part of the frontier.

4. With regard to the inhabitants of villages situated on the frontiers; upto the limit of the regulations relative to export licences.

Sanctions.

Article 21. Infringement of the present regulations shall be punishable by the penalties given in Article 9 of the foregoing exchange Law.

(Sd.) DJAME.

President of the Council.

AGREEMENT WITH THE MARITIME STATES AND FRENCH INDIA REGULATING THE IMPORT OF FOREIGN GOODS.

57. ***Seth Govind Das:** Will Government be pleased to state:

(a) whether the conditions in the agreement entered into by Government with the Maritime States and French India to regulate the import of foreign goods at the ports of those States differ in each case or whether one condition governs all these agreements;

(b) what is the revenue derived in respect of goods which crossed the Viramgam line during the last three years as compared to the three years before the tightening of the control;

(c) whether the settlement reached with the other Maritime States of Kathiawar is based on a different basis from that of Bhavnagar; and

(d) whether they are prepared to make available to this House a copy of the agreements entered into with all these States?

The Honourable Sir James Grigg: (a) and (c). I would refer the Honourable Member to my answer to the short notice question and supplementary questions asked by Sir H. P. Mody on the 6th October 1936.

(b) I lay on the table a statement showing the net revenue for the last six years. I would at the same time point out that the conclusion of more satisfactory arrangements to regulate the trade into British India *via* Kathiawar ports would not naturally have the effect of increasing the revenue collected at the Viramgam line. On the contrary, in so far as those arrangements have the effect of removing an unnatural stimulus to such trade, the volume of dutiable goods crossing the Viramgam line may be expected to decrease.

(d) Copies of the agreements with the maritime Kathiawar States have been placed in the Library.

Statement showing the net Revenue derived from Goods crossing the Viramgam Line during the years 1930-31 to 1935-36.

Year.	Revenue. Rs. (000.)
1930-31	1,23,34
1931-32	82,21
1932-33	46,42
1933-34	27,14
1934-35	15,59
1935-36	2,22

INDIA'S TRADE AFFECTED BY THE DEVALUATION OF CURRENCIES IN FOREIGN COUNTRIES.

†58. ***Seth Govind Das:** Will Government be pleased to state:

(a) the names of countries that have devalued their currency,

(b) how far the devaluation of the "franc" affects Indian trade;

(c) whether or not it is a fact that when buying Indian goods in British currency, the Frenchman used to pay over 76 francs to a pound sterling, and now we shall have to pay about 100 francs, thus affecting India's trade with France;

(d) whether or not it is a fact that Java sugar is a powerful competitor of Indian sugar on Holland devaluing her currency;

(e) what action, if any, they have decided to take in this matter or propose to take to meet the situation;

(f) whether the United Kingdom has negotiated with America a monetary agreement;

(g) whether Indian interest has also been involved by this agreement, so long as the rupee is linked to the sterling; and

(h) who, if any, represented Indian views while negotiating such a monetary agreement?

SUICIDE COMMITTED BY SANTOSH CHANDRA GANGULI, A DETENU.

59. ***Mr. Mohan Lal Saksena:** (a) Is it a fact that Santosh Chandra Ganguli, a detenu confined in the Deoli Detention Camp, was found hanged on the evening of the 17th October, 1936? If so, did Government institute any enquiry into the circumstances leading to the suicide by the detenu and what were their findings?

†For answer to this question, *see* answer to question No. 17.

(b) Is it a fact that the deceased was an M.Sc. student of the Dacca University when he was arrested on the 9th May, 1930?

(c) Will Government state how many times was his case examined during the period of detention and by whom?

(d) Is it a fact that one day before the suicide the deceased wrote a letter to his mother in which he referred to the illness of his mother and younger brother and their pecuniary difficulties, as well as to their consequent inability to interview him? If so, was the attention of Government drawn to these facts by the jail or the censoring authorities?

(e) Will Government state what allowance, if any, was being given to the mother and brother of the detenu?

(f) Was any representation made by the dependants for increasing the allowance or for defraying the travelling expenses for interviewing the deceased?

(g) For how long was the deceased confined in the Deoli Detention Camp, and how many times did the mother and other relations of the deceased interview him during this period?

(h) What is the third class fare from Deoli to the railway station nearest to the residence of the deceased's mother?

(i) Do Government propose to continue to pay the allowance to the deceased's mother during her life-time? If not, why not?

The Honourable Sir Henry Craik: (a) Yes. An inquest was held. The finding was that he committed suicide while in a temporarily unsound state of mind.

(b) Yes.

(c) Once by the advising Judges and three times by the Local Government.

(d) I have seen in the press the text of a postcard alleged to have been written by him but I have no further knowledge of it.

(e) A monthly allowance was paid by the Bengal Government to the father of the detenu.

(f) The detenu had no dependants. His mother made one application for free conveyance to and from Deoli for herself, her husband and her daughter. No relative applied for an increase in the family allowance.

(g) He had been confined in the Deoli Camp Jail since the 9th June, 1932. No relation interviewed him during this period.

(h) I understand that the bus fare from Deoli to Nasirabad, the nearest railway station, is Rs. 1-12-0 and the third class railway fare from Nasirabad to Dacca is Rs. 18-13-0.

(i) Government see no reason for making any such allowances.

TRAVELLING EXPENSES PAID TO THE RELATIONS AND DEPENDANTS OF DETENUS FOR INTERVIEWING THEM.

60. ***Mr. Mohan Lal Saksena:** Will Government state if any extra money is paid to the relations and dependants of the detenus confined in distant places to defray the travelling expenses incurred in interviewing them? If not, do Government propose to consider the advisability of defraying such expenses at least for interviews every three months?

The Honourable Sir Henry Craik: I invite the Honourable Member's attention to the reply given by me on the 16th October, 1936, to his questions Nos. 1859 and 1860.

NON-OFFICIAL VISITORS OF THE DEOLI DETENTION CAMP.

61. ***Mr. Mohan Lal Saksena:** Will Government state the names of non-official visitors, if any, appointed for the Deoli Detention Camp?

The Honourable Sir Henry Craik: The names are:

(1) Diwan Bahadur Har Bilas Sarda.

(2) Rai Bahadur Seth Bhagchand Soni, M.L.A.

(3) Rai Bahadur Pandit Mithan Lal Bhargava.

APPOINTMENT OF NON-OFFICIAL MEMBERS OF THE LEGISLATIVE ASSEMBLY AS VISITORS OF THE DEOLI DETENTION CAMP.

62. ***Mr. Mohan Lal Saksena:** Do Government propose to consider the advisability of appointing non-official Members of the Assembly as visitors to the Deoli Detention Camp?

The Honourable Sir Henry Craik: As the Honourable Member will see from the reply to his question No. 61 a Member of the Legislative Assembly is a non-official visitor to the Deoli Camp Jail.

REPRESENTATIONS SUBMITTED BY DETENUS IN THE DEOLI DETENTION CAMP.

63. ***Mr. Mohan Lal Saksena:** (a) Will Government be pleased to lay on the table copies of representations submitted by the inmates of the Deoli Detention Camp during the last two years?

(b) Will Government state if any representation was made by them immediately after or before the death of Santosh Chandra Ganguli?

The Honourable Sir Henry Craik: (a) No.

(b) One representation was received a little after the death of Santosh Chandra Ganguli.

APPOINTMENT OF A COMMITTEE TO EXAMINE THE PRESENT SYSTEM OF JAIL ADMINISTRATION IN INDIA.

64. ***Mr. Mohan Lal Saksena:** (a) Has the attention of Government been drawn to Reuter's message from Ankara, published in the *Advance* (4th Dak Edition), dated the 31st October, 1936, regarding the new law introduced by the Ministers of Justice by which present prisons will be pulled down, and new "Houses of Correction" built in their places, designed and organised with the object of making prisoners "honest and useful members of society"?

(b) Is it a fact that the new 'correction houses' will be equipped with workshops, reading rooms, bath rooms, well stocked canteens and sports grounds?

(c) Is it a fact that under the new law long-term prisoners will be divided into five stages, beginning with solitary confinement in cells, and the treatment in other stages improving until being promoted to the fourth stage they will enjoy complete liberty within prison and as an additional privilege will be allowed to spend several hours weekly with their relatives?

(d) Do Government propose to consider the advisability of appointing a committee with a majority of non-officials to examine the present system of jail administration in India and to suggest measures to overhaul it completely with a view to making the jail treatment more humane and reformating?

The Honourable Sir Henry Craik: (a) I have seen the article.

(b) and (c). I have no other information as to the intention of the Turkish Government.

(d) No.

RESIGNATION OF SIR OSBORNE SMITH FROM THE GOVERNORSHIP OF THE RESERVE BANK OF INDIA.

65. ***Mr. Mohan Lal Saksena:** (a) Will Government state the circumstances which led to the resignation of Sir Osborne Smith, the Governor of Reserve Bank of India?

(b) Is it a fact that there were differences between the Honourable the Finance Member and Sir Osborne Smith?

(c) Were these differences in any way responsible for Sir Osborne's resignation?

(d) Will Government lay on the table copies of the correspondence between Sir Osborne Smith and the Government regarding his resignation?

The Honourable Sir James Grigg: With your permission, Sir, I will answer Nos. 65, 99, 113, 117 and 123 together.

I would refer the Honourable Members to the answer which I gave on the 7th October last to the supplementary questions asked by Mr. Ananthasayanam Ayyangar on starred question No. 837 and to the communique which appeared in the Press on the 30th of the same month.

NATIONAL FLAG OF INDIA.

66. ***Mr. Mohan Lal Saksena:** (a) Will Government state if there is any truth in the news published in certain English papers that a tri-coloured flag with a small Union Jack reproduced at the top corner is going to be made the national flag of India?

(b) Is it not a fact that in reply to a question, the Honourable the Home Member stated that the question of the national flag for India will not be settled before the inauguration of Indian Federation? If so, have Government changed their mind since then?

The Honourable Sir Henry Craik: (a) and (b). The position has not changed in any way from that stated on the 16th March, 1936, in my reply to the Honourable Member's question No. 1232.

ENQUIRY BY EXPERTS INTO THE RAILWAY FINANCES.

67. ***Mr. Mohan Lal Saksena:** (a) Will Government state what shall be the total cost of the enquiry by experts into the railway finances?

(b) Are Government aware of the adverse criticism in the press regarding the personnel of the enquiry and the non-inclusion of Indians and particularly the representatives of business community in India? If so, do Government propose to consider the advisability of appointing representative Indians to the Enquiry Committee?

(c) When is the enquiry by the experts likely to be concluded?

The Honourable Sir Muhammad Zafrullah Khan: (a) The total cost of the Enquiry is estimated to be about Rs. 2 lakhs.

(b) The reply to the first part of the question is in the affirmative, and to the second part that Government gave the composition of the Committee most careful consideration.

(c) According to the present arrangements, the Committee is expected to complete its work by March, 1937.

PROVISION OF COMBINED INTERMEDIATE CLASS WAITING ROOMS ON CERTAIN STATIONS OF THE EAST INDIAN RAILWAY.

68. ***Mr. Mohan Lal Saksena:** (a) Is it a fact that at Akbarpur Station on the East Indian Railway there is a combined waiting room for the first, second and intermediate class passengers? If so, will Government state if there have been any complaints regarding this practice? If not, will Government state on which other stations on the East Indian Railway similar joint waiting rooms exist?

(b) Do Government propose to instruct the various railway authorities to make similar arrangements for the convenience of intermediate class passengers at stations where it is not possible to provide separate waiting rooms for them?

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

The United Provinces branch, Local Advisory Committee consider that this practice is not in the interests of the travelling public generally.

The Honourable Member is referred to pages 13—19 of the current East Indian Railway time table.

(b) This is a matter best left to the discretion of the Railway Administration.

TIME TABLES OF THE EAST INDIAN RAILWAY.

69. ***Mr. Mohan Lal Saksena:** (a) Will Government be pleased to state whether it is a fact that the price of the East Indian Railway time-table is higher than that of the time-table of any other Railway in India? If so, what are the reasons for it?

(b) Which other railways, if any, have increased the price of time-tables and by how much?

The Honourable Sir Muhammad Zafrullah Khan: (a) The reply to the first part is in the negative and the latter part does not, therefore, arise.

(b) The price of the Burma Railway's Time Table and of the combined Bengal and North Western and Rohilkund and Kumaon Railway's Time Table was increased by two annas.

TIME TABLES OF THE EAST INDIAN RAILWAY.

70. ***Mr. Mohan Lal Saksena:** (a) Will Government state how many copies of the time-table of the East Indian Railway were sold in April—September, 1929, 1930, 1934, 1935 and 1936?

(b) What was the comparative income through advertisement in the years 1930, 1935 and 1936?

(c) What was the income through advertisements in the present issue of the time-table, and of this how much was received on account of the front page advertisement of the Lucknow Agricultural and Industrial Exhibition?

The Honourable Sir Muhammad Zafrullah Khan: (a) & (b). I am placing on the table a statement giving the information required.

(c) Rs. 3,156. The illustration of the Exhibition on the front page cover is the East Indian Railway's contribution to stimulate traffic to Lucknow.

Part (a).

Time Table & Guide.	Number of copies sold during the period from April to September					
	1929.	1930.	1934.	1935.	1936.	
2 Anna . . .	52,681	58,014				
4 Anna . . .			25,128	25,230		
1 Anna . . .			37,325	41,705		
6 Anna . . .					23,175	(April to August.)
					1,871	(September Estimated.)
					25,046	
2 Anna . . .					20,717	(April to August.)
					1,121	(September Estimated.)
					21,838	

Part (b).

Year.	April issue.	October issue.	Total.
	Rs.	Rs.	Rs.
1930. .	2,651	2,256	4,907
1935. .	2,099	3,546	5,645
1936. .	2,791	3,156	5,947

UNIFORMITY IN RATES OF FARE ON STATE RAILWAYS.

71. ***Mr. Mohan Lal Saksena:** (a) Will Government state why the rates of fare on the various State Railways vary, and which authority fixes them?

(b) Do Government propose to consider the advisability of making the rates uniform?

The Honourable Sir Muhammad Zafrullah Khan: (a) The Railway Board prescribe the maximum and minimum fares within which each Railway Administration has power to alter the scales applicable from time to time as may be considered necessary. The scale of fares now in force on each railway has been determined generally by each Administration with regard to its financial and other considerations.

(b) No. I would refer the Honourable Member to the reply given in another place by the Honourable Sir Guthrie Russel to the Honourable Pandit Prakash Narain Sapru's question No. 67 on 13th August, 1934.

UNIFORMITY IN RATES OF FARE ON STATE RAILWAYS.

72. ***Mr. Mohan Lal Saksena:** (a) Will Government state why week-end and return tickets are not issued on the Great Indian Peninsula and other State Railways, like the East Indian Railway?

(b) Do Government propose to consider the advisability of appointing a Committee to go into the question of rates of passenger fares and making them uniform for all the State Railways?

The Honourable Sir Muhammad Zafrullah Khan: (a) I would refer the Honourable Member to the reply given by the Honourable Sir Guthrie Russel in another place to the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra's question No. 13 on 8th August, 1934.

(b) No. I would refer the Honourable Member to the reply I have just given to part (b) of his previous question.

STATE MANAGEMENT OF THE BENGAL AND NORTH WESTERN AND ROHILKUND AND KUMAON RAILWAYS.

73. ***Mr. Mohan Lal Saksena:** Will Government state what has been finally decided regarding the taking over by the Government of the Bengal and North Western and the Rohilkund and Kumaon Railways?

The Honourable Sir Muhammad Zafrullah Khan: Government have decided not to exercise the option of purchasing the Bengal and North Western and Rohilkund and Kumaon Railway Companies' lines on 31st December 1937.

INDO-JAPANESE AND INDO-BRITISH TRADE NEGOTIATIONS.

74. ***Mr. Mohan Lal Saksena:** (a) Will Government state who is incharge of Indo-Japanese and Indo-British trade negotiations on behalf of the Government of India?

(b) Will Government state what stage they have reached and how long will they take to reach settlement?

The Honourable Sir Muhammad Zafrullah Khan: (a) Commerce Department.

(b) The negotiations are in progress and it is not possible at present to calculate the time that may be required to settle them.

VISIT OF HIS MAJESTY THE KING EMPEROR TO INDIA.

75. *Mr. Mohan Lal Saksena: (a) Has the attention of Government been drawn to that part of His Majesty The King's Speech to the Parliament in which he has expressed his intention to visit India after the Coronation in 1937?

(b) Will Government be pleased to state whether they were consulted in this connection and what advice, if any, did they give?

(c) When is His Majesty likely to visit India?

(d) How much expenditure is likely to be incurred in connection with His Majesty's visit?

(e) Did Government consult public opinion in connection with the proposed visit? If not, why not?

(f) Are Government aware that the bulk of public opinion in the country is opposed to the proposed visit and the lavish expenditure it would entail?

(g) Do Government propose to consider the advisability of advising His Majesty to give up the idea of the proposed visit?

The Honourable Sir Henry Craik: (a) His former Majesty King Edward VIII stated that he hoped to visit India.

(b) & (c). As I stated in reply to supplementary questions to questions Nos. 88 and 476 on the 3rd and the 17th September 1936, respectively, the decision to visit India depends upon His Majesty's pleasure.

(c) No decision has yet been communicated.

(d) No estimate of expenditure has been made.

(f) & (g). No.

STEPS TAKEN TO FIGHT UNEMPLOYMENT.

76. *Mr. Mohan Lal Saksena: (a) Will Government make a detailed statement as to what steps they have taken to fight unemployment in India?

(b) Are Government aware that a number of students of economics and others have definitely opined that the proolem of unemployment in India cannot be tackled piece-meal by Local Governments as recommended by the Sapru Committee? If so, do Government propose to consider the advisability of appointing a Central Board to devise and co-ordinate ways and means for fighting unemployment?

(c) Will Government state what steps they propose to take for collecting and publishing statistics regarding unemployment in the country?

The Honourable Sir Frank Noyce: (a) The attention of the Honourable Member is invited to the reply given by the Honourable Mr. Clow to parts (a) and (c) of the Honourable Lala Ram Saran Das's Question No. 60 in the Council of State on the 28th September, 1936.

(b) I am aware that that opinion has been voiced. In this connection I would invite the attention of the Honourable Member to the reply I gave to his own supplementary question arising out of his Question No. 633 on the 25th September, 1936. The reply to the latter part of the question is in the negative.

(c) The attention of the Honourable Member is invited to the reply given to Mr. S. Satyamurti's question No. 674 in the Legislative Assembly on the 28th September, 1936, and to the answers given to the supplementary questions on that occasion.

Running Staff on Railways.

77. ***Qazi Muhammad Ahmad Kazmi:** As directed by the Honourable the President and promised by the Honourable Member in charge of the Railways, in reply to supplementary questions to starred question No. 555, asked in this House on the 23rd September, 1936, regarding definition of 'Running Staff' on Railways, will Government be pleased to state:

(a) the particulars of questions and the number and page of the Debate where the information asked for in starred questions Nos. 555, 556 and 557, dated the 23rd September, 1936, is said to have been given; and

(b) in case the answers be not available in answers to previous question detailed answers to those questions?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). In reply to starred question No. 555 asked by the Honourable Member on 23rd September, 1936, I would refer him to the replies given by Mr. P. R. Rau to parts (a), (b) and (c) of starred question No. 1275 asked by Mr. E. H. M. Bower in the Legislative Assembly on the 1st September, 1933.

I may, however, add for the information of the Honourable Member that the rules made by the Governor General in Council in connection with the Hours of Employment of Staff were published in January, 1931 and not in 1930, as stated by the Honourable Member in part (c) of the question.

In reply to starred question No. 556 I would refer the Honourable Member to the replies given by Mr. P. R. Rau to part (a) of starred question No. 1361 and to starred question No. 744 asked by Sardar Sant Singh on the 11th December, 1933 and the 21st August, 1934, respectively.

In reply to parts (a) and (b) of starred question No. 557, I would refer the Honourable Member to the replies given by Mr. P. R. Rau to parts (a) and (b) of starred question No. 739 asked by him on 26th September, 1935 and to the reply given by Mr. P. R. Rau to starred question No. 132 asked by Mr. Maswood Ahmad on 16th February, 1934.

As regards part (c), Government have no information.

As regards parts (d), (e) and (f) I would refer the Honourable Member to the reply laid on the table of the House to part (b) of unstarred question No. 212 asked by Khan Bahadur Haji Wajih-ud-Din on 19th March, 1934.

As regards part (g), I would refer the Honourable Member to the reply given by Mr. P. R. Rau to starred questions Nos. 1361 and 1369 asked by Sardar Sant Singh on the 11th December, 1933.

Flogging of Political Prisoners.

78. ***Mr. Amarendra Nath Chattopadhyaya:** Will Government be pleased to state if flogging of political prisoners is still continued in Indian jails?

The Honourable Sir Henry Craik: As I have previously stated, there is no category of prisoners known as 'political'. Whipping is one of the punishments prescribed for Prison offences under the Prisons Act.

DIFFERENCE IN THE TREATMENT OF POLITICAL PRISONERSAND ORDINARY CONVICTS IN THE ANDAMANS.

79. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Is it a fact that in the Andaman jail there is observed special difference between political prisoners and ordinary convicts in all matters? If so, do Government propose to secure by legislation the same difference in Indian jails?

(b) Will Government state in detail the nature of differential treatment as observed in the Andaman jails?

The Honourable Sir Henry Craik: (a) & (b). Prisoners convicted of terrorist crimes are as far as possible accorded the same treatment in the Andamans as they would have received in Indian Jails. As I have repeatedly stated, the rules for the treatment of prisoners in Indian jails recognise no distinction between crimes committed with political motives and other crimes.

ESTABLISHMENT OF A RADIO RESEARCH BOARD IN INDIA.

80. ***Mr. Mohan Lal Saksena:** (a) Will Government state the total amount spent in bringing and sending back experts from foreign countries during the last five years?

(b) What will be the probable cost of establishing a Research Board?

The Honourable Sir Frank Noyce: (a) The only expert from abroad who came and returned in the last 5 years to advise the Government of India on broadcasting was Mr. Kirke of the British Broadcasting Corporation to whom the Government of India paid subsistence expenses amounting to about Rs. 6,500.

(b) Government have not considered the cost of establishing a radio research board, and I am therefore unable to give an estimate.

MONEY SPENT ON BROADCASTING.

81. ***Mr. Mohan Lal Saksena:** Will Government state the total amount of money spent on broadcasting during the last four years and what portion of it has been spent in the purchase of foreign goods and in the payment of foreign (non-Indian) employees?

The Honourable Sir Frank Noyce: The total amount of expenditure incurred on broadcasting during the last 4 years (1932-33 to 1935-36) was Rs. 15,47,000. Until August, 1935, there was only one English officer in the Department. At present there are 4. The cost of goods imported on Government account during the period mentioned was approximately Rs. 4 lakhs.

VALUE OF RADIO GOODS IMPORTED INTO INDIA.

82. ***Mr. Mohan Lal Saksena:** What was the total value of radio goods imported into India from foreign countries and from Great Britain, during the last two years?

The Honourable Sir Frank Noyce: Figures for radio goods as distinct from wireless apparatus which includes wireless receivers, valves, component parts other than valves, etc., are not available for the period required The total values of wireless apparatus imported into India during the two years in question were as follows:

	United Kingdom.	Other countries.	Total.
	Rs.	Rs.	Rs.
1934-35	4,66,316	11,28,529	15,94,845
1935-36	10,48,701	17,81,705	28,30,406

SUMS SPENT BY FOREIGN COUNTRIES ON RADIO RESEARCH AND MANUFACTURE OF RADIO GOODS.

83. *__Mr. Mohan Lal Saksena:__ Are Government aware that other countries, particularly Russia and Japan, have spent large sums from Government funds over radio research and the manufacture of radio goods, during the last few years?

The Honourable Sir Frank Noyce: Government have no information.

PRICES OF RADIO SETS IN CERTAIN COUNTRIES.

84. *__Mr. Mohan Lal Saksena:__ What are the comparative prices of radio sets in India, Japan, Great Britain and Soviet Russia?

The Honourable Sir Frank Noyce: It is not possible to compare prices of different makes of receivers in different countries because they differ in their design, performance and reliability; but broadly speaking a selling price of Rs. 100 in India is equivalent to about 100 shillings in England and about 75 yen in Japan. I have no information about prices in the U.S.S.R.

ANTI-WAR MEETINGS HELD IN INDIA.

85. *__Mr. Mohan Lal Saksena:__ (a) Are Government aware of the anti-war meetings held all over India on the 11th November, 1936?

(b) Is it a fact that the old Imperial Council had passed a resolution on behalf of the people of India offering support and financial assistance to Great Britain during the last war? If so, will Government state the total amount of extra burden the Indian Exchequer had to bear for meeting the cost of Indian forces sent abroad?

(c) Do Government propose to give any opportunity to the Legislative Assembly to express its views regarding India's participation in any future war? If not, why not?

The Honourable Sir Henry Craik: (a) Government are aware that the Congress party declared an anti-war day on the 11th November, 1936.

(b) Yes. I would refer the Honourable Member to the answer given by the Defence Secretary to his question No. 850 on the 7th October, 1936.

(c) Government do not consider that it is in the public interest to discuss this question in the abstract.

UNEMPLOYMENT PROBLEM.

86. *Mr. Mohan Lal Saksena: (a) Has the attention of Government been drawn to the conclusion of the Bihar Educated Unemployment Committee that there can be no lasting solution of the unemployment problem without industrial development but this requires the co-ordinated effort of Local Governments and the Government of India as vital factors, such as currency, tariffs, railway freights, etc., are under the control of the Government of India?

(b) If so, will Government state what steps, if any, do they propose to take to bring about this co-ordinated effort?

The Honourable Sir Frank Noyce: (a) Government have seen the observations of the Bihar Unemployment Committee to which attention has been invited by the Honourable Member.

(b) I invite the Honourable Member's attention to the particulars given in the publication entitled "State Action in Respect of Industries: 1928-35" of which copies are in the Library.

OVERHAULING OF THE SECONDARY SYSTEM OF EDUCATION IN INDIA.

87. *Mr. Mohan Lal Saksena: (a) Has the attention of Government been drawn to Sir George Anderson's speech before the East India Association, London, regarding adverse effects of the secondary system of education in India and considerable waste of money involved therein? If so, what steps, if any, do they propose to take to overhaul the system?

(b) Did Sir George Anderson during the term of his office submit any scheme regarding the remodelling of the system of secondary education?

Sir Girja Shankar Bajpai: (a) Yes. I would invite the attention of the Honourable Member to the answer given to parts (b) and (c) of Mr. S. Satyamurti's starred question No. 295 in this House on the 10th September, 1936.

(b) Sir George Anderson collaborated with the Central Advisory Board of Education, of which he was a member at the time, in formulating the scheme of educational reconstruction which the Board adopted in 1935.

REPORT SUBMITTED BY RAIZADA HANS RAJ AND SIR MUHAMMAD YAMIN KHAN ON THEIR OBSERVATIONS IN THE ANDAMANS.

88. *Mr. Mohan Lal Saksena: Have Raizada Hans Raj and Sir Muhammad Yamin Khan submitted any report to Government regarding their observations in the Andamans? If so, will Government state what action, if any, is proposed to be taken thereon?

The Honourable Sir Henry Craik: Both gentlemen have made some suggestions to me after their visit to the Andamans. These are being considered and I am not at present in a position to make any statement as to what action will be taken.

REPATRIATION OF PRISONERS CONFINED IN THE CELLULAR JAIL, PORT BLAIR.

89. *Mr. Mohan Lal Saksena: Do Government propose to consider the advisability of repatriating the prisoners confined in the Cellular Jail in the Andamans at an early date? If not, do they propose at least to give similar facilities to them as are being given to other prisoners?

The Honourable Sir Henry Craik: I presume the Honourable Member is referring to prisoners who are confined in the Cellular Jail, Port Blair, for the entire period of their sentence. If so, I have nothing to add to the reply which I gave to his starred question No. 591 on the 15th September, 1936.

FACILITIES REGARDING SEA BATHING AND OPEN AIR EXERCISE TO PRISONERS IN THE ANDAMANS.

90. *Mr. Mohan Lal Saksena: What facilities, if any, do Government propose to give to the prisoners regarding sea bathing and open air exercise outside jail as demanded by the prisoners in the Andamans?

The Honourable Sir Henry Craik: There is no intention of allowing prisoners in the Cellular Jail any such facilities

NEW BOOKS FOR THE LIBRARY IN THE CELLULAR JAIL, PORT BLAIR.

91. *Mr. Mohan Lal Saksena: What provision do Government propose to make in the next year's budget regarding new books for the library in the Cellular Jail, Port Blair?

The Honourable Sir Henry Craik: As stated in my reply to the Honourable Member's question No. 388 on the 15th September, 1936, the annual grant for the library in the Cellular Jail, Port Blair, is Rs. 200.

SUPPLY OF DAILY NEWSPAPERS FROM INDIA TO PRISONERS IN THE ANDAMANS.

92. *Mr. Mohan Lal Saksena: (a) How many times a week is mail carried from India to Port Blair?

(b) Are Government prepared to consider the advisability of supplying daily papers from India to the prisoners at least weekly?

The Honourable Sir Henry Craik: (a) Mails for Port Blair are carried by the chartered steamer "Maharaja" which leaves India for Port Blair at intervals of about two to three weeks.

(b) No.

SUPPLEMENTING OF THEIR DIET AND CLOTHING BY PRISONERS IN THE ANDAMANS.

93. *Mr. Mohan Lal Saksena: Are the prisoners in the Andamans allowed to supplement their diet and clothing? If not, are Government prepared to give them permission to do so?

The Honourable Sir Henry Craik: I presume the Honourable Member is referring to the terrorist convicts in the Cellular Jail. If so, I invite his attention to the Rules, a copy of which is in the Library.

CELEBRATION OF FESTIVALS BY PRISONERS IN THE ANDAMANS.

94. *Mr. Mohan Lal Saksena: (a) Are the prisoners in the Andamans allowed to celebrate festivals? If so, in what manner? If not, are Government prepared to see that on the occasion of important festivals they are made to do no work, are given special food, and are allowed to have music and other entertainments?

(b) Are Government also prepared on such occasions to permit the friends of the prisoners and others to remit money for meeting the extra expenditure?

The Honourable Sir Henry Craik: (a) and (b). Festivals are observed by rest from labour. The Government of India have no information whether the prisoners in the Cellular and Associated Jails are allowed to celebrate festivals in other ways—except as regards the Durga Puja which the terrorist prisoners are permitted to celebrate by a religious ceremony, a drama, and a feast. The terrorist prisoners are allowed to receive money from outside to spend on festivals.

UNHEALTHY MORAL CONDITIONS OBTAINING IN THE ANDAMANS.

95. *Mr. Mohan Lal Saksena: (a) Has the attention of Government been drawn to the statement of Raizada Hans Raj, regarding unhealthy moral conditions obtaining in the Andamans?

(b) Is it a fact that there is no excise department there and there is a lot of illicit manufacture of liquor?

(c) Is it a fact that the ratio of women to men is in no case more than one to five?

(d) Will Government state the total number of men and women between the ages of 15 to 60 years (the latest available figures) as well as the number of those living in matrimonial alliance?

The Honourable Sir Henry Craik: (a) I have seen a press report.

(b) The detection of illicit manufacture of liquor is entrusted to the Police Department. The Chief Commissioner has taken a number of measures recently to ensure stricter control.

(c) and (d). The Honourable Member will find the information he seeks in the Census Report of the Andaman and Nicobar Islands for 1931, a copy of which will be found in the Library of the House.

ABORIGINES IN THE ANDAMANS.

96. *Mr. Mohan Lal Saksena: (a) Will Government state the total number of aborigines in the Andamans in 1858 and in 1935?

(b) Will Government state the causes of the dwindling number of the aborigines?

The Honourable Sir Henry Craik: (a) and (b). The information required by the Honourable Member is contained in the Census Report of the Andaman and Nicobar Islands for the year 1931, a copy of which will be found in the Library of the House. Government have no later information

COMPETENCY OF THE INDIAN BROADCASTING DEPARTMENT TO UNDERTAKE RESEARCH WORK.

97. ***Mr. Mohan Lal Saksena:** (a) Is it a fact that Dr. Meghanad Saha has addressed a letter to the editor, *Indian Listener*, regarding the competency of the Indian Broadcasting Department to undertake the research work which could be done under university atmosphere? If so, is it a fact that the editor has not yet published any comments thereon notwithstanding his promise to do so?

(b) Will Government lay a copy of the letter on the table of the House?

(c) Have Government considered the letter, and what action, if any, do they propose to take?

The Honourable Sir Frank Noyce: (a) Yes.

(b) A copy of the letter is placed on the table of the House.

(c) Government have not considered the letter which was not addressed to them, but the Controller of Broadcasting has been asked to get into touch with the university authorities to see on what basis co-operation might be established.

To

The Editor,

"Indian Listener",

Bombay.

Dear Sir,

In the editorial of the "Indian Listener" of 22nd May, there is a reference to the meeting of scientists and radio workers called at London on 5th May by Professor S. K. Mitra, in which the proposal for the formation of a Radio Research Board in India was discussed. As I happened to be present in the meeting, I would like to say a few words in this connection.

It is mentioned in the said editorial that the newly formed research section of All-India Radio "will be able to develop both its functions of practical development and academic research in co-operation with the various scientific and educational institutions, as well as the splendid band of enthusiastic individuals." The co-operation alluded to, and also the co-ordination of the researches carried on by the various scientific bodies, can only be brought about by the formation of the Radio Research Board under discussion. There are several reasons why the newly founded research section of All-India Radio cannot perform the functions of a body like the Radio Research Board of England or of Australia or Canada.

In the first place, the research section will be more concerned with immediate engineering problems of a commercial nature, and will not be able to undertake investigation of problems of a fundamental character, which is one of the main items in the programme of work of the Radio Research Boards. This is because the academic atmosphere which is necessary for the study of such problems is entirely lacking in the research section of a broadcasting organisation.

Secondly, it has been our sad experience in the past that when a Government department takes upon itself the task of carrying on fundamental research work, the duties of the officer engaged for the purpose very often begin and end in going through an interminable series of official files and the officer is hardly allowed any time for quiet thinking and sustained work; the desire of the Government to carry out such investigations ultimately reduces to a mere pious hope.

Thirdly, it has not been found possible for the research sections of other and much bigger broadcasting concerns to take upon themselves the performance of functions of Radio Research Boards, and it will no more be so for the newly-formed similar section of the A. I. R.

(It may not generally be known that the British Broadcasting Corporation has a research section of which Mr. Kirke is the head. It deals with problems arising out of the technical development of the engineering of broadcasting, and it has neither

been within its scope, nor it has ever been its aim, nor indeed it is possible, for it to perform the functions of the Radio Research Board.)

The Radio Research Board of England (which may be said to be the model of such bodies) is under the control of the Department of Scientific and Industrial Research of which Sir Frank Smith is the Secretary. There are seats on it not only of representatives of the various Government departments like the Post Offices, the Meteorological Department, the Air Ministry, but also of independent Physicists and of bodies connected with the art of radio communication like the B. B. C. and the Marconi Company. Such a body, on account of its representative character, is eminently fitted to formulate and carry out programmes of researches having much wider scope than the necessarily restricted programmes of a broadcasting organisation. There is great need in India for a body like this, and its aims and objects cannot be fulfilled by the newly-formed research section of the A. I. R.

Yours faithfully,
M. N. SAHA.

ESTABLISHMENT OF A RADIO RESEARCH BOARD IN INDIA.

98. *Mr. Mohan Lal Saksena: (a) Is it a fact that besides B. B. C. Research station there is a Radio Research Board in England which carries on research work?

(b) Do Government propose to consider the advisability of constituting a Radio Research Board in India on the lines of the Agricultural Research Council?

The Honourable Sir Frank Noyce: (a) Yes.

(b) No. The specific problems of research connected with the development of broadcasting in India are being investigated by the Research Department of the All-India Radio.

EFFECT OF DEVALUATION OF CURRENCIES BY FRANCE AND OTHER COUNTRIES ON INDIA.

†99. *Mr. Mohan Lal Saksena: (a) Will Government state what has been the effect of devaluation of currencies by France and other countries on India?

(b) Is it a fact that Sir Osborne Smith and other British financiers were in favour of devaluation of rupee?

(c) Has the resignation of Sir Osborne Smith anything to do with his opinion regarding the proposed devaluation of rupee?

HEALTH OF MR. SUBHASH CHANDRA BOSE.

100. *Mr. Mohan Lal Saksena: (a) Will Government be pleased to state whether Mr. Subhash Chandra Bose has been examined by specialists as recommended by Sir Nilratan Sircar and other doctors? If so, when and where and what is their report?

(b) What is the present condition of his health?

(c) What is his present weight as compared with that when he was transferred to Kurseong?

(d) Does he still have any pain in abdomen?

(e) Are Government prepared to consider the feasibility of issuing periodical bulletins regarding his health?

†For answer to this question, *see* answer to question No. 65.

The Honourable Sir Henry Craik: (a) and (b). Mr. Subhash Bose was examined by three specialists at the Medical College, Calcutta, this month. Their report is to the effect that his general health is good and gives no cause for anxiety.

(c) His weight was 171 lbs. when he arrived at Kurseong; it is now 152½ lbs., which, in the opinion of the specialist, is a good weight for a man of Mr. Bose's height and build.

(d) There is some discomfort in the abdomen owing to adhesions after the operation which Mr. Bose underwent some time ago in Vienna. This is a common effect of such an operation.

(e) No.

PROSPECTS OF RELEASE OF MR. SUBHASH CHANDRA BOSE.

101. ***Mr. Mohan Lal Saksena:** (a) When was Mr. Subhash Chandra's case reviewed last and by whom?

(b) Is there any prospect of his release in the near future?

The Honourable Sir Henry Craik: (a) In accordance with the requirements of Regulation III of 1818 the case was examined by the Government of India in September last.

(b) He will not be detained longer than is considered necessary in the interests of public tranquillity.

AMENDMENT OF RULES AND STANDING ORDERS IN RESPECT OF PRIVILEGES OF THE LEGISLATIVE ASSEMBLY.

102. ***Mr. Mohan Lal Saksena:** With reference to the answer to question No. 22 of the last Session, will Government state when they propose to bring forward the motion for amending the rules and standing orders in respect of the privileges of the Legislative Assembly?

The Honourable Sir Nripendra Sircar: The Honourable Member is no doubt aware that during the last Session the Resolution could not be moved for congestion of business. I have given fresh notice of the Resolution which I propose to move during the course of the current Session.

WELFARE OFFICERS ON THE EAST INDIAN RAILWAY.

103. ***Mr. Mohan Lal Saksena:** (a) How many welfare officers have been appointed on the East Indian Railway?

(b) What are their duties, if any, in addition to their work as welfare officer?

(c) Will Government state how many cases were brought to the notice of the welfare officer at Lucknow, and in how many cases he successfully intervened?

(d) How many times, if any, did the welfare officer discuss the grievances with the office-bearers of the East Indian Railwaymen's Union at Lucknow?

(e) How are welfare officers recruited?

(f) Do Government propose to consider the advisability of appointing officers from amongst public men?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b), (c) and (e). There are no Welfare Officers employed on the East Indian Railway. If the Honourable Member has in mind Employment Officers, there are three of these, one each attached to the Mechanical Workshops at Lillooah, Jamalpur and Lucknow. The Employment Officers deal with all establishment matters pertaining to the Mechanical Workshops staff including pay, increments, promotions, leave, passes, appeals and complaints, etc. The posts of Employment Officers are filled by suitable persons in the service of the Railway.

(d) Government are informed that the Employment Officer at Lucknow had no occasion to discuss any grievances of the workmen with the office-bearers of the East Indian Railwaymen's Union at Lucknow during 1936.

(f) No.

DIFFICULTIES REGARDING TRADE RELATIONS OF BRITISH INDIA AND INDIAN STATES.

104. *Seth Govind Das: Will Government be pleased to state:

(a) whether it is a fact that the administration of section 34 of the Sea Customs Act was adding to the difficulties inherent in the trade relations of British India and Indian States under a regime of high customs duty;

(b) whether this grievance will be removed by amending the section 34 of the Sea Customs Act in a suitable manner;

(c) whether they have been negotiating with the Cutch State to remove the difficulty of Cutch levying duties at rates lower than the British India tariff; and

(d) what action, if any, they are taking to prevail upon the Bhavnagar State authorities to co-operate with them in this matter?

The Honourable Sir James Grigg: (a) and (b). No, Sir.

(c) I would refer the Honourable Member to my replies to Mr. Satyamurti's question No. 750 and supplementary questions asked on the 24th of February, 1936.

(d) I have nothing to add to my replies to the supplementary questions asked in connection with Sir Homi Mody's short notice question on the 6th of October, 1936.

PERSONNEL AND TERMS OF REFERENCE OF THE COAL CONSERVATION COMMITTEE.

105. *Seth Govind Das: Will Government be pleased to state:

(a) whether their attention has been drawn to the criticisms on the personnel and terms of reference of the coal conservation committee; and

(b) whether they took steps to widen the terms of reference to consider the question of commercial aspects of the industry and to make the personnel a representative one; if not, why not?

The Honourable Sir Frank Noyce: (a) Yes. Since the publication of the personnel and terms of reference the Government of India have received two representations on the subject.

(b) No. The terms of reference to the Committee were already sufficiently wide and Government saw no reason for altering their view that it would be preferable to have an expert committee rather than a representative one.

DEVELOPMENT OF INDIA'S MERCANTILE MARINE.

106. ***Seth Govind Das:** Will Government be pleased to state:

(a) what amount is spent annually by Britain by way of subsidising British tramp shipping;

(b) whether or not they are aware that the United States of America, Germany, Italy and other countries have built up mercantile marines by resorting to the policy of subsidy;

(c) whether or not they are aware that the Dominions of British Empire are also trying their level best to develop their mercantile marine and would not allow even British vessels to cut into their coastal trade; and

(d) whether they have been taking steps to develop India's mercantile marine; if so, what those steps have been and the success they have derived so far; if not, what their difficulties are?

The Honourable Sir Muhammad Zafrullah Khan: (a) The British Shipping (Assistance) Act, 1935, and the British Shipping (Continuance of Subsidy) Act, 1936, provided for an expenditure not exceeding in the aggregate two million pounds for subsidising tramp shipping during each of the years 1935 and 1936. Government have no information as to the actual expenditure incurred.

(b) Government are aware that several countries have granted subsidies to their national shipping.

(c) Government are aware that certain Dominions have taken steps to encourage the development of their mercantile marines. As regards the second part of the question, so far as they are aware British vessels (by which the Honourable Member presumably means vessels registered in any part of the British Empire) are not excluded from the coasting trade of any of the Dominions.

(d) The steps successfully taken by the Government of India to assist the development of the Indian mercantile marine were outlined in my reply to a supplementary question asked by Mr. Satyamurti on the 5th February, 1936, with reference to his starred question No. 75.

REBATES ON TARIFF DUTIES GIVEN BY MARITIME STATES.

107. ***Seth Govind Das:** Will Government be pleased to state:

(a) whether they have Customs officers in the ports of maritime States to detect what rebates, if any, are given by the States towards tariff duties of goods crossing those ports; if so, whether they are aware what rebates, if any, are being given at present by the States; and

(b) whether they have succeeded in coming to a settlement with Bhavnagar State?

The Honourable Sir James Grigg: (a) No, but in the recent agreements with the maritime States of Kathiawar provisions are included which are designed to prevent practices of the nature suggested.

(b) Not yet.

CONTRIBUTION TOWARDS THE CAPITATION CHARGES.

108. ***Seth Govind Das:** (a) Did Government approach His Majesty's Government for a more satisfactory contribution towards the capitation charges?

(b) If they have not done so yet, when are they going to do so?

(c) If they have already approached, what success, if any, have they met with?

Mr. G. R. F. Tottenham: I would refer the Honourable Member to His Excellency the Commander-in-Chief's speech on the 7th October, 1936, in the Council of State dealing with the Honourable Mr. V. V. Kalikar's Resolution on this subject.

EFFECT ON INDIAN TEA OF THE DEPRECIATION OF THE DUTCH CURRENCY.

109. ***Seth Govind Das:** Will Government be pleased to state:

(a) whether the Indian Tea Planters' Association, Jalpaiguri, has submitted a memorial to the Secretary to the Government in Commerce Department in connection with the depreciation of the Dutch currency;

(b) whether it is a fact that the depreciation of the guilder has been to the extent of about 18 per cent;

(c) whether they made any representations to His Majesty's Government in the United Kingdom to increase the margin of preference in favour of teas of Indian origin to cover the present depreciation in exchanges; and

(d) if they have not done so yet, when they are going to do so, or what other steps they propose taking in the matter to meet the situation?

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

(b) That is the figure given in the letter received from the Indian Tea Planters' Association, Jalpaiguri, but as the guilder is now without a fixed gold value the extent of the depreciation cannot be stated precisely. The latest available quotations make the devaluation about 20 per cent.

(c) and (d). The point has been noted for consideration in connection with the Indo-British Trade negotiations now in progress.

REPRESENTATION MADE BY INDIANS IN CEYLON REGARDING THE TERMS OF REFERENCE OF THE IMMIGRATION COMMISSION.

110. ***Seth Govind Das:** Will Government be pleased to state:

(a) whether they are aware that a representation has been submitted by the Indians in Ceylon to His Excellency the Governor requesting that the terms of reference of the Immigration Commission (now appointed with Sir Edward Jackson as the

sole Commissioner) should be wide enough to include not only assisted and un-assisted Indian Labour but also traders, professionals and others and further that the Commission should also enquire into and report on the contribution made by the Indian community to the economic prosperity of the island; and

(b) whether they took any steps in the matter, if so, what?

Sir Girja Shankar Bajpai: (a) Yes.

(b) Government were not called upon to take any action in the matter.

STATEMENT OF THE BHAVNAGAR DURBAR REPORTED IN THE *STATESMAN*.

111. ***Seth Govind Das:** Will Government be pleased to state:

(a) whether their attention has been drawn to a statement by the Bhavnagar Durbar reported in the *Statesman* on the 22nd October;

(b) whether they have taken any action thereon either to modify the treaty of 1886 or the text of the decision of the Secretary of State for India, communicated to the Bhavnagar Durbar in March 1911 on the treaty of 1866; and

(c) at what stage the matter stands now?

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

(b) No, Sir.

(c) Does not arise.

REDUCTION IN THE FREIGHT ON COTTON EXPORTED FROM INDIA TO THE UNITED KINGDOM.

112. ***Seth Govind Das:** Will Government be pleased to state:

(a) whether they are aware that the Karachi Cotton Association has approached the Lancashire Cotton Committee, Manchester, to secure the reduction in the freight on cotton exported from India to the United Kingdom;

(b) whether they are aware that while the steamer freight on cotton from India to the United Kingdom during the seasons of 1933-34 and 1934-35 was on the average of 20 sh. per ton of 40 cft. the freight rate began to rise, since October 1935 reaching as high as 35 sh. per ton;

(c) whether they are aware of any reasons to account for this sudden and abnormal rise; if so, what they are;

(d) whether they propose to intervene and secure the reduction of the freight of the transport services;

(e) whether or not it is a fact that the transport agencies take away the profits and advantages, contemplated by any trade agreement, by raising their charges;

(f) whether they are aware that the increase in freight on cotton by the shipping companies provides cause to Lancashire for not using Indian cotton in larger quantities, and at the same time the exporter is badly affected; and

(g) whether they have taken any action in the matter, and, if so, what it is?

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

(b) Yes, Sir.

(c) The recent increase in freights is not confined to cotton but applies to other commodities also, indicating a general recovery in the conditions of the shipping trade.

(d) No, Sir.

(e) The Honourable Member can draw his own conclusion.

(f) Government are not so aware.

(g) No, Sir.

RESIGNATION OF SIR OSBORNE SMITH FROM THE GOVERNORSHIP OF THE RESERVE BANK OF INDIA.

†113. ***Seth Govind Das:** Will Government be pleased to state:

(a) whether or not it is a fact that Sir Osborne Smith, Managing Governor of the Reserve Bank of India, resigned his office as a result of differences between him and the Finance Member;

(b) the subject matter on which the differences arose; and

(c) whether they will place on the table relevant papers that actuated the differences between the Finance Member and the Managing Governor of the Reserve Bank; if not, why not?

REBATE SYSTEM ON WHEAT AND FLOUR.

114. ***Seth Govind Das:** Will Government be pleased to state:

(a) whether representations were made to Sir Guthrie Russel, Chief Commissioner of Railways, at Karachi, in October last when he visited that place regarding the continuation of the rebate system on wheat and flour; and

(b) what action, if any, they have taken in the matter?

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

(b) So far as wheat is concerned, I would refer the Honourable Member to the reply I gave to his question No. 53 today. As regards flour, it was not considered that there was any justification for allowing a rebate.

INADEQUATE PROVISION FOR THE EDUCATION OF INDIANS IN FIJI.

115. ***Seth Govind Das:** Will Government be pleased to state:

(a) whether they received a memorial from the Overseas Indian Association, Madras, with reference to the inadequate provisions made by the Fiji Government for the education of Indians;

(b) whether they have taken any action thereon; if so, what it is and the results thereof; and if not, why not?

Sir Girja Shankar Bajpai: (a) Yes.

†For answer to this question, *see* answer to question No. 65.

(b) The position in respect of the education of Indians in Fiji has improved since 1930, when a comprehensive survey was made by the special Inspector of Indian Schools. The number of registered and recognised Indian schools had increased by 1935 from 41 to 75, and the number of students from 2,869 to 5,501. Suggestions for enlarging the facilities for the education of girls, and for imparting secondary education on non-racial lines have recently been brought to the notice of the Government of India, and these will receive attention.

Trade Relations with Germany.

116. *Seth Govind Das: Will Government be pleased to state:

(a) whether the trade relations in our export trade with Germany have improved during the last year;

(b) whether they are trying to foster the present trade relations with Germany by allowing more concessions; and

(c) what action, if any, they have taken in that direction?

The Honourable Sir Muhammad Zafrullah Khan: (a) India's export trade with Germany during 1935-36 increased by Rs. 152 lakhs as compared with the preceding year.

(b) and (c). Germany already enjoys most favoured foreign nation treatment in respect of her trade with India on a basis of reciprocity.

Resignation of Sir Osborne Smith from the Governorship of the Reserve Bank of India.

†**117. *Seth Govind Das:** Will Government be pleased to state:

(a) whether it is a fact that Sir James Grigg threatened to resign his office if Sir Osborne Smith returned to India from England, where he had been on leave;

(b) whether or not it is a fact that Sir James Grigg or the Government communicated to the Secretary of State for India that Sir Osborne Smith should either be prevailed upon not to return to India, or that he should acquiesce in the proposition of letting Sir James Grigg having his own way in matters of policy relating to the Reserve Bank of India;

(c) whether or not it is a fact that because Sir Osborne Smith and Sir James Grigg could not agree on issues of fundamental importance relating to the Reserve Bank policy, Sir Osborne Smith was constrained to resign;

(d) whether or not it is a fact that Sir Osborne Smith tried to convince the Secretary of State for India as to how important and necessary it was in the interest of Indian finance that he should return to India immediately and continue to carry on the work that he had undertaken on behalf of the Reserve Bank of India;

(e) whether it was a fact that Sir Osborne Smith submitted propositions relating to the devaluation of Indian currency stating that by the devaluation British interests would be better served as also the Indian interests; and

†For answer to this question, *see* answer to question No. 65.

(f) whether they will lay on the table all relevant correspondence and suggestions that are connected with the resignation of the Governor of the Reserve Bank of India; and if not, why not?

EVOLUTION OF UNIFORM METHODS OF EXCISE CONTROL AND DUTY IN DIFFERENT PROVINCES.

118. ***Seth Govind Das:** Will Government be pleased to state:

(a) whether they are aware that there happen to be serious inter-provincial barriers existing today to trade in the pharmaceutical and drug industry in the country;

(b) whether they propose placing on the agenda of the All-India Industries Conference the subject of evolving uniform methods of excise control and duty in different provinces;

(c) whether they propose convening a special conference of representatives of all the provinces and Indian States to consider this particular and weighty problem as Government can take a view of the industry as a whole; and

(d) if not, what their reasons are for failing to do so?

Mr. A. H. Lloyd: The question of removing the existing inter-provincial barriers to trade in the pharmaceutical industry in India was discussed at the Eighth Industries Conference held in December, 1936. The conclusion reached at the Conference was that a uniform set of excise rules was desirable and that the question should be referred to a meeting of Excise Commissioners who should be assisted by selected Directors of Industries. The Provincial Governments have been asked by the Government of India to consider the proposal.

REPRESENTATION OF INDIA ON THE COUNCIL OF THE LEAGUE OF NATIONS AND PROVISION OF A PERMANENT DELEGATE AT GENEVA.

119. ***Seth Govind Das:** (a) Will Government be pleased to state whether their attention has been drawn to the representation made by Mr. C. C. Biswas, substitute delegate to the League of Nations, Geneva, to the Secretary General of the League?

(b) Will Government be pleased to state whether or not it is a fact that India is not represented on the Council of the League and that India has no permanent delegation at Geneva?

(c) Did Government make any representation to the League for representation of India on the Council as also to have a permanent delegation of India at Geneva?

(d) Will Government be pleased to state the success they have had in making representations to the League for a permanent delegation and India's representation on the Council?

(e) Will Government be pleased to state whether they propose issuing an ultimatum to the League that if the League fails to provide for a permanent delegation and representation on the Council, India will be constrained to withdraw her membership from the League? If Government do not propose to do this, what are their reasons for not doing so?

The Honourable Sir Nripendra Sircar: (a) No.

(b) Yes.

(c) No.

(d) Does not arise.

(e) No. Government do not, for the present, propose to appoint a permanent representative at Geneva. As regards a seat on the Council Government have hitherto had no occasion to reconsider the attitude adopted in the speech made by Sir B. L. Mitter in the Council of State on 14th July, 1930.

ORDERS-IN-COUNCIL REGARDING PENSION, SALARY, ETC., OF CHIEF JUSTICE AND LEAVE ALLOWANCES OF PROVINCIAL GOVERNORS.

120. ***Seth Govind Das:** Will Government be pleased to state:

(a) whether their attention has been drawn to the latest batch of eight Draft Orders-in-Council;

(b) whether they were consulted in the drafting of the Draft Orders-in-Council;

(c) whether they gave their consent to the Orders-in-Council, specially with regard to the maximum pension of £2,000 a year, salary of Rs. 7,000 per mensem, the provision for gratuity of £3,000 for the dependants of the Chief Justice;

(d) whether they gave their consent basing their consent on any precedent in this country; and

(e) whether they gave their consent to empower the Secretary of State for India to increase the leave allowance of a Provincial Governor to the amount of Rs. 5,500 per mensem?

The Honourable Sir Nripendra Sircar: The Orders-in-Council referred to by the Honourable Member are for the first time required under certain sections and Schedules of the Government of India Act, 1935. They were prepared in consultation with the Government of India. As regards part (e) of the question, the provision to which the Honourable Member refers merely repeats the existing rule.

ORDERS-IN-COUNCIL REGARDING INSTRUMENT OF INSTRUCTIONS TO THE GOVERNORS OF PROVINCES.

121. ***Seth Govind Das:** (a) Has Government's attention been drawn to the Draft Orders (the text of the Instrument of Instructions) which is proposed to issue to the Governors of eleven provinces?

(b) Has there been any alteration made now on the original order relating to this draft published in February 1935 as to how the Governor should constitute his Council of Ministers?

(c) Did Government suggest this alteration, or give their consent to the alteration to include the word "most" in clause VIII:—"In consultation with the person who in his judgment is (most) likely to command a stable majority in the Council"?

(d) Do Government propose suggesting the imposition of the condition that "the need for summoning anybody else to help in forming the Ministry would arise only when the leader of the largest group declines to undertake the responsibility"?

The Honourable Sir Nripendra Sircar: (a) Yes.

(b) and (c). The amendments which are of a verbal nature have been made to set out the intention more clearly.

(d) No.

CLAUSE IN THE INSTRUMENT OF INSTRUCTIONS REGARDING INDIANS IN BURMA.

122. ***Seth Govind Das:** Will Government be pleased to state:

(a) whether their attention has been drawn to the representation made by the Secretary, Burma Indian Delegation, Rangoon, to His Excellency the Governor of Burma, relating to the clause in the Instrument of Instructions regarding Indians in Burma;

(b) whether it is a fact that the Delegation who waited upon His Excellency the Governor of Burma, submitted that the first part of the clause relating to the making of immigration law was unsatisfactory and in direct contravention of the understanding arrived at in London last year between the Secretary of State for India and the Delegation;

(c) whether or not it is a fact that it was then agreed that the power of the Burma Legislature to impose restriction on the entry of Indians would be confined to unskilled labour alone;

(d) whether or not it is a fact that, in order to secure this, Earl Winterton had given notice of an amendment to amend the proviso to sub-clause 3 of clause 340 of the India Bill (section 44 of the Burma Act) as follows:

"Provided that nothing in this sub-section shall affect any restriction lawfully imposed on the right of entry into Burma of such Indian subjects of His Majesty domiciled in British India as enter Burma, whether by previous engagement or otherwise, to perform unskilled labour for hire in Burma, not being domestic or menial servants and members of their families and dependants."

(Parliamentary Debates, House of Commons, 10th April, 1935, Col. 1267);

(e) whether their attention has been drawn to the official amendment moved by the Attorney-General (Sir Thomas Inskip) to sub-clause 3 of clause 340, incorporated in the Burma Act and the issues raised by him:

"At the same time, we have tried to devise a Clause which will allow free flow between India and Burma, so that subjects of Indian State as well as all British subjects domiciled in India will not be made subjects of any racial or domiciliary discrimination."

(Parliamentary Debates of House of Commons, 10th April, 1935, Cols. 1767-68);

(f) whether they were consulted on the alteration of the clause in the Draft Instrument of Instructions;

(g) whether they gave their consent thereto after considering the immense importance of the question to the Indian community in Burma; and

(h) whether they propose to attempt and secure the amendment of the relevant clause in the Draft of Instrument of Instructions, so as to confine the restrictions on entry to unskilled labour if and when the contingency arises; and if not, why not?

The Honourable Sir Nripendra Sircar: (a) No. But some commercial bodies in Burma and India have represented to Government regarding the provisions of paragraph 20 of the Instrument of Instructions to the Governor of Burma.

(b) to (g). The attention of the Honourable Member is invited to the speeches of Sir Thomas Inskip and Sir Samuel Hoare in the Committee of the House of Commons on the 10th April, 1935, on clause 340 of the Government of India Bill (now section 44 of the Government of Burma Act, 1935) and also to the speech of the Secretary of State in the House of Lords on paragraph 20 of the Instrument of Instructions to the Governor of Burma. The intention of Government is fully explained in these speeches and I have nothing to add.

(h) Government are not prepared to take the action proposed by the Honourable Member.

RESIGNATION OF SIR OSBORNE SMITH FROM THE GOVERNORSHIP OF THE RESERVE BANK OF INDIA.

†123. ***Sardar Sant Singh:** Will Government please state the reasons which led to the resignation of Sir Osborne Smith from the Governorship of the Reserve Bank of India?

RULES FOR TRAVEL BY MAIL TRAINS BY PASSHOLDERS.

124. ***Sardar Sant Singh:** What are the rules of the Railway for passholders in regard to their travelling by the mail train?

The Honourable Sir Muhammad Zafrullah Khan: The rules vary on the different railways according to the local conditions obtaining on each railway. But in the case of passes interchanged between railways, there is no restriction as regards first class passes; intermediate and third class passes are not available by mail: second class passes are available by mail:

(i) for staff drawing Rs. 400 per mensem and over;

(ii) for staff drawing less than Rs. 400, when travelling 600 miles and over;

(iii) on medical certificate, at the issuing Agent's discretion.

DETENTION OF TEJA SINGH AZAD AS A STATE PRISONER UNDER REGULATION III OF 1818.

125. ***Sardar Sant Singh:** (a) Since how long has Teja Singh Azad been detained as a State Prisoner under Regulation III of 1818?

(b) Since his arrest, how many times were his papers laid before the Honourable Judges of the Lahore High Court?

(c) When were his papers examined last?

†For answer to this question, *see* answer to question No. 65.

(d) What allowance is being paid to him, to his wife and to his parents?

The Honourable Sir Henry Craik: (a) Since 17th March, 1936.

(b) and (c). I would refer the Honourable Member to the reply given by me to parts (a) to (d) and (f) of Mr. Satyamurti's question No. 1053 on the 26th March, 1935. Teja Singh's case was last reviewed by Government in September, 1936.

(d) He receives a daily allowance of Rs. 1-6-0 for diet and a monthly allowance of Rs. 32 and his wife gets a monthly allowance of Rs. 30.

UNIVERSITY TRAINING CORPS TRAINING CAMP HELD AT SHAHDARA NEAR LAHORE.

126. ***Sardar Sant Singh:** (a) Is it a fact that a U. T. C. training camp was held at Shahdara near Lahore during November, 1936? If so, for how many days was it held?

(b) Is it a fact that during the camp days, a bomb explosion occurred, causing injuries to several student-soldiers? If so, what was this explosion due to, and how many student-soldiers received injuries?

(c) Have Government paid any compensation to the injured soldiers? If not, do Government propose to grant some compensation?

Mr. G. R. F. Tottenham: (a) Yes, from 1st to 15th November, 1936.

(b) and (c). Information has been called for from the local military authorities and will be laid on the table on receipt.

ALLEGATIONS AGAINST MR. C. J. HAMMIL, STATION SUPERINTENDENT, NORTH WESTERN RAILWAY.

127. ***Sardar Sant Singh:** (a) Is it true that Mr. C. J. Hammil, Station Superintendent, North Western Railway, is carrying on as such for the last fourteen years?

(b) Are Government aware that corruption and bribery have been alleged to be rampant?

(c) Is it a fact that complaints regarding corruption, bribery and other serious irregularities at Lahore Station appeared in the *Railway Herald*, Karachi, and other papers? If so, why was action not taken by the administration?

(d) Are Government aware that two Divisional Superintendents (Mr. B. C. L. Bean and Colonel Carson, the present Agent of the North Western Railway) recommended for this man's transfer? Why was he not transferred?

(e) Is it a fact that Mr. A. P. R. Grindley, D.T.O., who criticised Mr. C. J. Hammil and his maladministration at Lahore was transferred out of Lahore for criticising Hammil?

(f) Is it a fact that open charges of paying hush money by the contractors of Lahore station have been made? If so, are Government prepared to hold confidential enquiry through Police?

The Honourable Sir Muhammad Zafrullah Khan: I am collecting information and will lay a reply on the table of the House in due course.

VENDING CONTRACTS FOR REFRESHMENTS, ETC., ON THE NORTH WESTERN RAILWAY.

128. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state if vending contracts for refreshments, restaurants, dining cars, and stalls on North Western Railway are given permanently with a condition that they could be cancelled with a certain notice if not carried on properly?

(b) Is it a fact that tenders are called for every year and the contracts are not given to the highest bidders?

(c) Is it a fact that the above practice applies to both European and Indian vending and refreshment rooms contractors? If not, why not?

(d) Is it a fact that in 1934, a move was made to give the contracts to the highest bidder, but objections were raised to it by the public?

(e) Is it a fact that this question came up before the Local Advisory Committee at Karachi last year? If so, what was their opinion?

(f) Is it a fact that this question came up on the Resolution of Dr. Ziauddin Ahmed, M.L.A., before the Legislative Assembly in 1934, but was withdrawn?

(g) Is it a fact that the Railway authorities intend to re-open the matter and the public have sent in protests?

(h) Will Government be pleased to state if this question has been laid before the Local Advisory Committee at Karachi this year? If not, do Government propose to obtain their opinion and also submit the question to be discussed by the Central Railway Advisory Council? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) The licenses referred to are given out without specifying any time limit, but there is a clause in the agreement which permits of its being terminated by the Railway on giving due notice.

(b) No.

(c) Does not arise.

(d) No.

(e) Yes. The Committee were opposed to licenses being sold.

(f) The general question of catering contracts was discussed on the Resolution which was withdrawn.

(g) Yes.

(h) The Agent, North Western Railway, states that he does not propose to discuss this matter with the Local Advisory Committee at Karachi again, as their opinion was obtained in 1935. His Advisory Committee at Lahore were of the opinion that licenses should be sold to approved contractors. The question of catering contracts was discussed at the last meeting of the Central Advisory Council for Railways whose views are under consideration.

Mr. Lalchand Navalrai: May I know, Sir, if the condition of giving notices has ever been used?

The Honourable Sir Muhammad Zafrullah Khan: I should require notice of that question.

Mr. Lalchand Navalrai: It does arise out of the same question.

The Honourable Sir Muhammad Zafrullah Khan: But, I said I require notice.

Mr. Lalchand Navalrai: But notice has already been given, and my question is whether there is any condition, and if there is any now, if that has ever been put into force?

The Honourable Sir Muhammad Zafrullah Khan: Does the Honourable Member expect me to carry the whole record of these contracts in my head and tell him whether this condition has or has not ever been exercised in the past?

Mr. Lalchand Navalrai: I thought the Honourable Member was carrying in his head more than this.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has given the information which was asked for.

Mr. Lalchand Navalrai: I want to know, Sir, whether the present contractors like Spencer & Co. and others had tendered, whether tenders had been called for from those people?

The Honourable Sir Muhammad Zafrullah Khan: I have not been able to follow the question.

Mr. Lalchand Navalrai: I want to know whether the European caterers have been having these contracts continuously even though better bids have come from others?

The Honourable Sir Muhammad Zafrullah Khan: I have no information on the point.

Dr. Ziauddin Ahmad: Did Government ever contemplate to change the contractors when the prices had substantially come down?

The Honourable Sir Muhammad Zafrullah Khan: That is not asking for definite information: it is asking for information whether Government did or did not contemplate doing a certain thing.

Dr. Ziauddin Ahmad: Are the Government aware that in the North Western Railway the contracts were sold in spite of their assurance to the contrary in the Central Advisory Committee for Railways?

The Honourable Sir Muhammad Zafrullah Khan: If the Honourable Member will put down a specific question with regard to that, I shall try to answer it.

CONVICTS IN THE ANDAMANS.

129. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state if it is a fact that convicts in the Andaman Islands are given tickets of leave and then they live in villages?

(b) Is it a fact that they are given grants of land and are allowed to keep cattle?

(c) Is it a fact that they are allowed to bring their wives and families from India and are allowed to live in the villages? If so, on what conditions?

The Honourable Sir Henry Craik: (a) Yes, after spending three months in the jail at Port Blair.

(b) Yes.

(c) After passing one year in the Settlement a talabdar or self-supporter convict can apply for permission to import his wife and family at Government expense. If he desires to import his wife and family earlier he can do so at his own expense.

Mr. Lalchand Navalrai: May I know if they are given houses also to live in after they are given that ticket?

The Honourable Sir Henry Craik: Yes, I think so.

Mr. Lalchand Navalrai: Are they given any other help to maintain themselves?

The Honourable Sir Henry Craik: Yes, they are given advances to purchase cattle.

Mr. Lalchand Navalrai: To purchase cattle only?

The Honourable Sir Henry Craik: I think so.

Mr. Lalchand Navalrai: Is any takavi given to them to carry on cultivation?

The Honourable Sir Henry Craik: I cannot say for certain without notice, but I think they are given takavi.

PRISONERS IN THE ANDAMANS LIVING ON TICKET OF LEAVE SYSTEM AND CONVICTS CONFINED IN THE JAIL AT PORT BLAIR.

130. ***Mr. Lalchand Navalrai:** Will Government be pleased to state how many prisoners in the Andamans live on ticket of leave system, and how many convicts, political and others, respectively, are confined in the jail at Port Blair?

The Honourable Sir Henry Craik: On 31st April, 1936, the number of convicts living outside the Jail was 5,041. The number on the same date confined in the Jail was 864, of whom 294 were prisoners convicted of terrorist crimes.

Mr. Lalchand Navalrai: May I know if there are any political convicts who are also given tickets of leave system?

The Honourable Sir Henry Craik: No, if the Honourable Member means convicts convicted of terrorist crimes, no.

Mr. Lalchand Navalrai: I don't mean convicts convicted of terrorist crimes, I mean detenus.

The Honourable Sir Henry Craik: There are no detenus there.

Mr. Lalchand Navalrai: Are there any other political prisoners there who are not political terrorists?

The Honourable Sir Henry Craik: I don't know what the Honourable Member means by political prisoners.

Mr. Lalchand Navalrai: I mean those who have not committed offences similar to those committed in Bengal.

The Honourable Sir Henry Craik: No, as far as I am aware, the only convicts confined in the jail permanently are those who have been convicted of terrorist crimes.

PRISONERS WHO ESCAPED FROM THE ANDAMANS.

131. ***Mr. Lalchand Navalrai:** Will Government be pleased to state the number of prisoners who escaped from the Andamans during the last three years? How many of them were recaptured, and how many got drowned during the above period?

The Honourable Sir Henry Craik: Four prisoners escaped from the Andamans during the last three years. Three of them were recaptured and one is still at large. No prisoner was drowned.

Mr. Lalchand Navalrai: What was the punishment given to those that had run away; were those people punished or not?

The Honourable Sir Henry Craik: : I should like to have notice of that question.

SAFETY OF WOMEN PASSENGERS ON THE RAILWAYS.

132. ***Mr. Lalchand Navalrai:** (a) With reference to my question asked during the last Simla Session of the Assembly regarding the safety of women passengers on the Railways, will Government be pleased to state if they have been able to find any more effective preventive measures against miscreants entering compartments with an intention to commit offences? If so, what steps do Government intend taking in order to save the honour and property of the women passengers?

(b) Do Government propose to consider the suggestion made by Mr. Hiranand J. Adyani in the *Daily Karachi* of 4th November, 1936, namely, that an electric bell device in women's compartments may be created with one switch at one end of each bench within sitting reach of women passengers, or just below the luggage planks, away from the door, attached to one single wire in the compartment connected with a bell in the guard's compartment, or in the engine itself? If so, do Government propose to commit this plan for the approval and adoption to some experts? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) Orders have been issued for additional alarm pulls to be provided in lower class compartments reserved for women in which existing pulls are positioned only over body-side doors.

A suggestion that the upper part of partitions separating women's compartments from adjacent compartments should be provided with suitable shielded openings, which would more readily permit of oral communication between the two compartments, has also been referred to all Railways for consideration through the Indian Railway Conference Association.

(b) The answer to the first part is that Government has already considered the suggestion. The answer to the second part is in the negative, if experts outside the Government of India are referred to by the Honourable Member. Reference to such experts is unnecessary to show that the cost of installation and maintenance of the device proposed prohibits its adoption.

Mr. Lalchand Navalrai: May I know who was the officer or expert who considered the suggestion given in clause (b)?

The Honourable Sir Muhammad Zafrullah Khan: I have not got the name with me here, but I don't think it is necessary to specify the name.

Mr. Lalchand Navalrai: I want to know if he was an expert or he was only one of the Members of the Railway Board or the Agent himself?

The Honourable Sir Muhammad Zafrullah Khan: Whoever considered this, was quite competent to consider the matter.

Mr. Lalchand Navalrai: In order to see if he was really competent or not, I should like to know whether he was the Agent of the Railway or a Member of the Railway Board or a mechanic?

The Honourable Sir Muhammad Zafrullah Khan: I don't think the Honourable Member is entitled to ask for that information.

Mr. Lalchand Navalrai: When it arises out of these questions, I think we should not be asked to restrict ourselves strictly to the question that is answered.

Mr. President (The Honourable Sir Abdur Rahim): If there is no ambiguity in the answer given, then there cannot be any supplementary question If the Honourable Member will read the Standing Order he will see that it is only to elucidate any particular answer that a supplementary question is allowed.

Mr. Lalchand Navalrai: The answer is not clear, and that is why I asked who was the person who considered this.

Mr. President (The Honourable Sir Abdur Rahim): It is not in the original question. It ought to have been put down in the original question.

The Honourable Sir Muhammad Zafrullah Khan: Even generally, Sir, I would submit, are Honourable Members entitled to ask which particular person considered a particular suggestion which has been found to be feasible or not feasible?

Mr. Lalchand Navalrai: I am not asking the name of the person, but I am entitled to know whether he was a competent man or not.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already answered that. Next question.

The Honourable Sir Muhammad Zafrullah Khan: I have said so.

ROBBERY IN TRAIN BETWEEN VIRAMGAM AND WADVANA.

133. ***Mr. Lalchand Navalrai:** (a) Are Government aware, as is stated in the Sind Vernacular Press—*Sansar Samachar*, dated the 20th November, 1936 that a daring robbery took place in the running train between 'Viramgam' and 'Wadvana' and in consequence a woman jumped out and was severely injured?

(b) What have Government done with regard to that incident and to prevent recurrence?

The Honourable Sir Muhammad Zafrullah Khan: (a) The Agent, Bombay, Baroda and Central India Railway, reports that, according to the statement made by the lady who was travelling second class, after the train had left Lakhtar station she saw an armed man attempting to enter her compartment and becoming frightened jumped out of the window of the compartment sustaining certain injuries.

(b) The matter was enquired into by the police, who have reported the case as "undetected".

Mr. Lalchand Navalrai: May I know if the man got into the train while it was running or from some station when the train was standing?

The Honourable Sir Muhammad Zafrullah Khan: It could not be ascertained whether there was anybody at all trying to get into the compartment.

CLASSIFICATION OF APPRENTICES AS TECHNICALLY TRAINED HANDS ON THE EAST INDIAN RAILWAY.

134. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Are Government aware that in the Mechanical Departments, Lucknow, East Indian Railway, all staff who underwent any sort of apprenticeship training are classified as technically trained hands and are promoted to chargemen's cadre, irrespective of their standard of apprenticeship training and education?

(b) Are Government aware that in the Mechanical Department, East Indian Railway, Jamalpore, special class apprentices, apprentice mechanics and trade apprentices are trained in different standards, although all of them attend the same Technical School?

(c) Are Government aware that in the East Indian Railway Technical School, Jamalpore, special class apprentices (selected by Public Service Commission) are trained for the gazetted officers' posts, apprentice mechanics for the post of chargemen and trade apprentices for the posts of mistries?

(d) Will Government please state whether the promotion and appointments of *ex*-apprentice mechanics or of trade *ex*-apprentices will be guided by the rules and principle applicable to the special class *ex*-apprentices of East Indian Railway Technical School, Jamalpore? If not, will Government please state the reasons therefor?

The Honourable Sir Muhammad Zafrullah Khan: (a) I would refer the Honourable Member to the reply laid on the table of the House to parts (a) and (b) of starred question No. 252 asked by him on the 9th September, 1936.

Government are informed as follows:

(b) and (c). Yes.

(d) No. The three groups of apprentices mentioned in the question are recruited and trained for different avenues of employment.

CLASSIFICATION OF TECHNICALLY TRAINED SUPERVISING STAFF OF THE MECHANICAL DEPARTMENT, EAST INDIAN RAILWAY.

135. ***Mr. Amarendra Nath Chattopadhyaya**: With reference to starred questions Nos. 252, 253, 254, 256 to 258 of 9th September, 1936, regarding classification of technically trained supervising staff of the Mechanical Department, East Indian Railway, will Government please state:

(i) whether they have collected the information now;

(ii) whether they are in a position to lay the replies on the table now; and

(iii) the reasons for such long delay although they were given notice in June, 1936?

The Honourable Sir Muhammad Zafrullah Khan: The replies to questions Nos. 252, 253, 254, 256, 257 and 258 asked by the Honourable Member on the 9th September, 1936, have been placed on the table of the House.

WITHDRAWAL OF INDIA FROM THE LEAGUE OF NATIONS.

136. ***Sardar Mangal Singh:** Will Government please state:

(a) whether they are aware of the fact that there is a widespread and strong public opinion in the country that India should immediately withdraw from the League of Nations; and

(b) whether they have considered this question; and if so, what their conclusion is, and reasons therefor?

The Honourable Sir Nripendra Sircar: (a) Government are aware that India's membership of the League of Nations is viewed with dissatisfaction in certain quarters.

(b) I have explained in reply to a number of previous questions Government's reasons for declining to contemplate the withdrawal of India from the League and I would refer the Honourable Member to the debate in the Council of State on the Resolution regarding the withdrawal of India from the League moved by the Honourable Mr. Hossain Imam, on the 22nd September, 1936.

APPOINTMENT OF DELEGATES FROM INDIA TO THE LEAGUE OF NATIONS.

137. ***Sardar Mangal Singh:** Will Government please state whether they have considered or propose to consider the question of appointment of delegates from India to the League of Nations?

The Honourable Sir Nripendra Sircar: Presumably the Honurable Member is referring to the appointment of delegates from India to the next September session of the Assembly of the League of Nations. If so, the question has not yet been considered.

DIFFERENCE OF OPINION BETWEEN THE INDIAN AND BRITISH DELEGATES TO THE LEAGUE OF NATIONS.

138. ***Sardar Mangal Singh:** Will Government please state how many times in the past the delegates from India have differed from the British delegates in the League of Nations?

The Honourable Sir Nripendra Sircar: I would refer Honourable Member to my reply to question No. 852 on the 7th October, 1936.

OPINION EXPRESSED BY THE INDIAN DELEGATES TO THE LEAGUE OF NATIONS REGARDING CONQUEST OF ABYSSINIA AND RAISING OF SANCTIONS AGAINST ITALY.

139. ***Sardar Mangal Singh:** Will Government please state what opinion the Indian delegates expressed at the last meeting of the League of Nations regarding the conquest of Abyssinia and raising of sanctions against Italy and who prepared the brief for them—the British Government, or the Government of India?

Sir Aubrey Metcalfe: The questions referred to by the Honourable Member were not discussed at the last meeting of the League and no opinions were expressed regarding them by the Indian delegates. The second part of the question does not therefore arise.

CONSULTATION OF THE GOVERNMENT OF INDIA ON THE QUESTION OF NON-INTERVENTION IN THE SPANISH CIVIL WAR.

140. ***Sardar Mangal Singh:** Will Government please state whether they were consulted by the British Government on the question of non-intervention in the Spanish civil war? If so, will Government please state what opinion they expressed in the matter?

Sir Aubrey Metcalfe: No.

ACTION TAKEN ON THE RESOLUTION *RE* INDEBTEDNESS OF AGRICULTURISTS PASSED BY THE LEGISLATIVE ASSEMBLY.

141. ***Sardar Mangal Singh:** Will Government please state whether they have considered the Resolution passed by this House on the 24th September, 1936, regarding the 'indebtedness of agriculturists'? What steps do they propose to take in furtherance of that Resolution?

Sir Girja Shankar Bajpai: The matter is under consideration.

TROOPS DESPATCHED TO KHAISORA VALLEY.

142. ***Sardar Mangal Singh:** (a) Will Government please state whether it is a fact that two columns of troops were despatched to Khaisora Valley in November, 1936, and that shortly after the columns left, they were met with stubborn opposition by the tribesmen and as a consequence of this the troops suffered heavy casualties?

(b) Will Government please state whether they have made enquiries from Army authorities that sufficient precautions were taken before the said columns started and whether suitable steps have been taken to avoid a repetition of such a disaster in future?

Mr. G. R. F. Tottenham: (a) Yes. Full details have already been published in Government communiques.

(b) The precautions taken were those that are invariably taken when any column moves in tribal territory on the North-West Frontier.

NATIONAL FLAG FOR INDIA.

143. ***Sardar Mangal Singh:** Will Government please state:

(a) whether they propose to consider the question of a national flag for India;

(b) whether they are aware of the fact that the tricolour national flag is generally recognised by all communities as the national flag of India; and

(c) whether they are prepared to consider the suggestion that the tricolour national flag with the Union Jack inscribed in one corner should be officially recognised as the national flag of this country?

The Honourable Sir Henry Craik: (a), (b) and (c). I would refer the Honourable Member to the reply which I gave today to Mr. Mohan Lal Saxena's question No. 66.

ALLOWANCES GIVEN TO CERTAIN DETENUS AND THEIR DEPENDANTS.

144. *Sardar Mangal Singh: (a) Will Government please state what allowance is being given to the undermentioned detenus and their dependants:

Sardar Teja Singh Sutantar.
Baba Karam Singh Dhut.
S. Wasdev Singh.
S. Chanan Singh.
Comrade Ram Kishan.
Comrade Ihsan Elahi?

(b) Will Government be pleased to state if they are prepared to reconsider the cases of the above-mentioned detenus with a view to releasing them, as most of them have been in jail for more than five years?

The Honourable Sir Henry Craik: (a) I place a statement on the table showing allowances granted to the State Prisoners in question and their dependants.

(b) In accordance with the provisions of Regulation III of 1818, cases of all State Prisoners are reviewed by Government every six months. Only Karam Singh and Ihsan Elahi have been in jail for more than five years. Government are not at present able to agree to the release of these prisoners.

Supplementary statement regarding State prisoners.

Name of State Prisoners.	Amount of allowances for the State prisoner himself.	Amount of allowances for his family and dependants.
		Rs.
1. Teja Singh Azad . .	Diet allowance Rs. 1-6-0 per day. Monthly allowance Rs. 32	30 per mensem for wife.
2. Karam Singh . . .	Do. . Do.	
3. Teja Singh *alias* Wasdev Singh	Do. . Do.	20 per mensem for mother.
4. Chanan Singh . . .	Do. . Do.	
5. Ram Kishan . . .	Do. . Do.	40 per mensem for wife.
6. Ihsan Elahi . . .	Do. . Do.	

FACILITIES TO DETENUS SEEKING ELECTION TO THE PUNJAB LEGISLATIVE ASSEMBLY.

145. *Sardar Mangal Singh: (a) Will Government please state if they are prepared to grant reasonable facilities to such of the detenus as are seeking election to the Punjab Provincial Assembly, such as S. Teja Singh Sutantar and Sardar Harjap Singh of Mahilpore?

(b) Will Government please state whether, in view of the fact that S. Teja Singh Sutantar is seeking election to the Punjab Assembly from Gurdaspur District, but he is at present detained in district jail at Campbelpore which is 300 miles away from his constituency, they are prepared to transfer him to Gurdaspur District Jail, or detain him within the revenue limits of his village, so that he may be near his constituency and be in a position to look after the affairs of his election?

The Honourable Sir Henry Craik: (a) The State Prisoners, to whom the Honourable Member refers, are detained in jail under Regulation III of 1818, where they are subject to certain restrictions. Government are not prepared to relax those restrictions to facilitate their standing for elections.

(b) No.

ABSENCE OF FACILITIES FOR AGRICULTURAL EDUCATION IN AJMER-MERWARA.

146. ***Rai Bahadur Seth Bhagchand Soni:** (a) Is it a fact that there are no facilities for agricultural education in the province of Ajmer-Merwara?

(b) Are Government aware that students from that province are refused admission in agricultural colleges of other provinces and in some cases they are admitted on very prohibitive terms?

(c) Are Government aware that a student of Ajmer-Merwara applied for admission to the agricultural college at Farrukhabad, through the Commissioner, Ajmer-Merwara and that he was asked by the authorities of the college to deposit Rs. 600 for his tution fees?

(d) Are Government prepared to consider the advisability of providing free education for the students of Ajmer-Merwara, who cannot pay full fees in institutions of other provinces?

Sir Girja Shankar Bajpai: (a) Yes.

(b) and (c) Government are aware that a student from Ajmer-Merwara who sought admission to the agricultural school at Bulandshahar was required to pay contribution, over and above the ordinary fees, of Rs. 600 per annum as his domicile was not in the United Provinces.

(d) Yes.

Babu Baijnath Bajoria: Is there an agricultural college in each province?

Sir Girja Shankar Bajpai: I believe in the major provinces, yes.

Babu Baijnath Bajoria: Is there any in Bengal?

Sir Girja Shankar Bajpai: It may be that Bengal, which is a major province, is an exception to the statement that I have made; I do not know. My Honourable friend comes from Bengal; he should know. (Laughter.)

WOOL EXPORTED FROM AJMER-MERWARA AND BEAWAR.

147. *Rai Bahadur Seth Bhagchand Soni: (a) Will Government state the quantity of wool exported from the districts of Ajmer-Merwara and Beawar during the last five years?

(b) Are Government aware that there has been a steady decrease in the quantity of wool exported from this province?

(c) Will Government state the reasons for this decrease, and do they propose to take steps to encourage such trade?

The Honourable Sir Muhammad Zafrullah Khan: (a) The information asked for by the Honourable Member is not available.

(b) and (c) Do not arise.

Rai Bahadur Seth Bhagchand Soni: Will Government try to obtain this information and place it before the House?

The Honourable Sir Muhammad Zafrullah Khan: Unless a special enquiry is made into the matter the information cannot be obtained, and I do not think it is worth while making an enquiry.

Rai Bahadur Seth Bhagchand Soni: It means that Government will not take steps to find out how much wool is being exported from Ajmer-Merwara.

The Honourable Sir Muhammad Zafrullah Khan: There are no separate statistics showing the quantity of wool exported from Ajmer-Merwara.

Rai Bahadur Seth Baghchand Soni: Is it not a fact that it is the chief industry of Ajmer-Merwara and that Government should enquire into the matter?

The Honourable Sir Muhammad Zafrullah Khan: I have nothing to add to what I have said.

OPINION TENDERED BY THE GOVERNMENT OF INDIA IN REGARD TO THE MARRIAGE PLANS OF *ex*-KING EDWARD VIII.

148. *Sardar Mangal Singh: Will Government please state what opinion they tendered to His Majesty's Government in regard to the marriage plans of His Majesty King Edward VIII? Will Government lay the same on the table of this House?

The Honourable Sir Henry Craik: The Government of India were not consulted on the question and no opinion was therefore expressed by them.

MOTOR VEHICLES IN PROVINCES AND INDIAN STATES.

149. *Mr. J. Ramsay Scott: (a) Is it a fact that Government have asked each province for the numbers of motor vehicles in each province during the last three years?

(b) Will Government please give the figures of motor vehicles in each province under the headings of private cars, taxis, buses, private lorries, lorries and cycles?

(c) Have the same details been called for from Indian States?

(d) If these details have not been called for, do Government propose to call for the same?

(e) If these details are available, will Government please give them?

The Honourable Sir Frank Noyce: (a) Yes.

(b) A statement giving the information as at the end of 1935-36 is laid on the table.

(c) No.

(d) Government are considering this question.

(e) Does not arise.

Statement showing the number of Motor Vehicles at the end of 1935-36.

Province.	Motor buses (Passengers.)	Motor lorries (Goods.)	Motor taxis.	Motor Cars (Private.)	Motor Cycles.	Remarks.
Madras . .	3,621	964	319	13,254	1,364	
Bombay . .	4,500	3,260	1,020	13,460	760	
Bengal . .	4,765 (including lorries).	..	..	18,646 (including taxis.)	1,139 (including Scooters and auto-wheels.)	
United Provinces*	3,857	286	658	10,063	1,009	*Figures relating to the period upto September 1936.
Punjab . .	1,349	5,179 (public.) 499 (private). 96 (heavy motor vehicles).	604	7,259	1,573	
Bihar . .	1,099 (including motor taxis.)	322	..	4,739	411	
Orissa . .	157	16	92	508	35	
Central Provinces.†	1,518	130	325	2,912	655	† As in August 1935.
Assam ‡ . .	512	1,179	278	2,241	128	‡Figures as at the end of calendar year 1935.
North-West Frontier Province.	3,530 (including motor lorries.)	..	..	4,783 (including motor taxis.)	1,637	
Sind . . .	541	414	346	2,424	492	

Mr. N. M. Joshi: May I ask whether the Government of India will also collect information regarding the men employed in this industry, on motor cars, buses and such like things?

The Honourable Sir Frank Noyce: No.

Increase in the Amount to be spent on Roads credited to the Petrol Fund.

150. ***Mr. J. Ramsay Scott:** (a) Is it a fact that the Central Government collects from motor transport users taxes in the form of import duty

and excise on petrol, oil, cars, buses, trucks, tyres, paints and varnish, upholstery, electrical bulbs and wiring, machinery, etc., to the value of eight to nine crores a year?

(b) Will Government please give the receipts of such taxation in detail?

(c) Is it a fact that the only return to the motor transport user and spent on the roads by the Central Government is 1½ crores derived from the petrol tax?

(d) Are Government prepared to consider the question of increasing the amount to be spent on roads credited to the petrol fund from 2½ annas to 4 annas?

The Honourable Sir James Grigg: (a) and (b) The revenue from the tax on motor spirit, and from the import duties on motor vehicles and tyres, will be found in the monthly statements of Indian Customs Revenue, and in the Finance and Revenue Accounts, both of which are in the Library of the House. As regards the other dutiable commodities mentioned by the Honourable Member, it is impossible to say what proportion of them is consumed in connection with motor transport and I am therefore unable to verify the total figure of revenue or to give details under each head.

(c) No. Besides the grants to the Road Fund provision is also made from Central Revenues for the construction and maintenance of roads in Centrally Administered Areas.

(d) No.

Mr. N. M. Joshi: May I know whether the Government of India have accepted the principle that the amount collected from a tax on any article should be spent for the benefit of the users of that article?

The Honourable Sir James Grigg: Quite definitely no.

Mr. Lalchand Navalrai: May I know, with reference to the answer to part (d) of the question, what are the reasons for not considering the question of increasing the amount to be spent on roads?

The Honourable Sir James Grigg: I will give one reason which I think can be conclusive. I do not see why we should unbalance the central budget in order to intensify road rail competition and unbalance it still further.

Mr. Lalchand Navalrai: When the roads are in a bad condition on account of competition and they are being asked to be repaired, why should he not make up for it?

The Honourable Sir James Grigg: The Honourable Member is just as capable of answering that as I am. All I can say is we are not going to do it.

Dr. Ziauddin Ahmad: Will the Honourable Member tell us what portion of the ten annas which he collects from petrol is debited in the accounts of the revenue and how much goes to the road fund?

The Honourable Sir James Grigg: My recollection is that the full ten annas appears in the revenue collections and 2½ annas is debited by way of expenditure grants. In other words, the accounts in this matter are gross and not net.

AMOUNTS SPENT IN PROVINCES AND INDIAN STATES ON ROADS.

151. ***Mr. J. Ramsay Scott:** Will Government please give in detail the amounts spent in each province and Indian States on roads from their own revenues?

The Honourable Sir Frank Noyce: The Honourable Member has not stated for what period he wants the information, nor what details he requires. A statement showing the expenditure incurred in major Provinces from provincial and local revenues, excluding municipal revenues, for the year 1934-35, on original works and on maintenance is laid on the table. I cannot separate provincial revenues from local revenues, nor have I any information regarding expenditure by Indian States.

Statement showing expenditure incurred in major provinces on roads from provincial and local board revenues during the year 1934-35.

	Original works (Rs. lakhs.)	Maintenance. (Rs. lakhs.)	Total. (Rs. lakhs.)
1. Madras	36·5	99·8	136·3
2. Bombay	15·0	42·4	57·4
3. Bengal	2·2	24·4	26·6
4. United Provinces	0·7	30·4	31·1
5. Punjab	2·8	59·1	61·9
6. Bihar and Orissa	7·4	42·1	49·5
7. Central Provinces	3·9	31·1	35·0
8. Assam	1·6	27·5	29·1
9. North-West Frontier Province	0·5	18·7	19·2
10. Burma	3·7	36·7	40·4
Total	74·3	412·2	486·5

MILAGE AND CLASSIFICATION OF ROADS IN PROVINCES AND INDIAN STATES.

152. ***Mr. J. Ramsay Scott:** Will Government please give the mileage of roads in each province and Indian State and give the various classifications of such roads?

The Honourable Sir Frank Noyce: I regret that up-to-date information of road milage and its classification is not readily available in a complete form. I might, however, refer the Honourable Member to page 610 of the Statistical Abstract for British India from 1923-24 to 1932-33. Statistics of milage of certain classes of roads which were compiled for a special purpose will be found in Appendix A to the Mitchell-Kirkness Report, a copy of which is in the Library. Steps are being taken to collect complete statistics which will be placed on the table when they are ready.

Dr. Ziauddin Ahmad: Since this will be important when we discuss the question of road-rail competition, may I ask the Honourable Member, will he be able to get this information by the time he moves his Resolution?

The Honourable Sir Frank Noyce: I am afraid not.

TAXATION ON PRIVATE CARS.

153. ***Mr. J. Ramsay Scott:** (a) Is it a fact that taxation on private cars weighing between 20—30 cwts. is as below:

	Provincial.	Municipal.	Total.
	Rs.	Rs.	Rs.
Bombay	60	100	160
Madras	100	..	100
Bengal	48	..	48
Bihar and Orissa	50	..	50
United Provinces	45	..	45
Central Provinces	30	15	45
Punjab	80	30	110

(b) Will Government please supply taxation figures for Bihar and Orissa separately and also those for Sind, North-West Frontier Province, Central areas and Indian States?

The Honourable Sir Frank Noyce: With your permission, Sir, I will reply to questions Nos. 153 to 155 together. My information regarding the details asked for is at present far from complete, but I will obtain the information asked for and lay it on the table.

TAXATION ON MOTOR BUSES.

†154. ***Mr. J. Ramsay Scott:** (a) Is it a fact that taxation on a bus 30 cwt. 20 seater is as follows:

	Provincial Tax.	Municipal Tax.	Total.
	Rs.	Rs.	Rs.
Bombay	376	60	436
Madras	700	600 D. B. Tax.	1,300
Bengal	..	..	111
Bihar and Orissa	..	..	342
United Provinces	..	..	241
Central Provinces	160	36	196
Punjab	50	48‡	74

†For answer to this question, see answer to question No. 153.
‡ Rebate of half of municipal tax.

(b) Will Government please supply taxation figures for Bihar and Orissa separately and also those for Sind, North-West Frontier Province, Central areas and Indian States?

TAXATION ON LORRIES.

†155. ***Mr. J. Ramsay Scott:** (a) Is it a fact that taxation on lorries 30 cwt. unladen is as follows:

	Provincial.	Municipal.	Total.
	Rs.	Rs.	Rs.
Bombay	300	120	420
Madras	400	400	800
Bengal	..	..	125
Bihar and Orissa	..	..	250
United Provinces (private)	..	..	100
United Provinces (public)	..	..	235
Central Provinces	100	50	150

(b) Will Government please supply taxation figures for Bihar and Orissa separately and also those for Sind, North-West Frontier Province, Central areas and Indian States?

(c) Is it a fact that private cars are taxed on the unladen weight in Bombay, Madras, United Provinces and Central Provinces while in Bengal they are taxed on area and in Bihar and the Punjab on the seating capacity?

BASIS OF TAXATION ON PRIVATE CARS, MOTOR BUSES AND LORRIES.

156. ***Mr. J. Ramsay Scott:** (a) Are Government prepared to consider that the taxation basis should be uniform?

(b) Would Government be prepared to consider:

(1) that all private cars should be taxed on the unladen weight as declared by manufacturer;

(2) that all motor buses should be taxed on the seating capacity; and

(3) that lorries should be taxed on the gross laden weight, namely, the unladen weight plus the certified carrying capacity laid down by the manufacturer?

The Honourable Sir Frank Noyce: (a) I am not prepared to deal with so large a subject in the form of a reply to a question.

(b) The taxation of motor vehicles is a provincial subject but I may refer the Honourable Member to Part V of the Concise Statement of Policy adopted by the Transport Advisory Council in July, 1936, copies of which are in the Library.

†For answer to this question, *see* answer to question No. 153.

EDUCATION OF THE CHILDREN OF ANGLO-INDIAN AND INDIAN EMPLOYEES OF RAILWAYS.

157. ***Mr. Mohan Lal Saksena:** (a) Will Government state the total number of Indian and Anglo-Indian employees in the various railways and the respective sums of money spent by them on the education of Indian and Anglo-Indian children?

(b) Is it a fact that during the year 1934-35 the expenditure on the education of Anglo-Indian was more than four times that on the education of Indians in the Eastern Bengal, East Indian and the Great Indian Peninsula Railways and nearly seven times in the Madras and Southern Mahratta Railway?

(c) Will Government state how the expenditure per student on education of Indians and Anglo-Indians compares on the various railways?

(d) Are Indian students admitted in Anglo-Indian schools maintained by the various railways? If not, why not? If so, what restrictions, if any, are imposed on their admission?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (c) As regards the first part of (a) I would refer the Honourable Member to Appendix C of the Report by the Railway Board on Indian Railways for the year 1934-35, Volume II, a copy of which is in the Library of the House.

With regard to the latter part of (a) and part (c) of the question, I lay on the table of the House a statement giving the information available with Government.

(b) I would refer the Honourable Member to the information laid on the table of the House on the 31st August, 1936, in connection with starred question No. 1085, asked by Pandit Lakshmi Kanta Maitra on the 10th March, 1936.

(d) I am collecting information and will lay a reply on the table of the House in due course.

Statement showing the sums of money spent by certain Class I Railways in India on the education of the children of Railway employees during 1935-36.

Railway.	Total amount spent.		Cost per student.	
	European and Anglo-Indian.	Indian.	European and Anglo-Indian.	Indian.
	Rs.	Rs.	Rs.	Rs.
A. B. Railway . .	15,401	15,774	†	†
B. and N. W. Railway	5,469	3,477	55·2	4·59
B. N. Railway . .	54,690	62,303	47·2	13·5
B., B. & C. I. Railway	51,600	39,970	128·6	16·6
E. B. Railway .	70,268	20,597	165·7	9·04
E. I. Railway .	4,97,907	1,73,704	336·2	16·0
G. I. P. Railway	1,04,230‡	26,512‡	71·7†‡	15·9*‡
M. & S. M. Railway	59,249	16,868	57·8	10·0
N. W. Railway .	1,89,275	29,411	134·7	19·8
S. I. Railway .	33,289	12,780	50·9	10·5

†Information not available.

‡These figures relate to the year 1934-35. Figures for the year 1935-36 are not readily available.

SUFFERINGS OF INDIANS OWING TO DEVASTATION CAUSED BY THE RECENT FLOODS IN THE PHILIPINE ISLANDS.

158. *Mr. Lalchand Navalrai: (a) Will Government be pleased to state if Indians, including Sindhis, have suffered in life and property owing to sad devastation caused by the recent floods in the Philipine Islands? If so, how much and what arrangements were made to save them from such a calamity?

(b) Are there any Indians, including Sindhis, still living in these Islands? If so, are they safe and have they been given sufficient protection and help in their disaster?

Sir Aubrey Metcalfe: Information has been called for from His Britannic Majesty's Consul General, Manila, and will be laid on the table of the House when received.

ISSUE OF REVISED PASS RULES ON THE NORTH WESTERN RAILWAY.

159. *Mr. Lalchand Navalrai: (a) Are Government aware that the Railway employees of the North Western Railway and their Unions have passed resolutions protesting against the issue of the revised Pass Rules in respect of number, classification and dependent relatives?

(b) What steps have Government taken to consider their protest and have they made or propose to make any modifications in the revised rules; if so, what?

(c) Will Government be pleased to state if the revised rules will have retrospective effect and will apply also to the employees in service before the date of the revised rules?

(d) If so, would Government be pleased to give reasons for doing so and do Government propose to reconsider that question and apply the rules progressively? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) Protests against the changes in the Pass Rules have been received from certain employees and Unions.

(b) These protests have been considered and it is not proposed to make any modification in the orders already issued.

(c) The changes have effect from 1st January, 1937, and apply to all employees in service. A distinction has, however, been made in regard to the number of passes admissible per annum between staff on the revised scales of pay and staff on the old scales of pay.

(d) The changes were necessitated by abuses which had arisen and by complaints having been received of the extent to which available accommodation in trains was being utilised by railway employees on passes resulting in inconvenience and discomfort to passengers holding tickets. There is therefore no justification for discriminating between staff already in service and those that may hereafter be employed.

Mr. Lalchand Navalrai: May I know from the Honourable Member whether their protests were considered by the Members of the Railway Board or the Agents only?

The Honourable Sir Muhammad Zafrullah Khan: I will not, Sir, reply to a question which seeks to find out which particular officer in a Department has considered a particular question.

Mr. Lalchand Navalrai: I do not ask which particular officer. I say, the Railway Board—not one officer?

The Honourable Sir Muhammad Zafrullah Khan: I have already said that the protests that have been received have been considered by Government: I am not prepared to say which portion of Government considered it.

Mr. Lalchand Navalrai: Will that answer be right, Sir? I want to know whether the Railway Board have considered the protests; I am asking a particular question.

Mr. President (The Honourable Sir Abdur Rahim): The Railway Board is a part of the Government of India. It does not matter what body of officials considered the matter or not: all that the Honourable Member is entitled to ask information about is whether the Government have considered the matter.

Mr. N. M. Joshi: May I ask whether the Government rules provide for a larger number of passes being given to officers than to men holding subordinate positions?

The Honourable Sir Muhammad Zafrullah Khan: I believe that is generally so—as a matter of general recollection.

Mr. N. M. Joshi: May I ask on what ground this discrimination is made?

The Honourable Sir Muhammad Zafrullah Khan: How does that arise from the present question?

Mr. Lalchand Navalrai: May I know whether any Railway Unions were consulted in this matter, after the protests were made?

The Honourable Sir Muhammad Zafrullah Khan: That does not arise out of this question.

EARTHQUAKE SHOCKS FELT AT QUETTA.

160. *Mr. Lalchand Navalrai: (a) Is it a fact as stated in the Press that there were earthquake shocks felt at Quetta on the 12th December, 1936, at 10-25?

(b) Will Government be pleased to state how many times there have been earthquake shocks after the great disaster in May, 1935?

(c) Do Government propose to make any changes in the proposed site and building method of New Quetta in view of these incessant occurrences? If so, what? If not, why not?

Sir Aubrey Metcalfe: (a) Yes.

(b) According to press reports twenty-one earthquake shocks have occurred in Quetta since May, 1935. Seven only were recorded by seismographs.

(c) As regards the site the Honourable Member's attention is invited to the replies given in this House on the 17th April, 1936, to Mr. Satyamurti's starred question No. 1730 and to the supplementary questions thereto. It is proposed to construct the new buildings in Quetta on Earthquake-proof lines as far as possible.

Mr. Lalchand Navalrai: May I know if this question has been considered subsequently to the recent earthquake shocks in Quetta?

Sir Aubrey Metcalfe: It has been considered at all stages very fully.

Dr. Ziauddin Ahmad: In spite of these repeated earthquakes, do Government still insist on building more houses in Quetta and spending money?

(No answer).

IMPOSITION OF RESTRICTIONS AGAINST THE PUBLICATION OF MUSHROOM NEWSPAPERS.

161. *Mr. Lalchand Navalrai: (a) Are Government aware of the publication in the *Sindhi* of Sukkur Sind which complains of the rise of several Mushroom papers, pointing out further the necessity of imposing restrictions against the publication of such papers which live only on the bounty of others and have no honest purpose or principle in the interests of public and which come out only to defame or support some individual?

(b) Are Government aware of the growing annoyance felt and offence taken by general public against such worthless mercenary papers that come out only to serve some base purpose or afford the means of existence for its editor?

(c) Is there any rule or order authorising the Magistrates receiving declarations for starting presses and papers to inquire into the *bona fides*, solvency, sanity, etc., of the new press concerns, before they register the same and allow their existence; if not, do Government propose to consider this point in view of the opinion of some section of the press?

(d) Will Government consider the advisability of fixing some standard of education and experience that a person must be equipped with before he is allowed to edit a paper?

The Honourable Sir Henry Craik: (a) Government have seen the article.

(b) No.

(c) No.

(d) No.

Mr. Lalchand Navalrai: May I know if there is any system of putting any restrictions upon such press men when they first apply, in England?

The Honourable Sir Henry Craik: I do not know.

CIRCULATION OF BAD COINS.

162. *Mr. Lalchand Navalrai: (a) Do Government know that bad coins are still in circulation which cause damage and unnecessary vexation to the public?

(b) What steps have Government taken since the complaint with regard to bad coins was brought to the notice of Government and Assembly last time?

(c) Do Government propose to consider the suggestion made in the Press that besides laying hands on the counterfeiters, Government should issue orders that doubtful coins which are not counterfeit, if presented to the treasury, should be received by them and paid for; and then withdrawn from further circulation in order to avoid inconvenience and vexation which the public experience by coins not being received in the market on this or that pretext?

(d) If the above suggestion is not acceptable, what steps do Government propose to take to mitigate the hardship which is experienced in the market, at the Railway Booking Offices, at postal counters and other firms?

The Honourable Sir James Grigg: (a) Yes.

(b) Special steps are being taken by the Mint to render counterfeiting more difficult in future and by the Police to check the circulation of counterfeit coins.

(c) Defaced coins are received at treasuries and are paid for in accordance with definite rules, provided the coins are not fraudulently defaced.

(d) Does not arise.

DEVELOPMENT OF ADEQUATE SOURCE OF INDIAN SODA-ASH FOR PROMOTING INDIGENOUS GLASS INDUSTRY.

163. *Mr. Akhil Chandra Datta: (a) Have Government taken any steps to develop adequate source of Indian soda-ash for promoting indigenous Glass Industry in India?

(b) Has any fresh source of supply of soda-ash been available at Khewra within the last two years?

(c) Have Government taken any measure for the protection and promotion of Glass Industry in India beyond granting a rebate of the duty on imported soda-ash?

(d) What has been the effect of the said rebate during the last two years?

The Honourable Sir Frank Noyce: (a) and (b). No.

(c) I would ask the Honourable Member to await the reply to his starred question No. 165.

(d) The effect has been that glass manufacturers have obtained refunds to the extent of Rs. 1½ lakhs roughly and that their purchases of soda-ash have to this extent cost less than they would otherwise have had to pay.

PROTECTION TO THE GLASS INDUSTRY.

164. ***Mr. Akhil Chandra Datta:** Are Government considering the desirability of granting protection to the Glass Industry and of making another reference to the Tariff Board?

The Honourable Sir Muhammad Zafrullah Khan: The attention of the Honourable Member is invited to the reply given by me to parts (b) and (c) of Mr. Satyamurti's starred question No. 498 during the last Simla Session. So far as Government are aware the position still remains unchanged.

Mr. Akhil Chandra Datta: Have Government taken a final decision on this question?

The Honourable Sir Muhammad Zafrullah Khan: The answer to which I have referred shows what the position is. The Government's decision last time was not final.

Mr. Akhil Chandra Datta: Is that the position still?

The Honourable Sir Muhammad Zafrullah Khan: That is what I have said.

RESEARCHES AND INVESTIGATIONS RELATING TO THE GLASS INDUSTRY.

165. ***Mr. Akhil Chandra Datta:** (a) Have any researches and investigations been made by the Bureau of Industrial Intelligence and Research relating to the Glass Industry in India?

(b) If so, will Government be pleased to state the result thereof?

(c) Has the said Bureau made any suggestions and recommendations? What are these suggestions and recommendations?

The Honourable Sir Frank Noyce: (a) Yes. The Industrial Research Bureau has carried out a detailed survey of the position of the industry and is engaged, partly directly and partly in co-operation with the Benares Hindu University, in an examination of Indian glass-making materials. Some minor technical questions relating to glass technology have also been taken up by the Bureau.

(b) The results of the survey of the glass industry have been published as No. 2 of the Bulletins of Indian Industrial Research and the Bureau has in the press a further bulletin relating to Indian glass-making materials. The other investigations mentioned are in progress.

(c) As a result of the survey made, the Bureau has made recommendations with regard to improvements in furnace design. Detailed plans have been drawn up and I trust that it will be possible shortly to give practical effect to these by installing an experimental furnace.

APPOINTMENT OF A STANDING ARMY COMMITTEE.

166. ***Mr. Akhil Chandra Datta:** (a) Will Government be pleased to state if a Standing Army Committee has been appointed in pursuance of the Resolution adopted by this Honourable House on the 4th February, 1936?

(b) If not, do Government propose to consider the desirability of appointing such a Committee at once?

Mr. G. R. F. Tottenham: I would refer the Honourable Member to my reply to Mr. Lalchand Navalrai's starred question No. 524 asked on the 18th September, 1936.

CONSULTATION OF GOVERNMENT OF INDIA REGARDING *EX*-KING'S PROPOSED MARRIAGE WITH MRS. SIMPSON AND HIS ABDICATION.

167. ***Mr. Akhil Chandra Datta:** (a) Were the Government of India consulted by the British Government with regard to legality, propriety and advisability of His Majesty the King Emperor's marriage with Mrs. Simpson and with regard to the legislation about His Majesty's abdication?

(b) Did Government express and convey any opinion on this matter to the British Government?

The Honourable Sir Henry Craik: (a) and (b). The Government of India were not consulted on the question and no opinion was therefore expressed by them.

ACQUISITION OF THE BENGAL AND NORTH WESTERN AND THE MADRAS AND SOUTHERN MAHRATTA RAILWAYS.

168. ***Mr. Akhil Chandra Datta:** (a) Have Government taken any step towards the acquisition of the Bengal and North Western Railway and the Madras and Southern Mahratta Railway?

(b) Has notice of such acquisition been served upon the companies in pursuance of the contract entered into between the Secretary of State and the Companies on the 8th December, 1932? If not, have Government taken any decision regarding the acquisition of the two Companies by 31st December, 1937?

(c) Have Government enquired what increase in working expenses is likely to occur by transfer of these two Railways to state management?

(d) If so, will Government be pleased to state the result of the enquiry?

(e) Have Government enquired what increase in revenue may be expected by the said transfer of the two Railways?

(f) Do Government still consider the question of the acquisition of the two Railways as an open question or consider the question as finally and irrevocably settled?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b) and (f). It has been decided not to exercise the option in either case. The contract with the Bengal and North Western Railway will automatically continue for five years on the present terms and a fresh option to purchase will be available on the 31st December, 1942. The contract with the Madras and Southern Mahratta Railway Company has been extended for a period of 8 years from 1st January, 1938, on terms much more favourable to Government than the existing arrangement.

(c), (d) and (e). Government did not expect any increase in earnings by the transfer of the two railways to State management, but anticipated some increase in working expenses, particularly on the Bengal and North Western Railway.

Dr. Ziauddin Ahmad: Will Government lay on the table the terms of the new contract with the Madras and Southern Mahratta Railway?

The Honourable Sir Muhammad Zafrullah Khan: I believe it will be possible to do so.

SOLUTION OF THE FOOD PROBLEM IN INDIA.

169. ***Mr. Akhil Chandra Datta:** (a) Have Government formulated any scheme and policy for solving the food problem for the rapidly increasing population of India?

(b) If so, when was that policy formulated and what were the circumstances and conditions which led to that policy?

(c) Will Government state categorically and in chronological order the steps taken to give effect to that policy, and the agency through which the steps were taken?

Sir Girja Shankar Bajpai: (a) to (c). The position was explained to the Honourable Member in the replies given by me to his questions Nos. 158 and 312 on the 7th and 12th February, 1936.

DISTRIBUTION OF THE WATERS OF THE INDUS AND ITS TRIBUTARIES.

170. ***Mr. Akhil Chandra Datta:** (a) What is the precise scope of the investigation for which the Central Bureau of Irrigation appointed a Sub-Committee regarding the distribution of the waters of the Indus and its tributaries?

(b) What are the recommendations made by that Committee and when?

(c) Have Government given effect to those recommendations? If not, why not?

The Honourable Sir Frank Noyce: (a) The Committee to deal with the distribution of the waters of the Indus and its tributaries was appointed by the Government of India, and its terms of reference were as follows:

"The extent to which additional supplies of water are actually required for:

(i) the Khairpur State,

(ii) the Bahawalpur State,

(iii) the Haveli Project.

The possibility of finding such supplies without detriment to the parties interested in the waters of the Indus and its tributaries and the effect upon the existing or prospective rights of those parties of any fresh withdrawals, the authorization of which the Committee may recommend".

(b) The report of the Committee was received in September, 1935, and their recommendations are summarized on pages 29—31 of Volume I of their report, a copy of which will be found in the Library.

(c) No, but it is hoped to issue orders in the near future.

STATES SIGNIFYING THEIR INTENTION TO ACCEDE TO THE FEDERATION.

171. *Mr. M. Asaf Ali: Will Government please state:

(a) how many States have so far signified their intention to accede to the Federation;

(b) whether the requirements of section 5, part II, of the Government of India Act, 1935, has been satisfied; and

(c) if not, what is the extent of the desideratum?

The Honourable Sir Nripendra Sircar: (a) to (c). No Instruments of Accession have yet been received.

INSTRUMENTS OF ACCESSION PROPOSED BY THE RULERS AND CHIEFS OF INDIAN STATES.

172. *Mr. M. Asaf Ali: (a) Have Government examined the Instruments of Accession proposed by those Rulers and Chiefs who have agreed to accede subject to limitations?

(b) Are Government prepared to take steps to publish either in the Gazette or otherwise all the Instruments of Accession to enable the representatives of British India to assess the effect of such reservations and limitations in relation to the consequences to the whole scheme of Federation?

The Honourable Sir Nripendra Sircar: (a) Draft Instruments of Accession have not yet been received.

(b) Government can give no undertaking as suggested.

ABSENCE OF PROVISION IN THE GOVERNMENT OF INDIA ACT, 1935, FOR THE APPOINTMENT OF REPRESENTATIVES BY RULERS IN CASES OF CASUAL VACANCIES.

173. *Mr. M. Asaf Ali: (a) Is it not a fact that there is no specific provision in the Government of India Act, 1935, for the appointment of representatives by Rulers in cases of casual vacancies or for rescinding appointments made by them?

(b) If so, have the States made any representations in this respect, and what Government contemplate doing?

The Honourable Sir Nripendra Sircar: (a) and (b). The attention of the Honourable Member is invited to section 291 and paragraphs 7 and 14 of Part II of the First Schedule to the Government of India Act, 1935.

PAYMENT OF SALARIES OF THE ROMAN CATHOLIC MILITARY CHAPLAINS.

174. *Mr. M. Asaf Ali: (a) Is it a fact that the Army Department pays the salaries of the Roman Catholic Military Chaplains?

(b) Is it a fact that the Archbishop or the Bishop of each Archdiocese or Diocese in India used to take half the salary of these Military Chaplains?

(c) Is it a fact that the Army Department has since April 1927 been paying the salaries of the Roman Catholic Military Chaplains in a lump sum yearly to the Archbishop or Bishop within whose Archdiocese or Diocese they are serving?

(d) Is it a fact that the Archbishop or Bishop who receives the said amount from the Army Department keeps half of it himself and distributes the other half to the Chaplains concerned? If so, why?

Mr. G. R. F. Tottenham: (a) There is no establishment of Roman Catholic *Military* Chaplains. The Defence Department do, however, remunerate Roman Catholic priests for their services in ministering to the Roman Catholic British troops serving in India.

(c) Yes, though in some cases payments are made monthly and not yearly. The object of making the payments to the Roman Catholic Ecclesiastical authorities instead of direct to the priests themselves is to give elasticity and to enable the Roman Catholic ecclesiastical authorities to utilize the resources placed at their disposal to the best advantage. For instance, in some places it may be convenient to employ the services of a missionary or parish priest already on the spot, and to pay him a small allowance, thus setting free an amount which might be made available as additional remuneration for a priest in another and more expensive cantonment. It is the policy of the Government of India, having provided the total sums that are to be allotted to each archdiocese or diocese, not to interfere in any way with the distribution of the funds. All they are concerned with is that adequate provision is made for spiritual ministration to Roman Catholic British troops.

(b) and (d). The Government have no information.

PAYMENTS MADE TO THE ROMAN CATHOLIC MILITARY CHAPLAINS.

175. *Mr. M. Asaf Ali: (a) Is it a fact that most of the Roman Catholic Military Chaplains in India are under a Vow of Poverty?

(b) If so, are the superior Priests under a similar vow?

(c) If the answer to part (b) be in the affirmative, is there any reason why such heavy payments are made to the Archbishops?

Mr. G. R. F. Tottenham: (a) There are no Roman Catholic *Military* Chaplains in India. It is, however, possible that some of the Roman Catholic priests who minister to Roman Catholic British troops in India are under the vow of poverty.

(b) The Government have no information.

(c) The Honourable Member is referred to the answer I have just given to part (c) of his question No. 174.

OFFICERS SELECTED TO RELIEVE CONGESTION IN THE WAR BLOCK.

176. *Mr. M. Asaf Ali: Will Government be pleased to state:

(i) how many officers have been selected each year to relieve congestion in the War Block;

(ii) of those how many have been Indians holding commissioned ranks each year;

(iii) how many Indians were on the active strength when the scheme was adopted;

(iv) how many Europeans were selected in 1919 and 1920 for removal against volunteers; and how many Indians;

(v) the number of Europeans selected under part (iv) above, who have passed their 'd' for promotion to the rank of Major;

(vi) the number of Indians in (iv) who have passed their 'd' for promotion to Major's rank;

(vii) how many of (vi) have been selected for removal; and

(viii) to what extent has Indianisation been affected by these removals?

Mr. G. R. F. Tottenham: (i) and (ii). The number of officers who have been or will be placed on the Special Unemployed List is as follows:

Year.	Total.	Indians.
1935	131	7
1936	98	1
1937	55	4
1938 and 1939	116	*Nil.*

(iii) 134.

(iv) Under the 1922-23 scheme of retirement, 1,859 European officers were compulsorily retired. Figures for voluntary retirement are not available. Under that scheme no Indian officer was retired either compulsorily or voluntarily.

(v) to (vii) There were no promotion examinations during the period of the Great War.

(viii) The Indianization has not been affected by the War Block Scheme.

EXPERIMENTAL RESEARCH IN REGARD TO TELEVISION.

177. *Mr. M. Asaf Ali: (a) Is it a fact that some time ago a leading Bombay interpreneur applied to the Government of India for permission to establish an experimental television transmitter and studio?

(b) Will Government state whether the permission sought was granted? If not, why not?

(c) What steps, if any, have Government taken, or propose to take to examine the advisability of experimental research in regard to television?

The Honourable Sir Frank Noyce: (a) An application was received.

(b) The applicant was informed that there would be no objection to granting a license for experimental work but that permission to broadcast programmes would not ordinarily be granted. The applicant was further informed that detailed proposals should be submitted but these have not yet been received.

(c) Television is in an experimental stage at present and Government consider that it would be premature to embark on experiments in India particularly in view of the heavy expenditure which would be involved and the difficulty in arranging suitable programmes.

NON-RUNNING OF SPECIAL TRAINS BY THE NORTH WESTERN RAILWAY FOR THE GARHMUKHTESHWAR *MELA*.

178. ***Mr. M. Asaf Ali:** (a) Is it a fact that during the Garhmukhteshwar *Nahan*, the East Indian Railway ran a considerable number of special trains, but the North Western Railway ran no special trains?

(b) Are Government aware that hardships were experienced by passengers at the Delhi Junction on account of the North Western Railway running no connecting specials?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). The Agent, North Western Railway, states that three special trains were run over the North Western Railway from Delhi and the stock on the normal train services was also augmented. These arrangements were adequate to meet traffic requirements and no complaint of any hardship to passengers was received by the Administration.

PREVALENCE OF MALARIA IN THE RURAL AREAS OF THE DELHI PROVINCE.

179. ***Mr. Sham Lal:** (a) Is it a fact that in the year 1933, malaria worked great havoc in the rural area of Delhi Province, and no Medical or Revenue Officer visited those villages which were water-logged or worst affected?

(b) Will Government please state what villages were so affected and which of these villages were not visited by the Medical or the Revenue Officers?

(c) Is it a fact that the Deputy Commissioner, Health or Sanitation Officer, incharge of the rural uplift work only visit those villages which are on the *pacca* roads and never go to villages which are away from the roads?

(d) Is it also a fact that uplift work is only confined to villages adjacent to *pacca* roads and no uplift work worth the name is being done in other villages?

Sir Girja Shankar Bajpai: The information has been called for and will be furnished to the House as soon as possible.

LOCATION OF THE COURTS AND OFFICES OF TEHSILDAR AND NAIB-TEHSILDAR AT DELHI.

180. *Mr. Sham Lal: (a) Is it a fact that the courts and offices of Tehsildar and Naib Tehsildar at Delhi are situated in the southernmost part of Delhi, and are Government aware that it is difficult for litigants to secure the services of lawyers for these courts, because they are far way from the District Headquarters?

(b) Are Government aware that Lambardars who come to Delhi for payment of Land Revenue are put to great risk and inconvenience in making the payment in that they have to go from the Railway Station to Tehsil to get a *chalan*, from Tehsil to Imperial Bank, from the Imperial Bank again to the Tehsil to present the payment receipt, which practically takes two days to finish this work? Are Government aware that this is all due to the Tehsil being located in one corner of Delhi?

Sir Girja Shankar Bajpai: (a) and (b). It is true that the Tehsil at Delhi is inconveniently situated, but it is hoped that this will be remedied when new courts and offices for the Delhi Administration are built; proposals for this purpose are now under the consideration of the Government of India.

REDUCTION IN THE DIET ALLOWANCES OF DETENUS.

181. *Mr. Sham Lal: (a) Will Government be pleased to state whether there has been a considerable reduction in the monthly and daily diet allowances of detenus? Is it a fact that formerly the monthly allowance was Rs. 32, and it is now Rs. 11 in Deoli? Is it a fact that the diet allowance was Rs. 2 per day, and it has been reduced to 0-12-0 per day?

(b) What are the reasons for these reductions?

(c) Is it a fact that formerly stamped envelopes used to be supplied to the detenus and that this is not now being done? Why has this privilege been withdrawn?

(d) Has the compulsory family allowance been stopped; if so, why?

The Honourable Sir Henry Craik: (a) The Government of India are only concerned with the detenus at Deoli. In that Jail the monthly allowance was never more than Rs. 20; it is now Rs. 11. The diet allowance was Rs. 1-1-3 a day, and is now 15 annas.

(b) Because the former rates were unnecessarily high.

(c) I would refer the Honourable Member to the reply given by me to question No. 1166 on the 29th March, 1935.

(d) The granting of family allowances is a matter for the Bengal Government under section 12 of the Bengal Criminal Law Amendment Act, 1930. I should mention, however, that the payment of such an allowance is not compulsory.

STATE OF HEALTH OF MR. SATIN SEN DETAINED IN THE AMBALA JAIL.

182. *Mr. Sham Lal: (a) Is Mr. Satin Sen detained in the Ambala Jail not keeping good health for a long time?

(b) Has he applied for an outside doctor's treatment?

(c) Has he been permitted to have it; if not, why not?

(d) Is Mr. Satin Sen being tried in an arson case?

(e) Is it a fact that he was not allowed interview with his counsel without the hearing of the jail officials and not allowed to give his brief to his counsel on the ground that he being a detenu could not be given these facilities?

(f) Has Mr. Satin Sen applied for a transfer to some place in Bengal, and what orders have been passed on this application?

(g) Why is Mr. Satin Sen being detained in Ambala and not in some place in Bengal?

The Honourable Sir Henry Craik: (a) No.

(b) Yes.

(c) No; because this is not considered necessary since he has been thoroughly examined by specialists.

(d) Yes.

(e) No.

(f) No.

(g) Because it is necessary in the public interest.

Special Third Class Fare charged from Passengers travelling by the Bombay, Baroda and Central India Railway Mail.

183. ***Mr. Sham Lal:** (a) Is it a fact that the Bombay, Baroda and Central India Railway mail leaves Delhi at 9 or 9-30 A.M., that there is special third class railway fare for this train, which is in excess of ordinary third class fare, that several trains reach Delhi at about 9 A.M. and passengers for Rewari and Narnaul of these trains travel by the Bombay, Baroda and Central India Railway mail without notice that a special fare is to be charged and that ultimately they have to pay penalty for not having paid the special fare?

(b) Do Government propose to abolish this special third class fare or order that booking clerks issuing tickets would do so on payment of special fare?

The Honourable Sir Muhammad Zafrullah Khan: (a) By the Bombay, Baroda and Central India Railway express train which leaves Delhi at 8-25, the excess fare chargeable as compared with the fare chargeable by ordinary trains is three-quarters of a pie more for the first 300 miles and a quarter pie more for additional distances beyond 300 miles. This excess charge is notified in the Bombay, Baroda and Central India Railway's Tariff. Passengers found travelling by the express train on tickets not available by that train are required to pay the excess fare in addition to a penalty.

(b) Government are not prepared to suggest to the Bombay, Baroda and Central India Railway Administration the withdrawal of the higher scale of fares applicable by express trains. As booking clerks are not aware by what particular train a passenger may eventually travel, they would normally issue a ticket available by an ordinary train unless they were asked to issue one available by the express.

SUPPLY OF WATER TO PASSENGERS AT THE BAHADURGARH RAILWAY STATION ON THE NORTH WESTERN RAILWAY.

184. *Mr. Sham Lal: (a) Are Government aware that in hot weather there are not sufficiently good arrangements for giving water to passengers? If so, what is the reason therefor?

(b) Are Government aware that this complaint is particularly applicable to the arrangements at the Bahadurgarh Railway Station on North Western Railway line?

The Honourable Sir Muhammad Zafrullah Khan: (a) No. I would refer the Honourable Member to pages 72 to 75 of the Railway Board's Report for 1935-36, Volume I.

(b) I am communicating the Honourable Member's observations to the Agent, North Western Railway for such action as he may consider necessary.

POSITION WITH REGARD TO THE CINEMATOGRAPH (AMENDMENT) BILL AND THE INDIAN MOTOR VEHICLES (AMENDMENT) BILL.

185. *Mr. Sri Prakasa: (a) What is the present position of Government with regard to the Cinematograph (Amendment) Bill and the Indian Motor Vehicles (Amendment) Bill that were referred to Select Committees in the Simla Session of 1935?

(b) Were any meetings of the Select Committees held? If not, do Government intend to drop the Bills or have they any desire to proceed with them?

The Honourable Sir Henry Craik: (a) Both the Bills have lapsed—one under rule 36C of the Indian Legislative Rules, and the other under the proviso to Standing Order 4 (2) of the Standing Orders of the Legislative Assembly.

(b) It was not found possible owing to the pressure of more urgent business to hold any meetings. It is not at present intended to revive either Bill.

NON-RETURN OF THEIR INCOMES TO INCOME-TAX OFFICERS BY HIGH GOVERNMENT OFFICERS.

186. *Mr. Sri Prakasa: (a) Has the attention of Government been drawn to the fact that high Government officers do not return their incomes to income-tax officer apart from their salaries on which tax is deducted at source; and is it a fact that it is only after their retirement that income-tax officers are able to catch them and even to fine them?

(b) Are Government prepared to send out strict instructions that income-tax officers are to insist upon all Government servants returning their income-tax on the prescribed forms; and also instruct their income-tax officers to take all necessary steps to punish any that do not fulfil the requirements of law?

The Honourable Sir James Grigg: (a) No.

(b) The Government do not consider that it is necessary to issue any special instructions on the subject.

RESERVATION OF INTERMEDIATE CLASS COMPARTMENTS FOR MALES AND FEMALES ON THE EAST INDIAN RAILWAY.

187. ***Mr. Sri Prakasa:** (a) With reference to the reply to question No. 219 on September 9, 1936, are Government aware that not only in the second class but particularly in intermediate class, much inconvenience is felt by men passengers when women passengers also travel in the general compartments, while very often the compartment reserved for women goes empty?

(b) Is it not a fact that many intermediate class bogies on the East Indian Railway have six compartments of which one and sometimes two are reserved for women, while women have the right to travel in the remaining ones and men not permitted to travel in the reserved women's compartment even though empty?

(c) Are Government prepared to recommend to the East Indian Railway that whenever a six compartment intermediate class bogie is put on, one may be reserved for women, two for men and the remaining left as general compartments?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government are aware that a certain amount of inconvenience is caused in such cases.

(b) I am prepared to accept this from the Honourable Member.

(c) The suggestion will be communicated to the Agent, East Indian Railway, for such action as he may consider necessary.

CLASSIFICATION OF SOLDIERS CONVICTED FOR RAID ON BENDA VILLAGE.

188. ***Mr. Sri Prakasa:** (a) With reference to the reply to question No. 220 on September 9, 1936, will Government state whether classification of prisoners is based solely on their social standing or on race as well?

(b) If on social standing only, to what grade would the soldiers convicted for raid on Benda village correspond to Indian non-officials?

(c) Are Indian non-officials of that grade always given "B" class classification?

(d) Is social grade judged upon financial condition or/and anything else when classification is given to a prisoner?

(e) What were the salaries of the various persons convicted in the Benda case? Are Government prepared to issue instructions that all Indian non-officials having this income shall be classed as "B" class prisoners?

The Honourable Sir Henry Craik: (a) and (d). I refer the Honourable Member to the Home Department Communiqué of the 19th February, 1930.

(b) Does not arise.

(c) The classification of prisoners is the concern of the Local Government and of the convicting Court. The criteria for the classification of prisoners are clearly stated in the Home Department Communiqué, dated the 19th February, 1930.

(e) They were all Private soldiers whose pay is about Rs. 2 a day. Government see no reason for issuing any further instructions.

OPINION OF THE GOVERNMENT OF INDIA REGARDING THE PROPOSALS OF EX-KING EDWARD VIII ABOUT HIS MARRIAGE AND ABDICATION.

189. ***Mr. Sri Prakasa:** (a) Did the Government in England invite the opinion of the Government of India regarding the proposals of his former Majesty King Edward VIII about his marriage and abdication and the possible reactions on Indian opinion of either alternative?

(b) If so, will Government state what reply, if any, they gave?

The Honourable Sir Henry Craik: (a) and (b). I would refer the Honourable Member to the reply which I gave today to Sardar Mangal Singh's starred question No. 148.

USE OF THE WORD "COOLIE" FOR PORTERS AT RAILWAY STATIONS.

190. ***Mr. Sri Prakasa:** (a) With reference to the answer to question No. 217 on September 9, 1936, will Government state what railways give badges to their porters with the word "coolie" and what with the word "porter"?

(b) Are Government prepared to consider the desirability of using the word "porter" officially in their own books and badges regardless of what terms passengers and others use?

The Honourable Sir Muhammad Zafrullah Khan: (a) Of the State-managed Railways in India the North Western Railway have adopted the term "Licensed Porter" for badges worn by porters at stations. The Great Indian Peninsula, East Indian, and Eastern Bengal Railways use the words "Licensed Coolie".

(b) I would invite the Honourable Member's attention to my reply to parts (c) and (d) of starred question No. 217 asked by him on the 9th September, 1936.

ENACTMENT OF A LEGISLATION TO TAX INCOMES EARNED AS SALARIES AND PENSIONS IN INDIA WHEN SENT ABROAD.

191. ***Mr. Sri Prakasa:** (a) Is it a fact that incomes earned as salaries or pensions in India when sent abroad, are not liable to income-tax?

(b) If so, do Government intend to bring in legislation to make these taxable?

(c) What is the approximate loss to Indian revenues by such sums escaping the income-tax?

The Honourable Sir James Grigg: (a) and (b). I invite the Honourable Member's attention to Chapter I, Section 2 (b), and Chapter I, Section 6 (b) and (c) of the Income-tax Enquiry Report, 1936, which will be in his hands on Wednesday next.

(c) It is impossible to frame any reliable estimate of the extra revenue that would be secured if the measures discussed in those passages of the Report were adopted.

GRANT TO THE AJMER MUNICIPALITY FOR DRAINAGE AND WATER SUPPLY SCHEMES.

192. ***Rai Bahadur Seth Bhagchand Soni:** (a) Are Government aware that in principal cities like Cawnpore, Lucknow, Benares, Allahabad,

Lahore, Amritsar and Rawalpindi for any sanitary schemes like drainage and water supply the Provincial Government give a grant to the extent of 50 per cent. of the total cost, as a rule, towards the capital cost?

(b) Are Government aware that the schemes in these Municipal areas are carried out under the expert supervision of the Government Sanitary Engineering Departments?

(c) Is it a fact that the Central Government has got a Sanitary Engineering Department at Delhi?

(d) Are Government prepared to consider the feasibility of giving a grant to Ajmer Municipality for drainage and water supply schemes, and is it a fact that during the last fifty years of its existence, the Municipality of Ajmer has never received any grant from the Government for the sanitary schemes?

(e) Are Government prepared to consider the advisability of asking the Sanitary Engineering Department at Delhi to plan and carry out these sanitary schemes in Ajmer as is done in other provincial towns by the Provincial Sanitary Engineering Departments?

Sir Aubrey Metcalfe: The information required is being collected and will be laid on the table in due course.

FIXATION OF UNIFORM STANDARDS OF WEIGHTS AND MEASURES IN INDIA.

193. ***Sardar Mangal Singh:** (a) Will Government please state whether they have examined the question of the introduction of necessary legislation to fix uniform standards of weights and measures throughout India, and if so, with what result?

(b) Will Government please state whether they intend to take suitable measures to fix weights and measures throughout India? Will Government also inform this house whether they are bringing forward any legislation on this subject this Session or in the Simla Session?

The Honourable Sir Muhammad Zafrullah Khan: (a) The Honourable Member is referred to the reply given to the Honourable Raja Sir Raghunandan Prasad Singh's question No. 23 in the Council of State on the 22nd September, 1936.

(b) Under the new constitution the Provincial Governments will be competent to legislate with regard to weights and measures and the Federal Government will only have power to legislate for the establishment of standards of weight. In the circumstances, the Government of India do not consider it advisable at this juncture to undertake any legislative measure for the standardisation of weights and measures on an all-India basis.

ESTABLISHMENT OF FEDERATION.

194. ***Sardar Mangal Singh:** (a) Will Government please state what progress has so far been made to bring in the Indian States into the proposed All India Federation and whether this House will be consulted before the final steps are taken in this matter?

(b) Will Government please state whether All India Federation would be established by April 1938?

The Honourable Sir Nripendra Sircar: First part of (a). Discussions are still proceeding with the States for clearing doubts and difficulties. The formal proposals of States have not yet been received.

Second part of (a). The attention of the Honourable Member is invited to the answers given on the 1st September, 1936, to the relevant supplementaries of Mr. Satyamurti to his starred question No. 25.

(b) It is not possible to make a forecast as to the date of inauguration of Federation.

CORONATION DURBAR OF HIS MAJESTY THE KING EMPEROR.

195. ***Sardar Mangal Singh:** Will Government please state whether the Coronation Darbar of His Majesty the King Emperor George VI will be held in India, and if so, when?

The Honourable Sir Henry Craik: No decision has yet been reached.

RELEASE OF POLITICAL PRISONERS IN MEMORY OF THE CORONATION DURBAR.

196. ***Sardar Mangal Singh:** Will Government please state whether they have considered the question of the release of the Political Prisoners in memory of the Coronation Darbar of His Majesty the King Emperor in London or in India?

The Honourable Sir Henry Craik: It is not proposed to grant an amnesty to prisoners of any description.

STATEMENT ISSUED BY MR. TYAB ALI ON MR. BINDER'S REPORT REGARDING INDIANS IN ZANZIBAR.

197. ***Mr. T. S. Avinashilingam Chettiar:** Will Government state:

(a) whether they are aware of the statement issued by Mr. Tyab Ali on Mr. Binder's report and published in *The Hindu* of 19th December, 1936;

(b) whether it is true that Indian traders have been ruined;

(c) whether the Anti-Indian Legislation is still in force in Zanzibar;

(d) in view of this Act, what action have they taken in the matter; and

(e) if not, what action do they propose to take?

Sir Girja Shankar Bajpai: (a) Yes.

(b)—(e). I would refer the Honourable Member to information which I have supplied to the House on different occasions in the past. All that I have to add to it at the moment is that Mr. Binder's report has since been published, and the Government of India have made representations to His Majesty's Government on matters arising out of it.

RACIAL DISCRIMINATION IN THE MATTER OF EDUCATION OF INDIANS IN FIJI.

198. *Mr. T. S. Avinashilingam Chettiar: Will Government state:

(a) whether they are aware of the article entitled "Indians in Fiji" by Mr. C. F. Andrews, which was published in *The Hindu* of 19th December, 1936;

(b) whether racial discrimination is made against Indians in the matter of education; and

(c) if so, whether they have taken any steps to set this matter right?

Sir Girja Shankar Bajpai: (a) Yes.

(b) Separate schools for Indian, European and Fijian children exist in Fiji.

(c) The article referred to by the Honourable Member makes a suggestion for imparting secondary education on non-racial lines. As explained in my reply to part (b) of Seth Govind Das's starred question No. 115 of the current Session, this suggestion will receive attention.

EMPLOYMENT OF INDIANS TRAINED IN THE "DUFFERIN".

199. *Mr. T. S. Avinashilingam Chettiar: Will Government state:

(a) the number of Indians trained in the "Dufferin" till now;

(b) how many of them have been employed; and

(c) what steps have they taken to provide employment for the rest?

The Honourable Sir Muhammad Zafrullah Khan: (a) Since the establishment of the Training Ship "Dufferin" 214 cadets have completed their training and taken their Passing Out Certificates. Of these, 66 cadets have obtained their Certificates of Competency after completing their sea-training as apprentices.

(b) Of the 66 certificated *ex*-cadets 60 have found employment (including two who are now preparing for higher examinations).

(c) Of the six certificated *ex*-cadets, who are out of employment, four have obtained their Certificates of Competency only recently and are awaiting ships, and the position of the remaining two, who are believed to be in the United Kingdom, is not known. Government do not, therefore, consider that any action on their part is called for.

EMPLOYMENT OF INDIANS TRAINED IN THE "DUFFERIN".

200. *Mr. T. S. Avinashilingam Chettiar: Will Government state:

(a) whether they have approached foreign shipping companies enjoying Government contracts to employ in those companies Indian cadets trained in the "Dufferin";

(b) whether they have received any definite replies from those companies; and

(c) if so, what?

The Honourable Sir Muhammad Zafrullah Khan: (a) The Government of India have no contracts with foreign shipping companies.

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

STRIKE ON THE BENGAL NAGPUR RAILWAY.

201. ***Mr. T. S. Avinashilingam Chettiar:** Will Government state:

(a) what are the causes of the present strike on the Bengal Nagpur Railway Company;

(b) how many workers have been involved in the strike; and

(c) in view of the gravity of the situation caused by the strike of thousands of workers, whether they did anything to avert it?

The Honourable Sir Muhammad Zafrullah Khan: (a) The strike originated in the refusal of a number of staff surplus to requirements to accept employment temporarily in a lower grade and on a lower pay as the alternative to discharge.

(b) The number has fluctuated but Government are informed that approximately 26,000 men have been involved.

(c) Government considered the desirability of appointing a Board of Conciliation and decided that this would serve no useful purpose. Government also considered the desirability of appointing a Court of Enquiry and decided there was no justification for this.

REPORT OF THE INCOME-TAX EXPERTS.

202. ***Mr. T. S. Avinashilingam Chettiar:** Will Government state:

(a) whether the income-tax experts have submitted their report;

(b) if so, whether the report will be circulated to the Members of the Legislature;

(c) whether the experts have recommended the change of any portion of the Income-tax Law in this country; and

(d) whether they propose to introduce legislation to amend the present Income-tax Law accordingly?

The Honourable Sir James Grigg: (a), (b) and (c). Yes.

(d) The question of the introduction of legislation will be decided after Government have considered the report.

REPRESENTATIONS *RE* DEPRECIATION OF INDIAN CURRENCY.

†203. ***Mr. T. S. Avinashilingam Chettiar:** Will Government state:

(a) whether they are aware of a widespread feeling throughout the country that our currency should be depreciated;

(b) whether they have received representations to that effect from commercial bodies;

(c) whether they have considered these representations; and

(d) if so, with what effect?

†For answer to this question, *see* answer to question No. 17.

IMPROVEMENT OF WATER SUPPLY IN AJMER.

204. ***Rai Bahadur Seth Bhagchand Soni:** (a) Are Government aware that water supplied by the Municipality of Ajmer for human consumption is unfit for that purpose not only on chemical and bacteriological examination but also on mere physical examination?

(b) If the answer to part (a) be in the affirmative, will Government please state what action is being taken to improve the quality of the supply?

(c) If the Municipality of Ajmer is not in a position to improve the quality of water, are Government prepared to consider the advisability of asking their own Sanitary Department to prepare a scheme for the immediate improvement of water supply?

Sir Aubrey Metcalfe: The information required is being collected and will be laid on the table in due course.

POSITION OF THE ARMY IN INDIA.

205. ***Sir Muhammad Yakub:** (a) What is the relative position of the Army in India as compared with the military strength of other countries of the world particularly of Russia, Japan, Italy and Germany?

(b) Will the Government of India be pleased to state what preparations they have undertaken to defend this country against foreign invasions in case the line of communication between England and India is interrupted?

Mr. G. R. F. Tottenham: (a) The Government of India have no official information regarding the military strength of the countries mentioned. Certain statistics are given in the *Statesman's Year Book*, which the Honourable Member might care to consult, but this, of course, is not an official publication.

(b) The Honourable Member will appreciate that it would not be in the public interest to disclose the nature of the preparations that have been made to meet an emergency of the kind envisaged in his question. He may, however, rest assured that the Government of India are doing and will continue to do everything possible, within the limits imposed by financial considerations, to secure the integrity of this country in all contingencies.

Sir Cowasji Jehangir: Does the answer to part (b) mean that there will be a larger expenditure on the army?

Mr. G. R. F. Tottenham: It does not necessarily mean that.

COMMUNIST AND SOCIALIST ACTIVITIES IN INDIA.

206. ***Sir Muhammad Yakub:** Are Government of India aware of the extent and magnitude of the communist and socialist activities in this country? Will Government be pleased to state what action have they taken to check its progress in this country?

The Honourable Sir Henry Craik: I would invite the attention of the Honourable Member to the answer given by me to parts (b), (c) and (d) of Pandit Nilakantha Das' Short Notice question in this House on the 21st March, 1935, and also to Mr. Hallett's speech on the 28th September, 1936, in the Council of State on the question of the growth of communism.

NON-CONSULTATION OF INDIA REGARDING IMPORTANT EVENTS RESULTING IN THE ABDICATION OF *EX*-KING EDWARD VIII.

207. ***Sir Muhammad Yakub:** (a) Is the Government of India aware of the deep feelings of resentment in this country because India was not consulted like other partners of the British Commonwealth of Nations, as regards the important events which resulted in the abdication of *ex*-King Edward VIII?

(b) Do Government propose to convey to the Secretary of State for India the feelings and resentment of the people of India in the matter and also India's unanimous desire that on important matters affecting the prestige and the position of the Empire she should be consulted and should have a voice like the other partners of the Commonwealth?

The Honourable Sir Henry Craik: (a) and (b). Government are not aware of any such widespread feeling on the subject that it is necessary to represent it to the Secretary of State. Government fully appreciate the desire of India to be consulted on important matters affecting the Empire, but in this particular case consultations were necessarily limited to the strict requirements of the law.

Sir Muhammad Yakub: Is the Government also aware that a Commission has been lately formed in connection with the Coronation of His Majesty King George VI in which members from the Colonies have been taken in and India has been excluded? Will the Government convey to the Secretary of State for India the feeling of the people of this country that their neglect of India in matters like this is extremely detrimental to the interests of the British Empire itself?

The Honourable Sir Henry Craik: That is an entirely separate question and it does not arise from this question. To the best of my recollection, however, there is some representation of India on the Committee dealing with the Coronation.

Mr. Lalchand Navalrai: May I ask the Honourable Member why an exception was made in the case of India because she was not consulted on this question?

The Honourable Sir Henry Craik: The Honourable Member has not listened to the answer. I said that in this particular case consultations were necessarily limited to the strict requirements of the law.

Mr. Lalchand Navalrai: May I know why they were limited and who were consulted?

The Honourable Sir Henry Craik: If the Honourable Member will refer to the Statute of Westminster he will see that it is obligatory to consult certain Dominions about any change in the Succession Act and that was why they were consulted on the Abdication Bill.

USE OF THICK AXLE BOX FACE PLATES ON THE EAST INDIAN RAILWAY.

208. *Sir Muhammad Yakub: (a) Is it a fact that the East Indian Railway as well as other Railways will now have to use ¼ of an inch thick axle box face plates instead of 3/16 inch thick plates, which will enormously increase the cost? Is it a fact that only on the East Indian Railway the cost will be increased by Rs. 75 thousand per year?

(b) What will be total increase of cost on the other Railways?

(c) Is it also a fact that all the Railways have been ordered to use "Shake proof" washers in the wagons instead of the ordinary washers used now-a-days? How much expenditure will be increased by this change?

(d) Will Government be pleased to explain why this increase of expenditure is permitted at a time when the finances of the Railways are so alarmingly unsatisfactory?

The Honourable Sir Muhammad Zafrullah Khan: (a) It is a fact that the minimum acceptable thickness for steel axle box face plates on wagons offered for interchange in the wagon pool is now ¼". Appreciable expenditure has been involved in providing new face plates for wagons not already so fitted but such expenditure is not of a recurring nature.

(b) The total cost of providing ¼" steel plates on all pooled wagons not already so fitted is estimated at 2 lakhs.

(c) All nuts on pooled wagons are now required to be provided with approved types of anti-vibration washers or other equally effective security devices. The estimated cost of providing such washers or devices on all pooled wagons is 4 lakhs.

(d) A large saving in the recurring cost of maintenance of wagons will result from such initial expenditure.

ANTI-AIRCRAFT PREPARATIONS IN INDIA.

209. *Mr. M. Asaf Ali: (a) Will Government be pleased to state if it is a fact that (i) according to all competent authorities air warfare will be the predominant factor in any international war of the future; and (ii) the comparative strength of the air armadas of each of the first class powers within striking distance of India is at least fifty times greater than that of the air force in India?

(b) If the reply to the foregoing question is in the affirmative or even partially so, will Government state what steps they have taken in the direction of anti-aircraft preparations, particularly against Thermite and Lewisite incendiary and mustard gas bombs, underground or other shelters for the populations of crowded cities like Peshawar, Lahore, Delhi, Lucknow in northern India, gas mask drills, affording protection to mills, water supply reservoirs, bridges, power stations, railways, etc., etc.?

The Honourable Sir Henry Craik: (a) (i) The part which aerial warfare will play in future wars is even among experts largely a matter of opinion.

(ii) Government have no detailed information, but it must be realized that India's main protection lies in the distance which separates her from the first class powers to which the Honourable Member refers.

(b) The whole question is at present under the consideration of Government.

BRITISH ARMY IN INDIA.

210. ***Mr. M. Asaf Ali:** Are Government prepared to reconsider their policy of maintaining 1/3rd of the entire British Army in India (i) in favour of replacing either the whole or the major part of it by a locally raised air force of reasonably adequate strength, and (ii) adequate anti-air craft measures?

Mr. G. R. F. Tottenham: No.

PLOTS OFFERED TO PUBLIC IN NEW DELHI.

211. ***Mr. M. Asaf Ali:** Are Government aware that the schemes of the Land and Development Department of the Province of Delhi have failed to attract the middle class population of the old town to New Delhi and that:

(a) at every auction only a few plots are offered to the public;

(b) buildings are not allowed on more than one-third of the plots;

(c) in certain areas as the Babber-ka-takia, lessees are not allowed to have even communicating doors between adjoining houses;

(d) plots surrendered by States are not offered to any but what is described as the *Rais* class;

(e) no scheme of developing the land between the Old Fort and Humayun's Tomb has yet been taken in hand;

(f) no scheme of developing the land adjoining the Lodi Golf Course has yet been taken in hand; and

(g) no scheme of developing the land between Nizamuddin and the Government Nursery has been taken in hand?

Sir Girja Shankar Bajpai: Enquiries have been made and a reply will be placed on the table of the House on receipt of information.

DEMAND FOR RESIDENTIAL HOUSES FOR MIDDLE CLASSES IN DELHI.

212. ***Mr. M. Asaf Ali:** Are Government aware that:

(a) the pressure on the residential area in Old Delhi has become intolerable;

(b) there is an urgent demand for residential middle class houses; and

(c) loans for schemes of such developments can be easily raised in the present conditions of the money market?

Sir Girja Shankar Bajpai: (a) to (c). Government are considering the formation of an Improvement Trust for Delhi, which will devise *inter alia* means of relieving congestion.

AGRICULTURAL INDEBTEDNESS IN THE DELHI PROVINCE.

213. ***Mr. M. Asaf Ali:** With reference to my question No. 348 (b) and (c), dated the 14th September, 1936, regarding agricultural indebtedness in the Delhi Province, asked during the last Session, will Government be pleased to state what results have followed the answer given to this question?

Sir Girja Shankar Bajpai: A proposal for the establishment of a Debt Conciliation Board in Delhi has been accepted and the necessary provision has been made in next year's budget estimates which will be presented to this House in due course.

REDUCTION IN THE PAY OF CERTAIN EMPLOYEES OF THE ELECTRICAL DEPARTMENT OF THE NORTH WESTERN RAILWAY.

214. ***Mr. Lalchand Navalrai:** (a) Is it a fact that on the North Western Railway the pay of certain daily rated employees of the Electrical Department has been reduced and recoveries have been ordered to be made from them of difference between the original and the newly fixed pay?

(b) Is the reduction made general in case of all daily rated employees? If not, why the difference?

(c) Is it a fact that some mistry wiremen such as Gurdatsing on the North Western Railway have not been affected and their service cards have been returned by the Agent's office duly checked?

(d) If the reply to the above be in the affirmative, will Government be pleased to say whether there has been any such case in the past and whether recoveries for periods over a year prior to such refixation of pay have ever been made?

(e) Will Government be pleased to say whether the officer who sanctioned the original rates of pay or subsequent increments in the case of these employees was fully empowered to do so and if he was so empowered why after the lapse of years the question has now been reopened? If he was not so empowered why immediate action was not taken by the Chief Electrical Engineer, Lahore or Audit, who used to prepare the salary bills and pass them finally?

(f) Will Government be pleased to say whether the refixations having the effect of reducing individual's pay is in accordance with Fundamental Rule 15; and whether the conditions of this rule, *i.e.*, inefficiency or misbehaviour was proved against those employees before their pay was refixed? If not, why was the revision made and how do Government justify its application with retrospective effect?

(g) Is it a fact that pay of certain employees has been re-rated after five to ten years of service?

(h) Are Government prepared to review the position and see that justice is done to the employees of the Electric Department, especially with reference to retrospective effect? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: I am collecting information and will lay a reply on the table of the House in due course.

INDIA'S EXPORT TRADE WITH GERMANY AND OTHER EUROPEAN COUNTRIES.

215. ***Mr. Amarendra Nath Chattopadhyaya:** Has the attention of Government been drawn to the report of the Indian Trade Commissioner at Hamburg, wherein it has been stated that owing to exchange restrictions and other obstacles, India's export trade in Germany and other European countries has been greatly hampered?

The Honourable Sir Muhammad Zafrullah Khan: Government have not been able to find any such specific statement in the latest report of the Indian Trade Commissioner, Hamburg, but they are prepared to agree that "exchange restrictions and other obstacles" hamper the trade of any country to which they are applied.

COLLIERY DISASTERS IN BIHAR AND BENGAL.

216. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Will Government be pleased to state how many colliery disasters had taken place in Bihar and Bengal during the years 1935 and 1936?

(b) Will Government be pleased to state the number of men and women, (i) died as a result of these disasters, (ii) became incapacitated, and (iii) wounded?

(c) Will Government be pleased to state the names of proprietors, Managers and Managing Agents and respective collieries?

(d) Will Government be pleased to state if any regular investigation had been made into the causes of these disasters; did such disaster take place through negligence of the managing authorities? If so, what steps were taken to punish such officers?

(e) What compensation was granted to those who died, were wounded and incapacitated? What was the total loss incurred by the proprietors of the respective collieries or by the managing authorities?

The Honourable Sir Frank Noyce: (a) and (c). As there is no clear indication of what the Honourable Member means by "disaster", it is difficult for me to give any precise answer; but on the assumption that he means fatal accidents in mines, I would refer him, so far as 1935 is concerned, to the report of the Chief Inspector of Mines, a copy of which is in the Library of the House. He will find in this particulars of every fatal accident which occurred in that year in every coal mine in the provinces mentioned. These give the names of the mines, the names of the owners, the names of the persons killed, and the causes of the accidents. Fuller particulars are also given of certain accidents. The names of the managers are not available in this report, but these can be found in the List of Coal Mines in British India. Particulars for 1936 are not yet available, but these will be published in due course in the report for that year.

(b) The following figures give the number of persons killed and injured during 1935. They are not confined to Bengal and Bihar, but these provinces contain the bulk of the coal mines.

Men killed, 284; Men injured, 805.

Women killed, 28; Women injured, 64.

I am unable to say in how many cases the injuries resulted in permanent incapacity.

(d) A regular enquiry as well as an inspection was made in the case of every fatal accident. In addition 4 Courts of Inquiry were appointed in 1935 and 1936 under section 21 of the Indian Mines Act. It is obviously impossible for me to make any general statement regarding negligence as the circumstances differ in each case, but the proportion of accidents which is directly traceable to negligence on the part of the management is small. Particulars of prosecutions, which are not limited to cases where accidents actually occur, are given in the Chief Inspector of Mines' report annually.

(e) The Government of India are not in possession of this information.

SUICIDES AND DEATHS OF DETENUS AND INTERNEES AND THEIR RELEASE ON THE OCCASION OF THE KING'S CORONATION.

217. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Will Government be pleased to state the number of detenus and internees who have (i) committed, suicide during the last three years in their respective place of detention, (ii) died of diseases?

(b) Do Government propose to release them before the, or on the occasion of the, Coronation of His Majesty the King Emperor?

(c) Are Government aware that situation in Bengal or for the matter of that of India in relation to terrorism has changed? If so, do not Government propose to revise their policy regarding further detention of men without trial simply on suspicion?

The Honourable Sir Henry Craik: (a) The Government of India are only concerned with detenus at Deoli. As regards that detention camp there have been no deaths through natural causes during the last three years. One detenu recently committed suicide there.

(b) No.

(c) Although the situation in regard to terrorism has improved, the improvement would not justify the general release of persons detained because of their connection with terrorism, in view of the fact that such releases have, in the past, been followed by a recrudescence of the movement.

PRACTISING OF HOMŒOPATHY BY GOVERNMENT SERVANTS.

218. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Will Government be pleased to state if a protest has been received by the Director General, Indian Medical Service, from a number of medical practitioners against the practice of Homœopathy by Government servants?

(b) Is it a fact that there are more than 50 Homœopathy practitioners who are Government servants?

(c) Is it a fact that Government servants who practise Homœopathy have to take permission in order to act in conformity with Rule 13 of the Government Servants Conduct Rules, 1935, or Rule 15 of the Rules applicable to other persons? If so, are such permissions granted by the Heads of respective Departments?

(d) Are Government aware that such practising Homœopaths do a good deal of useful work to their neighbours who seek their aid in time of illness in their homes? If so, have Government withheld the permission for practising Homœopathy in response to the aforesaid protest from a number of medical practitioners?

(e) Has there been any case of negligence of duty on the part of such Government servants who have been permitted to practise Homœopathy? If not, will Government be pleased to state that no such application for permission to practise Homoeopathy from Government servants will be refused?

The Honourable Sir Henry Craik: (a) Yes.

(b) Government are not aware of the actual number; but there was reason to believe that a good many Government servants were practising Homœopathy when the protest was received.

(c) I invite the Honourable Member's attention to the Rules.

(d) I have no information, nor am I aware whether permission has been withheld in any case.

(e) Government have not enquired whether there are specific instances of neglect of duty due to the practice of Homœopathy. They are satisfied however that the practice is objectionable and should not be permitted.

INDIAN EXILES LIVING IN FOREIGN COUNTRIES NOT PERMITTED TO RETURN TO INDIA.

219. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Will Government be pleased to state the names of the Indian exiles living in foreign countries who are not permitted to return to India on political grounds?

(b) Will Government state when the aforesaid exiles had left the shores of India and in what political connection they were obliged to go out of India and remain exiled?

(c) Is it not a fact that Mr. Bhupendra Nath Dutt and Mr. Sailandra Nath Ghose were exiles of the above type? If so, do Government propose to take similar steps with regard to other exiles as they have taken with regard to the aforesaid exiles?

The Honourable Sir Henry Craik: (a) and (b). I would invite the attention of the Honourable Member to the reply given by me to Pandit Paliwal's question No. 370 on the 13th September, 1935. Both the persons mentioned therein have since returned to India.

(c) The Government of India have not received requests from any other such persons for facilities to return to India.

TRAVELLING OF SERVANTS IN RAILWAY COMPARTMENTS WITH THEIR MASTERS.

220. ***Mr. Sri Prakasa:** (a) Is it a fact that Rules 83 and 84 of the Indian Railway Conference Association's Coaching Tariff No. 10 quoted by the Honourable the Commerce Member in reply to question No. 235 on September 9, 1936, refer to servants travelling with women and children, and are Government prepared to frame specific rules regarding the travelling of servants in the same compartment with their masters occasionally from station to station?

(b) Is it or is it not a fact that servants with ordinary third class servant tickets do travel with their masters in the first and second classes to attend on them as required? Is this against rules or not? If it is, do Railway Administrations connive at it? Have there been any cases where such servants have been found so travelling, and if so, have they or their masters been prosecuted?

The Honourable Sir Muhammad Zafrullah Khan: (a) The reply to the first part is in the affirmative. As regards the second part, I will convey the Honourable Member's suggestion to Railways for consideration.

(b) As regards the first part, Government believe that this is the case, but have no information as to the extent of the practice which is not provided for in the rules. Government are not aware of any case of the kind referred to in the last part of the question.

SALE OF PLATFORM TICKETS AT THE BENARES CANTONMENT RAILWAY STATION.

221. ***Mr. Sri Prakasa:** (a) Is it a fact that on the East Indian Railway, platform tickets at some stations are sold at the booking office and at some at the gate?

(b) If so, what is the exact point in this differentiation?

(c) Is it a fact that at the Benares Cantonment Railway Station platform tickets were formerly sold at the gates and are now sold at the booking office? If so, why was the change made?

(d) Are Government aware that an important platform at the Benares Cantonment Railway Station immediately adjoins the portico on the cantonment side and that persons arriving from that side to receive friends at that platform have to go over a long overbridge to reach the booking office to buy platform tickets, and are Government prepared to recommend to the railway authorities to arrange for the sale of platform tickets at the gate of this platform, at least for the important trains due to arrive at that platform?

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

(d) I will convey the Honourable Member's suggestion to the Agent, East Indian Railway, for consideration.

RESERVATION FOR A CERTAIN PERIOD OF THE DUFFERIN BRIDGE NEAR THE KASHI RAILWAY STATION FOR VEHICULAR TRAFFIC.

222. ***Mr. Sri Prakasa:** (a) What is the average number of trains passing over the Dufferin Bridge near the Kashi Railway Station on the East Indian Railway every 24 hours?

(b) Are Government prepared to recommend to the Railway Administration to arrange for the reservation of one hour every morning and evening definitely for vehicular traffic over the bridge during the months when the pontoon bridge is not available?

(c) Has the Railway Administration ever received any representation from the railway staff at Kashi Station that such reservation is possible and will be convenient both for the staff and the public?

The Honourable Sir Muhammad Zafrullah Khan: Enquiries are being made from the Railway Administration and a reply will be laid on the table in due course.

TENDERS FOR THE CONSTRUCTION OF THE IMPERIAL AGRICULTURAL RESEARCH INSTITUTE.

223. ***Mr. Sham Lal:** Is it a fact:

(a) that in 1935 tenders to the value of about five lacs were invited by the Public Works Department for constructing the residential portion of the Imperial Agricultural Research Institute;

(b) that the ultimate total cost in this portion of the scheme has exceeded twenty lacs;

(c) that the same contractor was allowed to carry out the whole of 20 lacs without any further tenders being invited;

(d) that the same contractor was given the contract for the non-residential portion of this work in spite of his tender being about sixty thousand rupees higher than the lowest tender;

(e) that again in 1936 the same contractor was given the work of over a lac of rupees for four Gazetted Officers' bungalows when his tender was not the lowest; and

(f) if the answer to the above be in the affirmative, will Government be pleased to state what action has been taken against these officials?

The Honourable Sir Frank Noyce: (a) Tenders for constructing the residential portion of the Imperial Agricultural Research Institute were invited at the same time as for the non-residential portion.

(b) No.

(c) and (d). The contract for both portions of the scheme was awarded to the same contractor, whose tenders for both together were Rs. 12,000 and not Rs. 60,000 higher than the lowest tenderer's.

(e) Yes.

(f) No action was called for against any official.

INSTITUTION OF AN ENQUIRY INTO THE WORKING OF THE PUBLIC WORKS DEPARTMENT, DELHI.

224. ***Mr. Sham Lal:** (a) Do Government propose to institute an enquiry into the working of the Public Works Department, Delhi, and lay the findings before the house?

(b) Is it a fact that an enquiry was held in this connection by the Accounts Department?

(c) If so, will Government place on the table of this House the findings? Have Government considered a further enquiry necessary in the light of these findings?

The Honourable Sir Frank Noyce: (a) No.

(b) and (c). If the Honourable Member has in mind the enquiry made by the Government of India last year into the irregularities connected with the acceptance of tenders for the construction of the Irwin Hospital, New Delhi, I would invite his attention to the reply given by me to part (a) of Mr. Asaf Ali's question No. 355 on the 14th September, 1936, in this House. Government do not consider it necessary to hold any further enquiry into the matter.

NON-INCLUSION OF ENGINEERING AS A SUBJECT FOR THE INDIAN CIVIL SERVICE EXAMINATION IN INDIA.

225. ***Mr. Sham Lal:** (a) Will Government be pleased to state if it is a fact that engineering is not allowed to be taken up as a subject by the candidates for the Indian Civil Service examination appearing in India?

(b) Is it a fact that the same subject is allowed to be taken up in England?

(c) Will Government be pleased to state the reasons for this anomaly, and whether they are prepared to remove it in view of the increasing restrictions in the way of Indian students going to England?

The Honourable Sir Henry Craik: (a) and (b). The reply is in the affirmative.

(c) Government do not admit that any anomaly exists. During the years 1923 to 1930 when this subject was allowed only 3 candidates offered it in India, none of them with success. The I. C. S. examination is based upon a wide general education. An Engineering degree, on the other hand, in India involves a very specialised course of study and the candidate who takes up such a subject may be expected to look forward to a career in Engineering rather than in the Indian Civil Service. No change is therefore contemplated.

RELEASE OF MR. HIRA LAL DAS GUPTA, MR. MANORANJAN DHAR AND MR. HUNAJORANJAN DHAR, DETENUS IN THE PUNJAB.

226. ***Mr. Sham Lal:** (a) Is it a fact that Mr. Hira Lal Das Gupta, detenu, was transferred to the Punjab as a companion to Mr. Sen?

(b) Is it a fact that he is the eldest son of his father and that during his detention his father developed serious physical troubles which disabled him from earning his livelihood and resulted in his death two or three months back?

(c) Did Hira Lal make repeated representations for family allowance and leave to see his father and to what effect?

(d) Was Hira Lal allowed leave to perform the *saradh* ceremonies of his father and to arrange his domestic affairs?

(e) Have Government made any arrangements for the maintenance of the family?

(f) Is Hira Lal suffering from appendicitis and other diseases?

(g) Did he apply for his transfer to Calcutta for treatment? What was the fate of his application?

(h) Are Government prepared to release Hira Lal?

(i) Is it a fact that Mr. Manoranjan Dhar and his brother Hunajoranjan Dhar are under detention for the last seven years?

(j) Is it a fact that during their absence from home their father has developed heart trouble and is not in a position to help his family?

(k) Did Manoranjan Dhar and his brother apply for release and maintenance for their family? If so, to what result?

The Honourable Sir Henry Craik: (a) Yes.

(b), (c), (h) to (k). The Government of India have no information. These are matters for the Government of Bengal.

(c), (d) and (f). The question of family allowance is one which concerns the Government of Bengal. I am making enquiries as regards the other information required and a reply will be laid on the table in due course.

(g) Yes. His request was not granted.

COLLISION AT BARHAN STATION ON THE EAST INDIAN RAILWAY.

227. ***Dr. Ziauddin Ahmad:** (a) Did the Inspector of Railways visit Barhan station, East Indian Railway, where Down Bareilly-Agra Express collided with Up Parcel Express, on the morning of the 5th December, 1936?

(b) Did the Inspector present a report to the Government?

(c) Will Government be pleased to lay the report on the table?

(d) Who was responsible for the collision?

(e) In case the collision was due to the mistake of the driver of Parcel Express that he did not see the signal on account of fog, will Government be pleased to tell whether fog signals were used? If not, why not?

(f) Did the Inspector find the proofs that fog signals were used?

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

(c) The suggestion will be considered.

(d) to (f). I regret I am unable, at the present stage when no decision has been reached in regard to the action to be taken against those concerned in the accident, to make any statement on these points.

Dr. Ziauddin Ahmad: When will Government take any action in this matter?

The Honourable Sir Muhammad Zafrullah Khan: There is a question by the Honourable Member on the subject later on.

COLLISION AT BARHAN STATION ON THE EAST INDIAN RAILWAY.

228. ***Dr. Ziauddin Ahmad:** (a) What is the total station staff at Barhan station, East Indian Railway, and what are their qualifications?

(b) What steps did the station staff take when they noticed that the Parcel Express did not stop outside the signal?

The Honourable Sir Muhammad Zafrullah Khan: (a) I have called for the information required and will place it on the table of the House when it is received.

(b) On account of the fog, the station staff did not see the Parcel Express till it had actually come into the station.

Dr. Ziauddin Ahmad: Has the Government devised any method by means of which the Driver can see the signal because the fog is a thing of common occurrence and is not confined to any particular line?

The Honourable Sir Muhammad Zafrullah Khan: There is a reply to that question later on.

COLLISION AT BARHAN STATION ON THE EAST INDIAN RAILWAY.

229. ***Dr. Ziauddin Ahmad:** (a) In view of the fact that the accident at Barhan station, East Indian Railway, took place at Down platform in front of the Station Master's office, will Government be pleased to tell us—why the Up Parcel Express comes on the Down platform?

(b) In case it is due to double inter-locking system, do Government propose to get the system examined by experts?

(c) What steps do Government propose to take to safeguard the life of travelling public that similar incidents may not occur in future?

(d) In view of the fact that thick fog frequently occurs in cold weather in Upper India in morning hours, what guarantee there is that drivers of fast trains will see the signals at small stations?

The Honourable Sir Muhammad Zafrullah Khan: (a) The Up Parcel Express should not have come on to the down platform.

(b) The interlocking system at the station had nothing to do with the occurrence.

(c) and (d). I would refer the Honourable Member to the reply I have just given to parts (d) to (f) of his question No. 227.

ISSUE OF INSURANCE TICKETS FOR ACCIDENT OR DEATH OCCURRING DURING RAILWAY TRAVELLING.

230. ***Dr. Ziauddin Ahmad:** Are Government prepared to take steps to issue insurance tickets for accident or death occurring during the travelling, as is done in some European countries?

The Honourable Sir Muhammad Zafrullah Khan: Proposals for the adoption of an Accident Insurance Scheme are at present under examination.

REPORT OF THE INSPECTOR OF RAILWAYS ON THE BARHAN ACCIDENT.

231. ***Dr. Ziauddin Ahmad:** Was the report of the Inspector of Railways on Barhan accident examined by Railway Board? What is their opinion?

The Honourable Sir Muhammad Zafrullah Khan: The report has only recently been received and is under the consideration of the Railway Board.

Dr. Ziauddin Ahmad: Will the Government lay this report on the table when it has been considered?

The Honourable Sir Muhammad Zafrullah Khan: I have replied to that in reply to a previous question.

PUTTING OF LUGGAGE VANS BEHIND PASSENGER CARRIAGES IN PARCEL EXPRESS.

232. ***Dr. Ziauddin Ahmad:** (a) Are the luggage vans put behind passenger carriages in parcel express? If so, why?

(b) What was the opinion of the Government Inspector on this point?

The Honourable Sir Muhammad Zafrullah Khan: (a) I have called for certain information and will place a reply on the table of the House when it has been received.

(b) The Government Inspector did not refer to this point in his report.

Dr. Ziauddin Ahmad: I thought it was rather an important question. In the case of the Parcel Express the luggage vans are put behind and the passenger carriages are put ahead. Is it not possible to do the other way round so that in case of a collision the lives of passengers may be saved from these accidents?

The Honourable Sir Muhammad Zafrullah Khan: That is a suggestion made by the Honourable Member, but that was not a point for the Government Inspector to consider for the simple reason that he was considering the cause of the accident.

Dr. Ziauddin Ahmad: Had the arrangement that I suggest been followed there would have been no damage done to the passengers. I was myself unfortunately a victim of the accident. If the passenger carriages had been put behind, then I would have been saved all the trouble.

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member has made that suggestion but it has nothing to do with the Government Inspector's report.

Dr. Ziauddin Ahmad: It has nothing to do with the question about the collision, but it has everything to do with the damages done to the passengers?

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member's suggestion will be considered but it had nothing to do with the Government Inspector's report who was not bound to consider it.

TERMS OF REFERENCE OF SIR RALPH WEDGWOOD ENQUIRY COMMITTEE.

233. ***Dr. Ziauddin Ahmad:** (a) What are the terms of reference of Sir Ralph Wedgwood Enquiry Committee?

(b) Is the Committee authorised to issue any questionnaire or to take oral and written evidence?

(c) Will the Committee confine its enquiry to the Railway officers attached to Railway Board and Agents?

The Honourable Sir Muhammad Zafrullah Khan: (a) To examine the position of Indian State-owned railways and to suggest such measures as may, otherwise than at the expense of the general Budget, (i) secure an improvement in net earnings, due regard being paid to the question of establishing such effective co-ordination between road and rail transport as will safeguard public investment in railways while providing adequate services by both means of transport; and (ii) at a reasonably early date place railway finance on a sound and remunerative basis.

(b) Yes.

(c) No.

Dr. Ziauddin Ahmad: Will the Government also consider the fact that there is a question of the levy of a protective duty for the railways as against motor cars on the petrol which has just been about 7½ annas per gallon because the Honourable the Finance Member said this morning that ten annas per gallon are being collected out of which 2½ annas go to the Road Fund and the remaining 7½ annas are debited to the General Fund. This is really a question of protective duty for the benefit of the railways.

The Honourable Sir Muhammad Zafrullah Khan: That is a statement by the Honourable Member.

Mr. N. M. Joshi: May I ask whether this Committee will consider the question as to how the railway revenues are being adversely affected by the neglect of the third class passengers?

The Honourable Sir Muhammad Zafrullah Khan: They will consider everything that is relevant to the terms of their inquiry.

Mr. Lalchand Navalrai: May I ask whether this Committee will examine or consult the Railway Unions and the Motor owners whose interests are at stake?

The Honourable Sir Muhammad Zafrullah Khan: This Committee, I believe, invited suggestions from everybody as soon as the Chairman landed in India.

Mr. Lalchand Navalrai: May I know if these bodies will be examined?

The Honourable Sir Muhammad Zafrullah Khan: Anything that is put forward before them will be examined.

Babu Baijnath Bajoria: Is the Honourable Member aware that there is a great resentment in the country that no Indian has been associated with this Committee?

The Honourable Sir Muhammad Zafrullah Khan: How does this arise out of this question?

EXPENDITURE ON THE EXPERTS BROUGHT OUT TO INDIA.

234. ***Dr. Ziauddin Ahmad:** (a) How many experts did the Government of India bring out to this country in the calendar year 1936 and how much will each expert cost to the Indian tax-payers?

(b) Was the expenditure included in the budget of the current or the previous year?

The Honourable Sir Henry Craik: (a) and (b). I would refer the Honourable Member to the statement laid on the table on the 16th September, 1936, in reply to Mr. Avinashilingam Chettiar's question No. 413 and to the answers given to the supplementary questions on that occasion. The further information now asked by the Honourable Member is being collected and will be laid on the table in due course.

Dr. Ziauddin Ahmad: Were the expenses included in the Budget of 1936-37?

The Honourable Sir Henry Craik: That is part of the information I am collecting.

CASE OF MR. GHULAM HUSAIN KHAN, *ex*-TRAVELLING TICKET EXAMINER, NORTH WESTERN RAILWAY, LAHORE DIVISION.

235. ***Khan Bahadur Shaikh Fazl-i-Haq Piracha:** (a) Will Government please place on the table the report of Mr. S. C. Sircar who had been deputed to inquire into Mr. Ghulam Husain Khan's case *ex*-Travelling Ticket Examiner, North Western Railway, Lahore Division?

(b) Is it a fact that as a result of the investigation referred to above, Mr. Ghulam Husain was reinstated in his original appointment on the 27th of May, 1930, (*vide* letter No. 40131/C.T./30)?

(c) Are Government aware of the fact that simultaneously with his reinstatement Mr. Ghulam Husain Khan was given notice for the termination of his services; if so, will Government please state reasons?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government are not prepared to place the report on the table of the House as this document is only for departmental use not intended for publication.

(b) and (c). Government are informed as follows:

Yes. As Mr. Ghulam Hussain was under suspension, the officer passing the order of discharge was under the impression that reinstatement should precede a notice of discharge.

CASE OF MR. GHULAM HUSAIN KHAN, *EX*-TRAVELLING TICKET EXAMINER, NORTH WESTERN RAILWAY, LAHORE DIVISION.

236. ***Khan Bahadur Shaikh Fazl-i-Haq Piracha:** Will Government be pleased to state:

(a) whether due regard to the true interpretation of the terms of agreement entered into with Railway authorities was paid in serving Mr. Ghulam Husain with one month's notice; and

(b) what action, if any, they propose to take in the case of Mr. Ghulam Husain Khan in view of the peculiar circumstances of this case?

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

(b) None.

UNSTARRED QUESTIONS AND ANSWERS.

INCOME FROM FIRST AND INTERMEDIATE CLASS PASSENGERS AND INTERMEDIATE CLASS WAITING ROOMS ON THE EAST INDIAN RAILWAY.

1. **Mr. Mohan Lal Saksena:** Will Government be pleased to lay on the table a statement giving the following information regarding East Indian Railway:

(a) total income from first class passengers in 1935-36;

(b) total income from intermediate class passengers in 1935-36;

(c) the respective number of stations where separate waiting rooms for first and intermediate class passengers exist; and

(d) the number of stations where no arrangements exist for the intermediate class passengers excepting the third class passenger hall?

The Honourable Sir Muhammad Zafrullah Khan: (a) Rs. 12,11,000.

(b) Rs. 34,36,000.

(c) and (d). Information is being obtained from the East Indian Railway, and will be laid on the table in due course.

COSTS OF TIME TABLES OF VARIOUS RAILWAYS.

2. **Mr. Mohan Lal Saksena:** Will Government lay on the table a statement giving the comparative costs of time tables of various railways, their respective mileage and incomes on account of advertisement in time tables?

The Honourable Sir Muhammad Zafrullah Khan: I am placing on the table a statement giving the particulars asked for in regard to those Railways for which information is available.

Statement relating to the half-yearly English Time Table—October 1936 issue.

Railways.	Mileage.	Cost of production.	Revenue derived from advertisements.
		Rs.	Rs.
A. B. .	1,306	2,112	920
B. & N. W.*	2,110	2,058	135
R. & K.	570		
B. N. .	3,392	4,263	1,620
B., B. & C. I.	3,691	2,142	*Nil.*
Burma .	2,059	2,464	1,684
E. B. .	2,009	7,300	4,600
E. I. . .	4,391	14,070	3,156
G. I. P. * .	3,727	4,749	210
M. & S. M.	3,228	9,115	1,182
N. W. .	6,944	14,166	2,820
S. I. . .	2,532	4,433	212

*April 1936 issue.

ISSUE OF CHARGE SHEETS TO SUBORDINATE EMPLOYEES ON THE EASTERN BENGAL RAILWAY.

3. **Mr. Umar Aly Shah:** (a) Will Government be pleased to state whether the Railway Board has very recently issued a letter to the Agent, Eastern Bengal Railway, regarding issue of charge-sheets, stating that the issue of a charge-sheet to a subordinate employee by a gazetted officer is discretionary under certain circumstances in cases where a charge-sheet has already been issued by a senior subordinate?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state whether the Railway Board's recent orders referred to above run counter to the statement made by the Honourable the Commerce Member on the floor of this Assembly in reply to unstarred question No. 155 put by Mr. Amarendra Nath Chattopadhyaya—*vide* Legislative Assembly Debate, dated the 27th February, 1936?

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

(b) No.

MILEAGE OF ROADS IN INDIA.

4. **Mr. Mohan Lal Saksena:** Will Government lay on the table a statement giving the following information regarding roads in India:

(a) the total mileage of road;

(b) the mileage of metalled and unmetalled roads; and

(c) the respective mileage of metalled and unmetalled roads maintained by the Public Works Department by the District and Local Boards and by the Municipalities and Cantonments?

The Honourable Sir Frank Noyce: Sir, with your approval I will reply to questions Nos. 4 and 6 together.

The information is being collected and will be laid on the table when ready.

INADEQUACY OF ROADS IN INDIA.

5. **Mr. Mohan Lal Saksena:** (a) Are Government aware that the roads in India are inadequate to meet the requirements of the people?

(b) Is it a fact that in British India there is only 6·8 miles of surfaced and 24·19 miles of both surfaced and unsurfaced roads per 100 square miles of area and the comparative figures for a sparsely populated country like the United States of America the figures are 12·05 miles and 80 miles respectively per 100 square miles of area? If not, what are the exact figures for the two countries as well as for England and Wales?

The Honourable Sir Frank Noyce: (a) Yes.

(b) I am not in a position to verify the figures quoted by the Honourable Member, but they probably give a reasonably accurate picture, except that the figures for British India do not take into account the very large mileage of village roads regarding which no statistics are available. The figure for England and Wales together, including urban roads, is 262 miles per 100 square miles of area.

ADDITION TO ROADS SINCE 1ST APRIL, 1929.

†6. **Mr. Mohan Lal Saksena:** Will Government state how many miles of surfaced and unsurfaced roads have been added since 1st April, 1929?

MONEY RAISED BY THE IMPOSITION OF ADDITIONAL DUTY ON PETROL SPENT ON VILLAGE ROADS.

7. **Mr. Mohan Lal Saksena:** (a) Will Government state how much money has been raised by the imposition of additional duty on petrol since 1st April, 1929 and how it has been spent by the various Governments?

(b) Was any part of it spent on the improvement of village roads? If not, why not?

The Honourable Sir Frank Noyce: (a) The total audited revenue derived from the additional duty on petrol amounted, up to the end of 1935-36, to 763¾ lakhs. Out of this, 3½ lakhs have been set aside for grants-in-aid for civil aviation purposes under paragraph 2(1) of the Resolution governing road development. The remainder has been distributed as follows between the different authorities:

	Lakhs. Rs.
Reserve with the Government of India	88·42
Allotments to provinces	563·37
Indian States and Minor Administrations	108·32
Unadjusted balance	0·14
Total	760·25

†For answer to this question, *see* answer to question No. 4.

The allotments to the Governors' Provinces up to the end of March, 1936, are shown in the attached statement. The grants have been mainly expended on reconstruction of existing metalled roads, metalling of unmetalled roads, and provision of bridges.

(b) Local Governments have full discretion to spend the amount distributed in the way they consider best, subject of course to the approval of the schemes intended to be financed from such allotments by the Government of India. The policy of the Transport Advisory Council, to which the provinces are a party, is that a large share of the expenditure should be devoted to the improvement of communications in rural areas. Paragraph 8 of the existing Road Resolution also lays down that in considering schemes the Governor General in Council shall bear in mind the urgent need for improving the efficiency and reducing the cost of transport by road of agricultural produce to markets and railways.

Statement showing allotments to Governors' Provinces from the Road Fund to end of 1935-36.

Name of Province.	Share to end of 1935-36 including allotments proposed to be made shortly for the period 1st October 1935 to 31st March 1936.	Probable expenditure to end of 1936-37.
	Rs. lakhs.	Rs. lakhs.
Madras . .	99·99	62·00
Bombay .	130·83	80·00
Bengal . .	95·55	53·00
United Provinces	40·48	41·00
Punjab . .	51·84	33·00
Burma including Federated Shan States	69·42	34·00
Bihar and Orissa	24·59	14·00
Central Provinces	22·31	20·00
Assam . .	15·52	13·00
North-West Frontier Province	12·84	11·00
	563·37	361·00

CERTAIN INFORMATION REGARDING MILITARY MANŒUVRES.

8. **Mr. Mohan Lal Saksena:** Will Government lay on the table a statement giving the following information regarding military manœuvres held during the last three years:

(a) number of manœuvres held;

(b) total amount of compensation paid in various manœuvres;

(c) total number of persons who were paid compensation; and

(d) total number of days each manœuvre was held?

Mr. G. R. F. Tottenham: (a) The following figures relate to the manœuvres and field exercises carried out by formation of the strength of a brigade and above:

1933-34	27
1934-35	29
1935-36	25

(b) and (c). The information is not readily available. Its compilation would involve a reference to many civil and military authorities and the time and labour involved would not be commensurate with the value of the results.

(d) A statement is given below. The figures do not include "columns" operating from frontier stations and small concentrations for artillery practice camps, nor exercises without troops.

Statement.

1933-34.

	Number of days.
1. R. A. concentration	12
2. Brigade training	8
3. Brigade training	19
4. Brigade training	14
5. Brigade training	1
6. Brigade training	8
7. Brigade Exercise	1
8. Brigade Exercise	2
9. Brigade Exercise	1
10. Brigade Exercise	1
11. Brigade training	1
12. Brigade training	1
13. Brigade training	14
14. Brigade training	17
15. Brigade training	10
16. Brigade training	16
17. Brigade training	13
18. Brigade training	12
19. Combined (Div.) training	6
20. District exercises	6
21. Brigade training	18
22. Manœuvres	5
23. Brigade training	21
24. Brigade training	1
25. Brigade training	2
26. Inter-brigade exercise	6
27. Brigade training	

1934-35

1. Cavalry brigade training	21
2. Brigade training	13
3. Brigade training	13
4. Brigade training	13
5. Brigade exercise	1
6. Brigade exercise	17
7. Brigade training	12
8. Brigade training	13
9. Cavalry Brigade training	5
10. Cavalry Brigade training	16
11. Cavalry Brigade exercise	3
12. Inter-brigade training	3
13. Command exercise	3
14. Brigade training	13
15. Brigade training	10
16. Brigade training	9
17. Brigade training	4
18. Cavalry Brigade training	7
19. Inter-brigade training	2
20. Inter-brigade training	3
21. Manœures and ceremonial	8

	Number of days.
22. Brigade training	25
23. Cavalry brigade training	13
24. Brigade training	15
25. Brigade training	11
26 Command manœuvres	7
27. Brigade training	22
28. Brigade training	11
29. Brigade, Bn. and Coy. training	35

1935-36.

1. A. H. Q. Exercise	8
2. Brigade training	14
3. Cavalry brigade training	17
4. Brigade exercise	2
5. Brigade training	14
6. Cavalry Brigade exercise	2
7. Brigade training	1
8. Brigade exercise	2
9. Cavalry brigade training	11
10. Cavalry brigade exercise	3
11. Brigade training	11
12. Brigade concentration	35
13. Brigade concentration	33
14. Cavalry brigade training	20
15. District exercise	3
16. Command exercise	3
17. Brigade training	4
18. District exercise	3
19. Artillery concentration	4
20. Brigade training	10
21. Cavalry brigade training	31
22. Brigade training	15
23. Brigade training	12
24. Brigade and Bn. training	11
25. Concentration, Infantry and Artillery	4

SOLDIERS AND OFFICERS IN THE ARMY.

9. **Mr. Mohan Lal Saksena:** Will Government lay on the table a statement giving the respective numbers of soldiers and officers in the Indian Army from the various districts and provinces?

Mr. G. R. F. Tottenham: The information in the form required by the Honourable Member is not available and its collection would entail an expenditure of time and labour which would not be commensurate with the result.

CONTRACTS OF BOOKSTALLS AND EUROPEAN REFRESHMENT ROOMS ON THE NORTH WESTERN RAILWAY.

10. **Mr. Sham Lal:** (a) Have Government considered whether it is economical to sell the contracts of Bookstalls and European Refreshment Rooms on the North Western Railway stations, as it will save the Railway free passes, freight concessions, free carriage of certain articles, etc.? If not, what are the reasons?

(b) Is the North Western Railway prepared to withdraw all free passes, freight concessions, etc., etc., from Bookstall contractors and European Refreshment Room contractors? If not, why not?

(c) Is it a fact that in European Refreshment Rooms over the North Western Railway a bottle of Murree Beer is sold at Re. 0-12-0 and its bazar rate is Re. 0-9-0, a bottle of whisky is sold at Rs. 10 while it is sold in bazar at Rs. 8-0-0 and a bottle of Beck's Beer which is sold in Bazar at Re. 0-14-0 is sold at Rs. 1-5-0?

(d) If the answer be in the affirmative, will the North Western Railway Administration explain why articles are not sold at market rate in the European Refreshment Rooms?

(e) Is it a fact that a peg of whisky is sold at the European Refreshment Rooms on the North Western Railway at Rs. 1-4-0 which means that a bottle of whisky is sold for Rs. 15 which can be had in bazar at Rs. 8-0-0? If the answer to the above be in the affirmative, what is the justification for this 80 per cent. increase of prices?

The Honourable Sir Muhammad Zafrullah Khan: I have called for certain information and will place a reply on the table when it has been received.

Sale of Food Contracts on the North Western Railway.

11. Mr. Sham Lal: (a) Is it a fact that the North Western Railway Administration has decided to sell the food contracts, both European and Indian, and is it a fact that an Indian contractor of the Delhi Station has been selected for trial?

(b) What is the reason that a bookstall or a European Refreshment Room at Delhi has not been selected for a trial?

(c) On what Railways—State or Company—the food contracts, both European and Indian, are sold? What are the different methods on various Railways for making money on food contracts—both Indian and European?

The Honourable Sir Muhammad Zafrullah Khan: (a) No definite decision has yet been arrived at. As, however, certain contracts at Delhi were recently terminated, the opportunity was taken of inviting tenders and a contractor has since been appointed.

(b) A similar opportunity has not arisen in connection with the contract for the bookstall and the European refreshment room.

(c) I would refer the Honourable Member to the memorandum placed before the Central Advisory Council for Railways at their meeting in October, 1936.

Collection of Money from Indian Food Contractors on the Bengal Nagpur Railway.

12. Mr. Sham Lal: (a) Is it a fact that a big amount is collected from Indian food contractors on the Bengal Nagpur Railway, and is it a fact that this amount is all spent up on the employment of a European Catering Superintendent and European catering?

(b) Is it a fact that the Railway Retrenchment Committee in the Report of 1931 disapproved of this system on the Bengal Nagpur Railway and strongly recommended for its abolition?

The Honourable Sir Muhammad Zafrullah Khan: (a) I would refer the Honourable Member to the reply given by Mr. P. R. Rau to Mr. Satyamurti's question No. 1264 on the 1st April, 1935.

(b) The Committee recommended that the question of letting the catering to contractors should be considered.

PASSES GIVEN TO EUROPEAN REFRESHMENT ROOM AND BOOKSTALL CONTRACTORS ON THE NORTH WESTERN RAILWAY.

13. **Mr. Sham Lal:** What is the total number of first, second, intermediate, third and card passes given to European Refreshment Rooms and Bookstall contractors by the North Western Railway and what is the total value of these passes?

The Honourable Sir Muhammad Zafrullah Khan: I am placing on the table a statement showing the number of card passes issued. It is not practicable to evaluate them, as particulars of the extent to which they are used are not available.

Statement of card passes issued.

Class of pass.	No. of passes issued.	
	Catering contractors.	Bookstall contractors.
1st	3	1
2nd	9	3
Inter	2	1
3rd	126	4
Total	140	9

OFFERS INVITED FOR CANTONMENT LAND AT KARACHI.

14. **Seth Haji Abdoola Haroon:** (a) Is it a fact that Government have invited offers from the Karachi Municipal Corporation for the Cantonment land at Karachi?

(b) If so, have Government considered the claims of old lessees who have been in possession of the land for more than 50 years?

(c) Are Government aware that some of the above lessees have spent a large amount for the development of land and have paid more than double the value of the land in the shape of rent, etc.?

(d) If so, what do Government propose to do to safeguard their rights on the land?

(e) Is it a fact that some of the lessees have been granted permanent leases, and if so, on what conditions?

(f) Will Government state why the same offer is not being extended to others who hold the plots and have been approaching Government for the conferment of the same rights?

(g) Are Government aware that the discriminating policy has created a great heart-burning in the lessees of the plots?

(h) If so, what steps do Government propose to take to give equal treatment to all the lessees?

Mr. G. R. F. Tottenham: (a) Yes, for certain areas in the Cantonment.

(b) to (h). I have had to call for certain information and will lay a reply on the table in due course. The rights of lessees will of course be given due consideration, if the land is sold.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 250 asked by Mr. Amarendra Nath Chattopadhyaya on the 11th February, 1936.

PERSONS DETAINED UNDER THE PROVINCIAL REGULATIONS AS STATE PRISONERS.

Statement showing number of persons dealt with as State Prisoners since 1905 and period of detention.

(1) *Released.*

Year.	Province concerned.	Number detained.	Approximate duration of detention.
1907	Punjab . .	2	6 months.
1908	Madras . .	1	3½ years.
	Bengal . .	9	14 months.
1912	Madras .	7	6 months.
1914	Madras . .	4	4 months in 3 cases and 3 years in 1 case.
	Bombay . .	7	10 years in 2 cases and 2½ to 3 years in 5 cases.
1915	Madras . .	4	1¾ years to 5 years.
	Bengal . .	10	6 months to 4½ years.
1916	Bengal . .	63	3½ months to 4½ years.
	Punjab . .	3	6 months to 2 years.
1917	Bengal . .	47	6 months to 4 years.
	Ajmer-Merwara	2	2 years and 2¼ years.
1918	Bengal . .	18	6½ months to 2¾ years.
1919	Bengal . .	8	4½ months to 1 year.
	Central Provinces	2	7 months.
	N.-W. F. P. .	12	5 months.
1920	N.-W. F. P. .	2	1 year 10 months to 2 years.
1923	Bengal . .	17	1¼ years to 4½ years.
	Punjab . .	1	10 months.
	N.-W. F. P. .	1	9 months.
1924	Bengal . .	32	2 months to 4¼ years.
	N.-W. F. P. .	1	8½ months.
1925	Bengal . .	1	1 month.
1927	Punjab . .	1	1½ years.
1928	Punjab . .	2	1 years 2½ months.
1930	Punjab . .	3	3 years to 3½ years.
1931	Bengal . .	1	1 years 10 months.
	Punjab . .	2	3½ months and 3 years.
	N. W. F. P. .	4	2½ years.
1932	Bengal . .	4	1 year to 4 years.
	Bombay . .	2	4 months and 2½ years.
	Punjab . .	1	10 months.
1933	Delhi	2	1½ and 2½ years.
	Punjab	1	1 year.

NOTE.—In addition, approximately 245 Moplahs were detained as State Prisoners between 1922-24 in connection with disturbances in Malabar involving forcible conversions. These persons were all released gradually between 1924—1931.

(2) *Under detention at present.*

Year.	Province concerned.	Number detained.	Date from which detained.
1931	Bengal . . .	11	23rd-25th November 1931.
	Punjab . . .	2	10th February and 21st May 1931.
1932	Bengal . . .	5	1st-2nd January 1932.
	Delhi . . .	1	26th April 1922.
1933	Punjab . . .	2	4th April and 3rd October 1933.
	Burma . . .	1	30th April 1933.
	Delhi . . .	1	13th August 1933.
1934	Madras . . .	1	10th September 1934.
	Punjab . . .	1	18th July 1934.
1935	Punjab . . .	1	14th December 1935.
	Ajmer-Merwara .	1	23rd September 1935.
1936	Punjab . . .	1	17th March 1936.
	Bengal . . .	1	8th April 1936.

N.B.—The above figures exclude political refugees and *Ex*-Ruling Chiefs detained as State prisoners for reasons other than those connected with the maintenance of law and Order in British India.

Information promised in reply to unstarred question No. 149 asked by Pandit Sri Krishna Datta Paliwal on the 18th February, 1936, and starred questions Nos. 1014 and 1015 asked by Bhai Parmanand on the 9th March, 1936.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

The questions appear to relate to one individual case *viz.*, that of Mr. J. P. Sharma, an *ex*-clerk of the Royal Indian Army Service Corps. That case has now been decided and, with the approval of the Secretary of State, a permanent disability pension of 22 shillings a week *plus* 20 per cent. thereof and wife's allowance at 8 shillings a week have been granted to Mr. Sharma, with effect from the 16th December 1930, in addition to the service invalid pension which he was already drawing. The additional pension is in conformity with the provisons of Article 741-A, Civil Service Regulations. There is no other outstanding case of a similar nature.

Information promised in reply to starred questions Nos. 1752 and 1753 asked by Mr. Muhammad Azhar Ali on the 18th April, 1936.

WILLINGDON NURSING HOME AT NEW DELHI.

Question No. 1752.—(a) and (d). The Nursing Home attached to the Willingdon Hospital at New Delhi is kept open throughout the year.

(b) The Nursing Home has been built and equipped from private funds and handed over to the New Delhi Municipal Committee for administrative purposes. It provides accommodation for all classes who live in the Western style and are prepared to pay the prescribed scale of fees.

(c) The General Ward in the Willingdon Hospital provides accommodation for patients free of charge.

(e) The Municipal Committee employs a nursing staff for running the Nursing Home. The Civil Surgeon who is in charge of the Willingdon Hospital is also Superintendent in charge of the Nursing Home.

(f) The Civil Surgeon is the Superintendent of the Nursing Home and the Assistant Surgeon is the Deputy Superintendent. There is nothing incompatible between their functions as such and their other duties.

(g) Recognised private doctors can treat and look after their patients who may be admitted to the Nursing Home with the previous permission of the Superintendent.

(h) The Civil Surgeon and the Assistant Surgeon are not paid by the Municipal Committee. No information is available regarding private fees recovered.

(i) Information to answer the first part is not available. As regards the second part, the Honourable Member is referred to the answer to part (g) of this question.

Willingdon Nursing Home at New Delhi.

Question No. 1753.—(a) The Willingdon Nursing Home owes its existence to private munificence and has been attached to the Willingdon Hospital, New Delhi, to enable private patients who can afford to pay for medical and surgical services, which cannot be equally conveniently rendered at home, to make use of the facilities that it provides. The Home is also available for Government officials. The arrangement is in no way individious to the general and poorer section of the public for whom both Government and the Municipality provide other suitable facilities.

(b) and (c). All Government servants are entitled to free medical and surgical treatment in hospitals. Members of the superior services are in addition entitled to free ordinary nursing in hospitals. The flat rate of daily fee at the Home includes cost of special accommodation and diet and a portion of the fee representing that cost is realised in cash from the patients, the balance, which represents cost of medical and nursing services, being paid by Government.

(d) Yes, because the rate of Rs. 4 per diem was not remunerative.

(e) No. Government do not see any necessity for this.

Information promised in reply to starred questions Nos. 252, 253, 254, 256, 257 and 258 asked by Mr. Amarendra Nath Chattopadhyaya on the 9th September, 1936.

Classification of Technically Trained Supervising Staff of the Mechanical Department, East Indian Railway.

Question No. 252.—Government are informed as follows :

(a) Apprentices who have completed a recognised course of training in a workshop together with training in a technical school are designated technically trained hands. Skilled mechanics recruited from trade apprentices who are either literate or have a little education are classified as non-technically trained hands.

(b) Similarity of procedure is observed in all the workshops under the Mechanical Department of East Indian Railway. In some cases non-technical trained staff have been promoted to the grade of chargemen, but these men had long practical experience in workshops and discharged the duties entrusted to them in an efficient and reliable manner. In many cases they had received some technical education although possibly not in such a regular manner as is given at the present time to apprentices who pass through the Jamalpur Technical School.

(c) When the technically trained grade of chargemen was introduced the staff at Lillooah who had the requisite educational qualifications, *i.e.*, Matriculation or Junior Cambridge, were brought on to the technically trained chargemen's scale of pay. The remaining staff who had completed their apprenticeship but did not have the qualifications as required under the revised orders were allowed to continue on their old scales of pay.

(d) No.

(e) In view of my reply to part (c) above this does not arise.

(f) No case of the kind alleged is traceable.

(g) Technically trained staff are classified under the same principle in all the workshops of the Mechanical Department of the East Indian Railway.

Appointment of Apprentices on the East Indian Railway.

Question No. 253.—Government are informed as follows :

(a) Among those who had signified their willingness to accept lower posts than that of chargemen, and appeared before the Selection Board when called for, Messrs. P. N. Dutt and J. Carnegie had stood first in the technical school examination.

(b) Government do not consider any action is called for.

(c) In view of the reply to part (a) above, Government do not consider this is necessary.

Ex-APPRENTICES OF THE JAMALPUR TECHNICAL SCHOOL, EAST INDIAN RAILWAY.

Question No. 254.—Government are informed as follows :

(a), (b), (c), (i) and (j). The persons in question were apprentice mechanics with no guarantee of appointment on completion of apprenticeship.

(d) Only those who were retrenched as a result of the economy campaign and placed on the waiting list.

(e) and (f). The waiting list of *ex* apprentices has no connection with the waiting list instituted for retrenched staff.

(g) Yes in reply to part (f) of question No. 1324 and not question No. 1325.

(h) Such promotions are occasionally made in exceptional circumstances when apprentices trained in the particular branch are not available or for other good reasons.

(k) No.

SUCCESSFUL *EX*-APPRENTICES OF THE LILLOOAH WORKSHOPS.

Question No. 256.—The information was placed on the table of House on the 31st August, 1936, in connection with the Honourable Member's unstarred questions Nos. 434 and 435 asked in the Legislative Assembly on the 23rd March, 1936.

APPOINTMENT OF SUCCESSFUL MECHANICAL *EX*-APPRENTICES OF THE LILLOOAH WORKSHOPS.

Question No. 257.—Government are informed as follows :

Reply to the first part of the question is in the negative. The latter parts do not

Ex-APPRENTICES OF THE JAMALPUR TECHNICAL SCHOOL, EAST INDIAN RAILWAY.

Question No. 258.—(a) The attention of the Honourable Member is invited to the information laid on the table of the House in reply to part (b) of starred question No. 252 asked by him on the 9th September, 1936. In the circumstances explained therein, Government consider that it would not be fair to replace the *mistries* and others promoted previously to chargemen by engaging *ex*-apprentices.

(b) In view of my reply to part (a) above, this does not arise.

(c) No. Government consider this unnecessary and unlikely to serve any useful purpose.

Information promised in reply to unstarred question No. 50 asked by Mr. Amarendra Nath Chattopadhyaya on the 15th September, 1936.

CONTINUATION OF THE CUT ON ALLOWANCES OF THE RAILWAY STAFF AT HOWRAH AND CALCUTTA.

The condition in the agreement of the employee is that his pay, allowances, provident fund, gratuity and leave will be regulated by the rules and conditions of the *ex*-East Indian Railway Company's service as they stood on the 31st December, 1924. This condition did not imply that a compensatory allowance, which is given to meet certain specific expenditure, would not be altered at all. Such allowances are varied from time to time to meet the requirements of the case. Government do not propose, for the reasons stated above, to exempt the employees in question from the application to them of the reduced local allowances.

Information promised in reply to part (a) of short notice question asked by Sardar Sant Singh on the 24th September, 1936.

EXPLOSION AT THE MOGHALPURA WORKSHOP ON THE NORTH WESTERN RAILWAY.

List of men who received injuries as a result of the explosion which took place at the Moghalpura Workshops on the 18th September 1936.

Treated in Hospital as Indoor patients.

1. Pir Bux. } Mayo Hospital.
2. Aziz Din. }
3. N. A. Jacob . . Albert Victor Hospital (at Naulakha).
4. Abdul Rahman.

Treated in N. W. Railway Hospital, Moghalpura as out-patients.

1. Ramanand.
2. Mohd. Sharif.
3. Inayat Ullah.
4. Dhani Ram.
5. Yakub Beg.
6. Jamal Din.
7. Madan Lal.
8. Ali Mohd. Discharged on 24th September 1936.
9. Gaj Ram. Discharged on 24th September 1936.
10. Manzur-ul-Haq.
11. Ilahi Bux.
12. Bulaki.
13. Mangal.
14. Jaimal Singh.
15. Abdul Rahim.
16. Fouja Singh.
17. Hira Lal.

Discharged to duty after attending Hospital.

1. Abdul Rahman.
2. Ibrahim.
3. Hayat Mohamad.
4. Mohd. Shafi.
5. Allah Bux.
6. Chanan Din.
7. Ram Kishen.
8. Partab Singh.
9. Abdul Aziz.

Injured and discharged to duty after First Aid and treatment.

1. Rattan Chand.
2. Mohinder Singh.
3. Shahab Din.
4. Badar Din.
5. Sarfaraz Khan.
6. Mohd. Saleem.
7. Hassan Khan.

Information promised in reply to starred question No. 637 asked by Mr. Mohan Lal Saksena on the 25th September, 1936.

VILLAGE POST OFFICES OPENED DURING THE LAST TWO YEARS.

Information by provinces is not available, but a statement showing the number of village post offices opened in the different postal circles during the years 1934-35 and 1935-36 is given below.

Name of Postal Circle.	Number of new village post offices opened during	
	1934-35.	1935-36.
Bengal and Assam .	3	30
Punjab and N.-W. F.	31	43
Sind and Baluchistan	5	16
Madras .	20	52
United Provinces	6	21
Bombay .	11	33
Bihar and Orissa	5	15
Burma . .	5	12
Central . .	12	56
Total	98	278

Information promised in reply to starred question No. 726 asked by Prof. N. G. Ranga on the 30th September, 1936.

ADDITIONAL POSTAL FACILITIES PROVIDED FOR RURAL AREAS.

(a) The statement below shows the *net* increase in the number of post offices, letter boxes and postmen and village postmen (both departmental and extra-departmental) in rural areas during the period from the 1st January 1935 to 30th June 1936.

Circle.	Net increase in the No. of post offices in rural areas during the period 1st January 1935 to 30th June 1936.	Net increase in No. of letter boxes in rural areas during the period 1st January 1935 to 30th June 1936.	Net increase in No. of postmen and village postmen (both departmental and extra departmental) in rural areas during 1st January 1935 to 30th June 1936.
Bengal and Assam	31	—15	109
Central . .	41	200	10
Bombay .	44	—7	35
Burma . .	11	—14	—8
Bihar and Orissa	20	21	27
Punjab and N.-W. F.	35	45	—9
United Provinces	20	8	9
Madras . .	63	106	38
Sind and Baluchistan	19	15	*Nil.*
Total	284	359	211

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(b) Information by provinces is not available but the number of post offices opened in and new letter boxes provided for rural areas in the different postal Circles for the period from the 1st January 1935 to the 30th June 1936 is given below. The totals of new letter boxes placed in rural areas include letter boxes transferred from villages in which advantage had not been taken of them, to other villages in which there were indications that they would be used and are not thus net increases.

Circle.	No. of Post Offices opened in rural areas during the period 1st January 1935 to 30th June 1936.	No. of new letter boxes placed in rural areas during the period from 1st January 1935 to 30th June 1936.
Bengal and Assam	38	249
Central Circle	60	338
Bombay	51	298
Burma	17	93
Bihar and Orissa	21	111
Punjab and N.-W. F.	64	1,921
United Provinces	29	530
Madras	74	416
Sind and Baluchistan	21	29
Total	375	3,985

(c) Orders have been issued for the extended employment of departmental village postmen, for the delivery of mails in remote areas difficult to access, and for more frequent deliveries than before.

Government have also issued orders for the adoption of a more liberal policy in respect of un-remunerative post offices so that offices which are not paying their way may be retained when the loss does not exceed Rs. 240 per annum, instead of Rs. 120 per annum as formerly. This will avoid the closing down of offices even when they are not self-supporting and will permit the re-opening of others which have been closed down.

Information promised in reply to parts (b) *and* (c) *of starred question No. 766 asked by Mr. S. Satyamurti on the 1st October, 1936.*

Ban on Indian Students in Great Britain.

(b) As a result of the investigation made by the High Commissioner for India it has been reported that no Indian Medical student has been refused, on racial grounds, admission to the course at the British Post-Graduate Medical School, Hammersmith, London, provided he was suitably qualified and there was a vacancy. On the contrary, since the opening of the School in May, 1935, and upto 19th October, 1936, ninety-two Indian students had been admitted to the School. Both the School authorities and the London County Council deny that there is any discrimination against Indian students in the matter of House appointments at that School. The statements attributed to Colonel Proctor, the Dean of the School, are also denied.

(c) The question does not arise.

Information promised in reply to a supplementary question asked by Dr. Ziauddin Ahmad in connection with starred question No. 777 by Mr. S. Satyamurti on the 5th October, 1936.

DISTRIBUTION OF QUININE TO PROVINCES.

	Lbs.
North-West Frontier Province	1,250
Punjab . .	7,000
United Provinces	6,000
Bihar and Orissa	6,000
Assam . .	4,500
Central Provinces	3,500
Bombay	4,000
Madras .	4,000
Burma .	5,000
Delhi .	1,250
Ajmer-Merwara	250
Baluchistan	1,250
Coorg .	750
Andamans	250
Total	45,000

Information promised in reply to unstarred question No. 129 asked by Seth Haji Abdoola Haroon on the 8th October, 1936.

LOCAL PERSONS EMPLOYED IN BALUCHISTAN DUE TO EARTHQUAKE.

Number of vacancies.		Number of Locals employed.		Posts kept vacant.	
Superior.	Inferior.	Superior.	Inferior.	Superior.	Inferior.
133	560	43	426	8	5

Information promised in reply to part (a) *of unstarred question No. 137 asked by Sardar Sant Singh on the 8th October, 1936.*

NON-PENSIONABLE APPOINTMENTS IN THE TELEGRAPH DEPARTMENT.

Mistries (including Assistant Mistries) .	250
Mechanics (including Assistant Mechanics) .	38
Distributors of Government Press . .	Nil.

Information promised in reply to starred question No. 971 asked by Pandit Krishna Kant Malaviya on the 9th October, 1936.

ABOLITION OF POSTS OF INSPECTORS IN THE CREW SYSTEM ON THE EAST INDIAN RAILWAY.

Government are informed as follows :

(a) & (b). The reply to the first part of (a) is in the negative, the latter part and part (b) do not arise.

Information promised in reply to parts (c) (iv) and (v) of starred question No. 1076 asked by Mr. B. B. Varma on the 10th October, 1936.

LEAVE, PASSES, ETC., OF THE STAFF ON THE BENGAL AND NORTH WESTERN RAILWAY.

Government are informed as follows :

(c) (iv) There is no provision for casual leave for staff appointed either before or after 1933.

(v) The staff concerned are allowed 24 days leave on full substantive pay in each year. This amount is cumulative up to two months except for staff with over twenty years service who are allowed to accumulate up to four months.

Information promised in reply to starred question No. 1153 asked by Mr. Anugrah Narayan Sinha on the 12th October, 1936.

INCONVENIENCE AND HARDSHIP CAUSED BY SILTING UP OF A CERTAIN WATERWAY BETWEEN BUXAR AND CHAUSA RAILWAY STATIONS ON THE EAST INDIAN RAILWAY.

(a) A representation was received from Babu Jagdeo Rai.

(b) Yes.

(c) The Divisional Superintendent ordered the removal of about six inches of salt.

(d) and (e). The *pukka* floor of the bridge is about 3 ft. 4 inch below ground level. During floods, water stands at 5 ft. 2 inch above this floor.

No silt removal will affect the water level. The bridge was built about 1862, hence the cost of a level crossing, if now required, will have to be met by the local civil authorities.

Information promised in reply to starred question No. 1154 asked by Maulvi Badi-uz-Zaman on the 12th October, 1936.

FILLING UP OF A POST OF HIGHER GRADE CLERK IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

(a) to (d). Government have had the case investigated and have satisfied themselves that no irregularity was committed.

Information promised in reply to Professor N. G. Ranga's starred question No. 1168 on the 12th October, 1936.

HISTORICAL MONUMENTS AT CHELROLE IN THE GUNTUR DISTRICT.

(a) There are no ancient mounds of archæological value at Chebrolu but there is a fine group of four temples and several small shrines and also a few inscribed stone pillars dating from the 11th to the 15th Century A. D. Most of the temples have been disfigured by white-washing and are not in good repair. They are in use for religious purposes and are maintained by the Endowment Board from the endowments attached to them. There are also 6 inscriptions on massive square pillars of black stone standing within the precints of the temples and two other inscriptions in the vicinity. All these have been copied out and published by the Archæological Department. Round about the temples are lying scattered a number of broken images of various deities and pillars of ruined *mandaps*.

(b) There is no evidence of any sculptures or antiquities having been removed or wilfully destroyed. Such damage as is noticeable is merely due to the ravages of time and weather.

(c) The site is not worth excavating.

Information promised in reply to part (e) of starred question No. 1178 asked by Mr. B. Das on the 13th October, 1936.

APPOINTMENT OF COMMITTEES SIMILAR TO HAJ COMMITTEES FOR THOSE GOING TO PLACES OF PILGRIMAGE ABROAD.

Enquires made by Government show that the Port Haj Committee of Bombay has not negotiated with any shipping company for the transport of pilgrims.

Information promised in reply to starred question No. 1185 asked by Pandit Krishna Kant Malaviya on the 13th October, 1936.

PRESSURE ON TICKET EXAMINERS TO INCREASE THEIR EARNINGS

The Honourable Member is referred to the information laid on the table of the House on the 15th September, 1932, in reply to Khan Bahadur Haji Wajihuddin's starred question No. 241 asked on the 12th February, 1932.

Information promised in reply to starred questions No. 1215 and 1216 asked by Pandit Sri Krishna Dutta Paliwal on the 13th October, 1936.

THEFTS COMMITTED IN THE AJMER CITY.

Question No. 1215.—(a) The statement required is placed on the table.

(b) No. Thefts and burglaries committed within the Ajmer Municipal limits from April, 1935, to August, 1936, were less than those committed in the preceding 17 months and the number of thefts and burglaries detected during this period was greater than that during the preceding 17 months as is evident from the statement placed on the table.

(c) Yes. The increase in expenditure was due to the investigation of the Dogra Shooting Case and the detection of other terrorist activities in Ajmer-Merwara by a special staff under an additional Superintendent of Police sanctioned for the purpose.

(d) In view of the replies to parts (b) and (c) of the question, no steps are necessary. Prevention of crime and its detection have improved considerably during the last 17 months.

Comparative Statement showing the number of thefts and Burglaries.

Period.	Total number of cases committed and reported to the Ajmer City Police.	Total value of the stolen property.	Total value of the stolen property record and restored to the owners.	Number of cases sent to the courts by Ajmer Police.	Number of cases in which conviction was secured.	Acquitted.	Percentage of property recovered.	Percentage of cases traced out.
		Rs. A. P.	Rs. A. P.					
				Thefts.				
April 1935 to August 1936.	387	18,466-3-6	2,914-2-3	146	128	4	15·78	37·73
November 1933 to March 1935.	401	21,185-12-9	2,538-12-9	111	105	6	11·98	27·68
				Burglaries.				
April 1935 to August 1936.	194	32,168-0-9	3,292-1-0	44	40	2	10·23	22·68
November 1933 to March 1935.	243	36,534-12-0	1,450-7-6	44	38	6	3·97	18·10

Statement showing the number of thefts, value of stolen property and property restored to owners, etc.

Period.	Total number of thefts committed and reported to the Ajmer City Police.	Total value of property stolen.	Total value of the stolen property recovered and restored to the owners.	Names and addresses of the persons whose property was stolen.	Number of cases sent to courts by Ajmer Police.	Number of cases in which conviction was secured.	Remarks.
	2	3	4	5			6
		Rs. A. P.	Rs. A. P.				
April 1935 to August 1936.	*387	18,466-3-6	2,914-2-3	List of the names and addresses in each case is attached separately.	146	128	14 still under trial, percentage of property recovered 15·78%.

* 403 cases were actually reported but 16 were expunged.

THE NAMES AND ADDRESSES OF PERSONS WHOSE PROPERTY WAS STOLEN.

From April 1935 to August 1936.

Case No.	Section.	Name and address of the complainant.
188	379	Mool Chand s/o Lal Chand, Mahajan, of outside Madar Gate, Ajmer.
189	379	Pershadi s/o Rewar, Gujar of Kaisarganj, Ajmer.
193	379	Wahid s/o Wazir, Muslim of Agra, Mohalla Mansur Khan ki Gudri.
203	379	Ram Bharosa s/o Udai Ram, Mali of Hathi Bhata, Ajmer.
204	379	Narain Singh s/o , Umba Lal Co., Srinagar Road, Ajmer.
209	379	Dr. P. Banerji, Victoria Hospital, Ajmer.
211	379	Mithu s/o Udai Ram, Mochi of Diggi Bazar, Ajmer.
213	379	Mst. Sukh Dei d/o Bhura Lal Mali of Gulab Bari, Ajmer.
216	379	Ram Pal s/o Bal Mokand, Mahajan of Ram Ganj, Ajmer.
229	379	Abdulla s/o Imam Udinn, Sheikh of Durgah, Ajmer.
222	379	Ram Dhan Chaurasia, Proprietor R. D. Chaurasia & Sons, Ajmer.
229	379	Railway Company.
232	379	Ditto.
239	379	Ram Chander s/o Ram Nath, Mahajan of V. Saradhana, P. S. Imperial, Ajmer.
246	379	Executive Officer, Municipal Committee, Ajmer.
251	379	Brij Lal s/o Lakhmi Chand, Mahajan of Kaisarganj, Ajmer.
257	379	Mohammad Israllah s/o Zahurullah, of Inderkot, Ajmer.
262	379	Gauri Lal s/o Shiv Lal, Brahmin of Banda Town, Distt. Aligar.
274	379	Ram Bharosa s/o Udai Ram, Mali of Hathi Bhata, Ajmer.
280	379	Pushkar Narain s/o Shonath Singh, Mali of Garhi Malian, Ajmer.
281	379	Magdat s/o Lakhmi Chand, Brahmin of Jangi Chabutra, Ajmer.
284	379	Mst. Bhuri w/o Bhakta, Dhanka of Parao, Ajmer.
285	379	Gobind Dass s/o Ram Deo, Swami of V. Goj Pura, P. S. Ranwal, Jaipur State.
286	379	Mst. Pie w/o Nanda, Danga of Gulab Bari, Ajmer.
287	379	Ram Bharosa s/o Udai Ram, Mali of Hathi Bhata, Ajmer.
306	379	Jaswant Singh s/o Udai Singh, Rajput of Jathana, P. S. Mangilwa, Ajmer.
327	379	Kalash Narain Mistri, of Jonesganj, Ajmer.
330	379	Mohammad Hussain s/o Vasil Khan, Railway Quarter, Ajmer.
331	379	Prem Sarup Bhatnagar, Chargeman B., B. & C. I. Rly.
335	379	Peru s/o Ram Pal, Mali of Pal Bisla, Ajmer.
342	379	Magna s/o Dhira, Khatik of Ghisiti Mohalla, Ajmer.
344	379	Ganga Ram s/o Kaja, Khatik of Utar Ghisiti, Ajmer.
347	379	Sub Engineer Sahib, B. B. & C. I. Rly., Ajmer.
348	379	Ram Bharosa s/o Udai Ram, Mali of Hathi Bhata, Ajmer.

Case No.	Section.	Name and address of the complainant.
357	379	Bawani Singh s/o Chattar Bhuj, Daroga of Kala Bagh, Ajmer.
370	379	Sub-Engineer, B. B. & C. I. Rly., Ajmer.
371	379	Amir Ahmad s/o Mushtak Ahmed, Syed of Saharanpur.
372	379	Hamidullah Khan s/o Wazir Khan, Pathan, of Nala Bazar, Ajmer.
377	379	Sub-Engineer, B. B. & C. I. Rly., Ajmer.
378	379	Girwar Lal s/o Sita Ram, Brahmin of Jonesganj, Ajmer.
379	379	Mohan Lal s/o Bharun Lal, Mahajan of V. Karil, P. S. Pushkar, Ajmer.
382	379	Moti Singh s/o Sujan Singh, Mahajan of Sri Nagar Road, Ajmer.
387	379	Nazar Mohammad s/o Nur Mohammad, Quetta Baluchistan.
393	379	Imrat Chand s/o Mool Chand, Mahajan of V. Khatu, Jodhpur State.
396	379	Ratan Lal s/o Banwari Lal, of Kayasth Mohalla, Ajmer.
400	379	Laxmi Lal s/o Bishan Lal, Koli of Railway Power House, Ajmer.
401	379	Badri Pershad s/o Rati Ram, Brahmin of Usri Gate, Ajmer.
410	379	Gobind Ram s/o Bala Ram, Kalal of inside Madar Gate, Ajmer.
412	379	Sub-Engineer, Railway, Ajmer.
435	379	Mst. Kesari w/o Panna, Gujar of V. Mathli, P. S. Mal Pura, Jaipur State.
441	379	Bishamber Nath Advocate, Katcheri Road, Ajmer.
446	379	Chitar Mal s/o Chaju Ram, Mahajan of Naya Bazar, Ajmer.
453	379	Chander s/o Jathu, Mali, Banj Imli, Ajmer.
458	379	Shanker Lal s/o Moti Lal, Mahajan of Chodar Mohalla, Ajmer.
465	379	Ram Chander Chaprasi, City Magistrate Court, Ajmer.
466	379	Parmatama Sarup Vakil, Katchery Road, Ajmer.
482	379	Errol Quets Calf Ground, Ajmer.
486	379	Guwardhan s/o Nand Kishore, Kayasth, of Civil Line, Ajmer.
493	379	Dr. Irshad Ahmed Syed, Distt. Hazara.
495	379	Dip Chand s/o Kosari Mal Mahajan of Naya Bazar, Ajmer.
496	379	Fateh Mohammad s/o Ali Bux, V. Godhar, Distt. Jullandher.
497	379	Sadik Hussain s/o Gulam Ghaus of Assa Ganj, Ajmer.
500	379	Chandia s/o Bhura, Mochi of Chowk, Panni Garan, Ajmer.
501	379	Haji Juman s/o Kallu, Sheikh, Allahabad, Mohalla Atala.
502	379	Babu Khan s/o Amir Khan, Pathan of Gatti Mohalla, Jubbalpur State.
503	379	Abdul Sattar s/o Abdul Rahim, Sheikh of Inder Kot, Ajmer.
505	379	Abdullah Shah s/o Abdul Hamid, Muslim Dhai Din ka Jhonpra, Ajmer.
506	379	Abdul Qadir s/o Mohammad Ishaq, of Ahmedabad Panch Darwaza.
510	379	Hussana s/o Nathu, Muslim of Quota.
512	379	Piru Khan s/o Sadullah Khan, Fqiar, of Shahpura, Jaipur State.
513	379	Gulam Hussain s/o Shahab Uddin, of Mardan, Distt. Peshawar.
515	379	Izaz Hussain, Kotwali, Ajmer.
516	379	Abdul Hamid s/o Abdul Aziz, Ahmedabad Panch Kui, Darwaza.
517	379	Ahmed Khan s/o Malloo, V. Birtra, Dholpore State.
519	379	Abdul Ghani s/o Kadir, Muslim of Lahore Rai Darwaza.
520	379	Kukai s/o Pir Khan, Chaukidar Watch & Ward, Ajmer.
521	379	Mohammad Taslim s/o Abdul Hakim, Syed of Garukh Pur.
522	379	Sabba s/o Khuda Bux, Sheikh of Cawnpore, Anwar Ganj.
525	379	Kamur Uddin s/o Nasir Uddin, Muslim of Jhalara Patan.
526	379	Nur Mohammad s/o Hashmat Ullah, Amritsar.
527	379	Dhul Singh s/o Lakha Singh, Gujar of Purani Mandi, Ajmer.
528	379	Azizuddin s/o Nazam Uddin, Municipal Board, Jaipur.
529	379	Raizuddin s/o Amminuddin, Imli Mohalla, Ajmer.
530	379	Karam Din s/o Fazal Uddin, Calcutta, House No. 12.
532	379	Sandhu s/o Wazir, of Cawnpore.
534	379	Mohammad Hussain s/o Rahim Bux, Sheikh of Datia.
535	379	Kapur Chand s/o Sheo Narain, Mahajan of inside Madar Gate, Ajmer.
536	379	Devi Dayal s/o Sri Lal, Kayasth of Kayasth Mohalla, Ajmer.
538	379	Katub Uddin s/o Ahmed Mian, of Ahmedabad Mohalla Kalupur.
539	379	Mohammad Yakub s/o Abdul Hakim, Inder Kot, Ajmer.
540	379	Khan Mohammad s/o Pir Bux, Muslim of Meerut.
544	379	Tajamul Hussain s/o Ranuk Ali, of Calcutta.
546	379	Abdulla s/o Budha, Beawar Bazar, Ajmer.

Case No.	Section.	Name and address of the complainant.
547	379	Baghirath s/o Ram Kishore, Mahajan of Naya Bazar, Ajmer.
548	379	Sheo Bux s/o Durga Pershad, Johari of Delhi, Mohalla Dariba Kalan.
549	379	Mohammad Bux s/o Jan Mohammad, Lahore of Jit Ganj.
550	379	Rahmat Ali s/o Farzand Ali of Chandni Chawk, Delhi.
553	379	Ganesh s/o Ganda, Koli of Jadu Ghar, Ajmer.
556	379	Wazir s/o Bandu, Mandsow, Gwalior State.
557	379	Mohammad Naim s/o Moinuddin, Hyderabad.
563	379	Jas Karan s/o Sho Nath, Sunar of Karaka Chowk, Ajmer.
565	379	Lekhraj Singh s/o Baldev Singh, Rajput of Sardha Bhawan, Ajmer.
566	379	Mst. Bhakhtawar w/o Haji Ul Abbu, Sheikh, of Purani Kotwali, Ajmer.
572	379	Sadik Ali s/o Bula Ali, Ganj, Ajmer.
573	379	Abdul Rehman s/o Nathu, of Madar Gate, Ajmer.
574	379	Kali Charan s/o Bashishar Lal Chopra, Khatri of Ajmer.
576	379	Ram Dass s/o Ajudhia Pershad of Railway Account Office, Delhi.
601	379	Sham Shanker s/o Haria Lal, of Kayasth Mohalla, Ajmer.
611	379	Abdul Rehman s/o ——, of Asa Ganj, Ajmer.
615	379	Sub-Engineer, Railway, Ajmer.
619	379	Kasim s/o Rehmat Ulla, Sheikh of Calcutta.
621	379	Roshan Lal Sop Ram Narain, Kayasth of Jatia Mohalla, Ajmer.
622	379	Mr. A. E. Franken Bungalow No. 58.
624	379	Ram Chander s/o Ram Bux, Khatri of Mundri Mohalla, Ajmer.
625	379	Lal Ji s/o Bhakta, Brehmin of V. Kaisa, P. S. Behror, Alwar State.
633	379	S. P. C. A., Ajmer.
641	379	Mst. Rafatul Nisa w/o Nawab Niaz Mohammad, of Khadim Mohalla, Ajmer.
645	379	Mr. G. Middile Court, Bungalow No. 393, Ajmer.
655	379	Gulab Shah s/o Mohammad, of Shabra, P. S. Mardan, Distt. Peshawar.
657	379	Kalay Khan, servant of Seth Abdul Latif Kaisar Ganj, Ajmer.
658	379	Debi Lal s/o Mathra Mali of Naya Ghar, Ajmer.
664	379	Lal Chand s/o Ghisu Lal, Mahajan of Purani Mandi, Ajmer.
668	379	Mr. M. K. Joshi, Government High School, Ajmer.
669	379	Engineer, Municipal Committee, Ajmer.
677	379	Rameshwar Pershad s/o Bhanwar Lal, Kayasth Mohalla, Ajmer.
687	379	Devi s/o Gopal, Gujar of Pahar Ganj, Ajmer.
694	379	Abdul Hamid s/o Abdul Gaffar of Ludhiana.
699	379	Abdul Rehman s/o Badloo, Kamandas Pura, Ajmer.
704	379	Phura Lal s/o Nathmal, Mahajan of Nehar Mohalla, Ajmer.
709	379	Wahid Beg, Shrishtaidar, Asstt. Commissioner, Ajmer.
711	379	Badri s/o Rakhji, Jonesganj, Ajmer.
		1936.
3	379	Ganga Ram of Beawar.
11	379	Kadir Bux s/o Khuda Bux, Muslim of Officer Club, Ajmer.
13	379	Abdul Majid Khan s/o Awaz Khan, of Nanak Pur, Distt. Partabgarh.
14	379	Alladad Khan s/o Jamgul, Pathan of Bhil Pina, Distt. Hazara now Ajmer.
19	379	Chand Khan s/o Gulab Khan, Muslim of outside Usri Gate, Ajmer.
22	379	Mohan Lal s/o Ram Pal, Daroga of Gali Gajmal, Ajmer.
26	379	Sardar Tirlochan Singh, Sub-Inspector, District Police, Ajmer.
33	379	Medical Officer of Health, Ajmer.
34	379	Mr. F. L. Menning, Bungalow No. 73, Srinagar Road, Ajmer.
41	379	Niaz Uddin s/o Abdulla, Muslim of Nagar, Ajmer.
44	379	Mr. A. Madin, Railway Co-operative, Ajmer.
46	379	Abdul Majid Khan, s/o Awaz Khan, of Nanak Pur, Distt. Partabgarh.
47	379	K. G. Mehta, Purani Mandi, Ajmer.
51	379	Abdul Hafiz Khan No. 19 Head Constable, Kotwali, Ajmer.
63	379	Head Master Government High School, Ajmer.
66	379	S. M. Mehta, Manager Electric supply Company, Ajmer.
68	379	Channu s/o Chaju, Sweeper, servant of Bungalow Master Sahib, Naka Madar, Ajmer.

Case No.	Section.	Name and address of the complainant.
72	379	Salova s/o Furtawar, Anglo-Indian of Banglow Madars, now Dharamshala, Ajmer.
74	379	Mohammad Raouf Khan s/o Nasirabadi Khan, Muslim of Asa Ganj, Ajmer.
79	379	Basant Lal s/o Chedi Lal, Mahajan of Beneras of Pather Gali, Thana Kotwali.
81	379	Gulam Dastgir s/o Mula Bux, Sheikh of Ajmer, Mohalla Katalawalan.
82	379	Abdul Jabbar Khan s/o Dr. Jamal Khan, Easi Pura, Ajmer.
87	379	Elwing, S. P. W. I., Ajmer.
89	379	Lal Chand s/o Prem Raj, Mahajan of Purani Mandi, Ajmer.
91	379	Ganpat Ram s/o Birbhan Das, Mahajan of Naya Bazar, Ajmer.
92	379	Ganpat Ram s/o Birbhan Das, Mahajan of Naya Bazar, Ajmer.
95	379	Mr. Balston, Superintendent of A. C. B. S., Ajmer.
96	379	Muhammad Sadiq s/o Rahim Bux, Muslim of Alimgarh, Mohalla Diggi, Ajmer.
104	379	Railway Police, Ajmer.
107	379	J. W. Coutes, Stenographer, Superintendent of Police, Ajmer-Merwara, Ajmer.
109	379	Fateh Chand Jethi, Nala Bazar, Ajmer.
111	379	Janki Kumar c/o Dr. B. N. Verma, dentist of Karaka Chowk, Ajmer.
114	379	Chand Khan s/o Azim Khan, Muslim, Pathan, of Khari Chah Ajmer.
126	379	S. N. Roberts s/o George Roberts, Ajmer Civil Lines, Ajmer.
130	379	Ustad Khan s/o Mohammad Ali Khan, Pathan of Phool Gali, Ajmer.
131	379	Jaffar Ali s/o Bane Shah, Faqir of Khadim Mohalla, Ajmer.
135	379	Choth Mal s/o Ganesh Ram, Mali, Nasirabad.
139	379	Behari Lal s/o Mewa Ram, Mahajan of Pati Katla, Ajmer.
141	379	Ganga Ram s/o Deva, Balai, of Ajmer, Mirshalli, servant of Lachman Contractor.
14	379	Mehtab Khan s/o Junai Khan, Pathan of Pal Bisla, Ajmer.
145	379	Kishan Sarup s/o——, Bar-at-Law, Civil Line, Ajmer.
148	379	Mr. Nathu Lal, Heda, B.A., LL.B., Vakil, Nasirabad.
149	379	Nawal Singh s/o Hans Raj, Mahajan of Kaisarganj, Ajmer.
162	379	Mr. I. W. B. T. Cargain, Kanwar Sahib of Thetari State now Mayo College, Ajmer.
163	379	H. P. Hasan, Production Office, Ajmer.
168	379	Bura s/o Ladu, Sadhu of Kasari Nari, Ajmer.
174	379	Naik Mohammad Khan s/o Zain Mohammad Khan, Rajput, Ajmer, Kaisarganj.
179	379	Abdul Shakur s/o Kallu, Muslim of Kaisarganj, Ajmer (Sheikh).
182	379	Umed Mal s/o Ram Chander, Mahajan of Ajmer, Ghasiti Bazar, Ajmer.
186	379	Mr. V. G. Hetley, Captain Medical Officer, Basao Camp, Ajmer.
190	379	Mr. Kanti Prershad, Vakil of Ajmer near Kotwali.
196	379	Ram Chander s/o Sheo Narain, Kalal, of Bhudol, Lodpura, Station Master, J. R. Railway, Pithor.
197	379	Gulab Chand s/o Sheo Nath, Mahajan Ajmer, Patti Katla, Ajmer.
200	379	Sit Narain s/o Balkishan Dass, Brehmin of Chun Pach Mohalla, Ajmer.
212	379	Bhoja s/o Parmanand, Mahajan, of Gudwa, Dist., Gudwa.
213	379	Moti Ram, Constable No. 109 Kaisarganj, Ajmer.
216	379	Ram Singh s/o Chiranji Lal, servant carriage No. 29 Ticket No. 37008.
217	379	Sita Ram s/o Baghbir Singh, Brahmin, Kaisarganj, Ajmer.
218	379	Ladu s/o Kaja, Balai of Diggi Bazar, Ajmer.
221	379	Bhanwar Lal s/o Ghisu Lal, Mahajan Madar Gate, Ajmer.
224	379	R. S. Wite.
228	379	Post Master Sahib, Ajmer.
231	379	Bal Kishan s/o Fokar, Mali of Loha Kan, Ajmer.
237	379	Nathu Lal s/o Laxmi Narain, Mahajan of Purani Mandi, Ajmer.
251	379	Jeth Mal s/o Jug Lal, Mali of Pal Bichla, Ajmer.
253	379	Rai Bholan of Bichla, Ajmer.
265	379	C. Maur Furon Cottage, Ajmer.
266	379	Musst. Rukman wife of Durga, Bhopa Dharmshala, Ajmer.
269	379	Ram Charan Gupta s/o Babu Makhan Lal of Kaisarganj, Ajmer.
270	379	Subhan Bakhsh s/o Qadir Bakhsh Musalman, Delhi Gate, Ajmer.

Case No.	Section.	Name and address of the complainant.
271	379	Habib Ullah Khan Constable No. 6 Imperial Police, Ajmer.
281	379	Musst. Manji wife of Tara Chand Koki of Jadughar, Ajmer.
289	379	Abdul Qayum, Head Constable No. 4 Police, Ajmer.
292	379	Bhairia s/o Shola Sweeper of Masuda-Nari, Ajmer.
293	379	Naula s/o Radha Kishan Sargara Jones-Ganj, Ajmer.
296	379	Anis-Ur-Rahman s/o Fazal-Ur-Rahman Ganj, Ajmer.
312	379	Engineer, Municipal Committee, Ajmer.
319	379	Babu Sampat Lal Overseer, Mayo College, Ajmer.
323	379	Shanan Lal Brahman of Hathi Bata, Ajmer.
324	379	Amra s/o Kana Dhobi, Ajmer.
325	379	Narain s/o Sita Ram Employee of Electric Supply, Ajmer.
328	379	Musst. Jamni Wife of Ramza Kanjar of Karaka Chawk, Ajmer.
330	379	Bhanwar Lal s/o Girdhari Mali of Patti, Katla, Ajmer.
334	379	Amin Ram Brahman of Ramganj, Ajmer.
335	379	Chhote Lal s/o Shew Bakhsh Mali of Power House, Ajmer.
341	379	Mul Chand s/o Unkar Barber of Lakhankothi, Ajmer.
348	379	Municipal, Ajmer.
359	379	Jamna Rawat of Mirzapura, Imperial Police, Ajmer.
371	379	Hussain Bakhsh s/o Ashraf Pathan Silawat Khari Chah, Ajmer.
374	379	Syed Ghulam Sabir Kazmi, Accountant of Superintendent's Office, Tonk State.
378	379	Musst. Fatma Daughter of Karim Bakhsh Musalman Kunjra of Madar Gate, Ajmer.
384	379	Allah Rakha s/o Gharib Ullah, Musalman, Lal Kothi, Ajmer.
392	379	Gokal Chand s/o Mangal Mahajan of Mundari Mohallah, Ajmer.
396	379	Bindra Ban s/o Babu Madan Mahajan of Lakhan Kothi, Ajmer.
405	379	Musst. Jhamri widow of Budha Rawat of Kalyanipura, Ajmer.
406	379	Abdul Karim s/o Din Mohammad Musalman of Laungia, Ajmer.
409	379	Bhola Singh s/o Bhawani Singh Sikh of Gulab Bari, Ajmer.
410	379	Wazir Khan s/o Ghulam Mohiuddin Khan, Pathan of Mohallah Sheikhan, Ajmer.
416	379	Unkar s/o Siri Ram Mahajan of Ghasiti, Ajmer.
418	379	Amar Chand s/o Ganga Mahajan of Nahar Mohallah, Ajmer.
419	379	Nihal Chand s/o Bagh Mal Mahajan of Sarauli Mohallah, Ajmer.
444	379	Abdul Shakur of Ajmer.
448	379	Perbesh Ram s/o Kedar Mal, Mahajan of Naya Bazar, Ajmer.
450	379	Manohar Lal s/o Mori Lal Kayast of Gheemandi, Ajmer.
452	379	Babu Guran Dass of Water Works, Ajmer.
454	379	Mahabir Pershad s/o Nathe Lal Chhipa of Hathi Bata, Ajmer.
457	379	Abdul Ghani s/o Ghiso Ji of Lakhankothi, Ajmer.
459	379	Dr. B. B. Banerji of Purana Hospital, Ajmer.
179	380	Panna Lal s/o Sagar Mal Mahajan of Chawk Karaka, Ajmer.
187	380	Ram Chandar s/o Pusa Ram Rajput of Nehar Mohallah, Ajmer.
200	380	Mohammad Ismai s/o Ghulab Khan Pathan of Puranimandi, Ajmer.
214	380	Rahmat Khan Constable No. 101 Police lines, Ajmer.
235	380	Sardar Karem Singh s/o Mahant Singh of Hathi Bata, Ajmer.
237	380	Mr. O. N. Sooper Divisional Electric Engineer, B. B. & C. I. Railway.
250	380	Rang Lal s/o Chuni Lal Gold Smith of Puranimandi, Ajmer.
254	380	Mohan Lal s/o Dil Sukh of Sanjiki Gali, Ajmer.
264	380	Sheikh Rahman s/o Banne Khan Edward Memorial, Ajmer.
267	380	R. B. Banke Lal Ji of Ajmer.
272	380	Mr. O. M. Sooper Divisional Electric Engineer, B. B. & C. I. Railway
283	380	Tandal s/o Mangal Koli of Jadughar, Ajmer.
299	380	Munshi Khan Constable No. 515 Police Lines, Ajmer.
304	380	Hardev Parshad s/o Har Nath Brahman of Lakhan Kothi, Ajmer.
307	380	Musst. Kesar wife of Bhopal Chhipa of Mondri Mohallah, Ajmer.
308	380	Ghasi s/o Samir Bahishti of Diggi Bazar, Ajmer.
309	380	Allah Bakhsh s/o Hussain Bakhsh Sheikh of Diggi Bazar, Ajmer.
312	380	Rugnath Parshad s/o Vidaya Parshad Vaish of Gulab Bari, Ajmer.
320	380	Tej Singh Constable No. 116 Police Lines, Ajmer.
321	380	Chail Bihari Teacher, Government High School, Ajmer.
324	380	Bijai Singh s/o Rugnath Singh Rajput of Chand Gate, Ajmer.
328	380	Kahlil Ahmad s/o Syed Ahmed Sheikh of Dargah Bazar, Ajmer.
336	380	Ganpat Lal s/o Matho Ram Brahman of Lakhan Kothi, Ajmer.
338	380	Unkar Parshad s/o Brij Lal of Kayasth Mohallah, Ajmer.
341	380	Ram Parshad s/o Bhagwan Dass Brahman of Paharganj, Ajmer.

Case No.	Section.	Name and address of the complainant.
355	380	Damodhar Lal Kishan Singh of Kayasth Mohallah, Ajmer.
362	380	Ibrahim s/o Nizamuddin Tailor of Dargah Bazar, Ajmer.
373	380	Mangal Singh s/o Sunder Singh Rajput of Mayo College, Ajmer.
390	380	S. D. Upadhia of Bombay.
391	380	Mr. Flax of Nursingh Home, Ajmer.
406	380	Nur Mohammad s/o Abdullah of Nagra, Ajmer.
409	380	G. B. Durga of Government High School, Ajmer.
421	380	Pribhu Dayal s/o Kesra Mali of Ghari-Malian, Ajmer.
423	380	Abdul Jabbar s/o Habib-Ur-Rahman of Kachh State.
426	380	Debi Sahai s/o Dhanna Lal Brahman of Usri Gate, Ajmer.
428	380	Chhagan Lal s/o Ram Chandar Brahman of Gali Gajmal, Ajmer.
432	380	Abdul Baqi Paish Imam of Parao Mosque, Ajmer.
434	380	M. K. Telegraphist of Telegraph Office, Ajmer.
436	380	Pir Ban Singh Constable No. 562, Ajmer.
440	380	Abdul Rahman s/o Akbar Khan of Hathi Bata, Ajmer.
443	380	R. B. Seth Bhag Chand Ji Soni, Ajmer.
445	380	Siri Ram Constable No. 107, Lines, Ajmer.
447	380	Godhu Ram s/o Duni Chand Dhobi of Tirpolia Gate Ajmer.
450	380	Mirza Khan s/o Asal Khan Pathan of Dargah Sharif, Ajmer.
454	380	Jugal Kishore Parshad s/o Bas Dev of Shoba, Ajmer.
457	380	Har Lal s/o Kajja Mali, Ajmer.
461	380	Zafar Ahmad s/o Ali Ahmad Sheikh of Calcutta.
491	380	Hem Raj s/o Sheo Narain Gold Smith of Ajmer.
558	380	Musst. Dhanni, Banglow of 1. G. P., Ajmer.
560	380	Puran of Ajmer.
570	380	Gopi Lal s/o Jivan Lal Mahajan of Puranimandi, Ajmer.
598	380	Mohan Lal s/o Basheshar Ram Kayasth, Ajmer.
610	380	Paras Lal s/o Mehtab Chand Mahajan of Gheemandi, Ajmer.
612	380	B. G. Malington, Ajmer.
614	380	Mr. T. C. Caverse, Banglow No. 496, Pal Bisla, Ajmer.
617	380	Mr. O. Brin, Beawar Road, Ajmer.
628	380	Mr. H. P. C. Vishnu, Divisional Engineer, Telegraphic Office, Ajmer.
631	380	W. R. Gairi, Loco Shop, Ajmer.
532	380	M. J. L. Barlet, Loco Shop, Ajmer.
640	380	Abbas Hussain Constable No. 60 Lines, Ajmer.
642	380	L. Polis, Banglow No. 385, Ajmer.
643	380	L. Polis, Banglow No. 385, Ajmer.
644	380	L. Polis, Bunglow No. 385, Ajmer.
646	380	A. Bannot, Ajmer.
647	380	W. Haujor, Ajmer.
652	380	Ashfaq Hussain s/o Mohd. Hussain Pathan of Ganj, Ajmer.
654	380	Kalyan Mal Typist J. Section, Carriage Shop, Ajmer.
676	380	A. Haujarse, Ajmer.
689	380	Sukh Dev s/o Ram Bakhsh Dorogha of Chawk Karaka, Ajmer.
706	380	Syed Zahid Mohd. s/o Syed Mohd. Jan Musalman, Ajmer.
		1936.
16	380	Abdul Rahim s/o Hussain Khan Muslim of Ghasiti, Ajmer.
38	380	Mushtaq Hussain s/o Ashraf Ali Muslim of Dargah, Ajmer.
42	380	Musst. Fatma wife of Mukhtar Ahmad of Piplore, Dist. Sultanpur.
43	380	Sheo Kishan s/o Gopi Nath of Puranimandi, Ajmer.
52	380	Imam Bakhsh s/o Ramzani Sheikh of Khari Chah, Ajmer.
57	380	Bholu s/o Kishan Ragar of Kalma Rao, Ajmer.
62	380	Sheo Shankar Lal s/o Manak Lal Kayasth of Gali Khazanchian, Ajmer.
83	380	Gobind Narain s/o Mahajan of Ganj, Ajmer.
84	380	Ram Nath s/o Chhoto Brahman of Ganj, Ajmer.
94	380	Mohd. Shabrati s/o Nathu of Silawat Mohallah, Ajmer.
100	380	H. Peark, Srinagar Road, Ajmer.
117	380	Mr. P. D. Fox, Assistant Electric Engineer, B. B. & C. I. Railway, Ajmer.
136	380	Nathu Lal s/o Bihari Lal Tamboli of Gali Balaji, Ajmer.
137	380	Ghulam Hussain s/o Gulab Muslim of Puranimandi, Ajmer.
151	380	Musst. Chanda widow Fazal Hussain Muslim of Autar Ghasiti, Ajmer.

Case No.	Section.	Name and address of the complainant.
164	380	Dhanpat Saroop S/o Ram Saroop Brahman of Autar Ghasiti, Ajmer.
165	380	Hodu S/o Chain Shan of Ghantaghar, Ajmer.
166	380	Shambu Lal S/o Mohan Lal of Naya Bazar, Ajmer.
170	380	Shujan Singh S/o Mangal Singh of Hathi-Bata, Ajmer.
175	380	Durga Parshad Assistant Jailor, Ajmer.
181	380	Prem Dutt S/o Matho Lal Brahman, Ajmer.
194	380	Musst. Husaini wife of Ghaffar of Khadim Mohallah, Ajmer.
199	380	Ashfaq Hussain of Mayo College, Ajmer.
205	380	K. K. Keffard of Naka Madar, Ajmer.
208	380	Parbhati S/o Bhaundou of Ajmer.
211	380	R. Bishan of Oriental Life Co., Ajmer.
229	380	Syed Sultan Abbas of Ramganj, Ajmer.
230	380	Sita Ram S/o Munshi Dharm Bhao, Post Office, Ajmer.
242	380	Mr. Baran Parshad Sahib Bahadur, Ajmer.
244	380	Mr. S. J. Karnills, Ajmer.
247	380	Gulab Chand S/o Tan Sukh Ram Mahajan Usri Gate, Ajmer.
248	380	Piru S/o Shamsher Iron Smith, Madar Gate, Ajmer.
257	380	Tula Ram S/o Jai Kishore Barbar of Nagra, Ajmer.
272	380	Bha Shankar S/o Mehta Ji of Chawk Karakka, Ajmer.
301	380	Bansi Lal S/o Palji Darogha, Edward Memorial, Ajmer.
304	380	Durga Parshad S/o Lekhu Ram Brahman, Ajmer.
309	380	Sampat /o Ladhu Sweeper, Ajmer.
314	380	Mushtaq Hassain S/o Mohd. Hussain Syed of Nahar Mohallah, Ajmer.
315	380	Fark Chand S/o Samir Mal Mahajan of Diggi Bazar, Ajmer.
320	380	Ganga Singh S/o Sardar Singh, Hathi Bata, Ajmer.
321	380	Teja S/o Chetan Ahir, Jonesganj, Ajmer.
329	380	Madho S/o Ram Nath Teli of Sheo Bagh, Ajmer.
333	380	Mangal Chand S/o Moti Lal Mahajan, Ajmer.
351	380	Rahim Bakhsh of Ajmer.
354	380	Sham Singh S/o Budh Singh Mahajan, Kesharganj, Ajmer.
360	380	B. B. Dhandri S/o Pandu Ran Bhandari Dakhni Brahman of Brahm Bhawan, Ajmer.
370	380	Deo Karan of Lakhan Kothi, Ajmer.
372	380	A. Fernandas, Bungalow No. 452, Ajmer.
383	380	Ram Sahai S/o Jamna Lal Mahajan of Nagra, Ajmer.
387	380	D. Sena S. P. W. I., Railway Hospital, Ajmer.
388	380	Manna S/o Bhola Butcher, Parao, Ajmer.
391	380	Musst. Burga wife of Chand Mal Brahman of Siri Madhopur (present at Ajmer).
402	380	Babu Bishan Dass Vakil Co. Ajmer.
404	380	Babu Sukhdev Brahman, Ajmer.
411	380	Nathu Lal S/o Lachhman Lal Mahajan, Ajmer, Puranimandi.
421	380	Birdi Chand Cycle Merchant, Kutchery Road, Ajmer.
425	380	Ghabru Lal S/o Bhura Lal Dargah Bazar, Ajmer.
427	380	Chandar Pal Mistri, Agra Gate, Ajmer.
434	380	Ram Parshad S/o Girvar Lal Brahman of Ramganj, Ajmer.
441	380	Nizamuddin S/o Karim Bakhsh of Gali Khazanchian, Ajmer.
443	380	Dr. Manohar Lal Dubbe of Gheemandi, Ajmer.
464	380	Siri Kishan, S. P. W. I., Railway, Ajmer.
465	380	Atma Ram S/o Lachhman Lal Brahman Power House, Ajmer.
466	380	Kishan Chand S/o Jan Chand Mahajan of Topdhara, Ajmer.
467	380	Modu Ram, Iron Smith, Madar Gate, Ajmer.
470	380	Amar Chand S/o Moti Lal Mahajan of Holidara, Ajmer.

Year 1935, section 381 cases.

Case No.	Section.	Name and address of the complainant.
221	381	Indar Bhan S/o Phul Chand Bahargava. Kutcheri Road, Ajmer.
263	381	Babu Sheo Ram, S. I. Police, Finger Print Bureau, Ajmer.
314	381	Rugbar Dayal S/o Tara Chand Brahman, Ramganj, Ajmer.

Case No.	Section.	Name and address of the complainant.
358	381	R. B. Seth Bhag Chandji Soni, Ajmer.
388	381	Roshan Lal S/o Ram Charan Mahajan Mali Mohallah, Ajmer.
417	381	Narain Dass S/o Mohan Lal Khatri of Hati Bata, Ajmer.
460	381	P. A. Pharera, Ajmer.
463	381	Superintendent, R. M. S. Office, Ajmer.
470	381	Bhanwar Lal S/o Panna Lal Mahajan outside Madar Gate, Ajmer.
552	381	Turab Ali S/o Yaqub Ali, near Ghanta Ghar, Ajmer.
583	381	Johri Lal Singh S/o Hira Lal Rajput of Hathi Bata, Ajmer.
626	381	Mr. A. O. Watson, Bungalow No. 283, Beawar Road, Ajmer.
639	381	Babu Gori Shanker, Kutcheri Road, Ajmer.
708	381	Mr. T. L. Munro, Bungalow Divisional Electric Engineer, Ajmer.
		Year 1936.
28	381	Mr. W. A. Bristo, Sirinagar Road, Ajmer.
98	381	R. S. Chanka Parshad Pensioner Assistant Traffic Superintendent, Ganesh, Ajmer.
105	381	Norman Mafeet Sahib Priest, Bungalow, Sirinagar Road, Ajmer.
187	381	Seth Godmal Loda Bankar Khazanchi, Ajmer.
243	381	Lachmi Narain of Par Bichla, Ajmer.
273	381	Radhe Lal S/o Ganeshi Mahajan of Nagra, Ajmer.
295	381	Wazir Ali S/o Hafiz Fateh Mohd. Gali Langar Khana, Ajmer.
339	381	Har Charan Dass Kapur, Mayo College, Ajmer.
358	381	Modh Das S/o Binja Jat, Sarai Chishti-Chaman, Ajmer.
368	381	Nisar Mohammed S/o Moh Baksh Sheikh, Indar Kote, Ajmer.
407	381	Gopi Narain S/o Moti Narain Mahajan, Rattan Building, Ajmer.
412	381	Har Bhajan Lal S/o Madan Lal Brahman, Railway Quarters, Ajmer.
415	381	S. I. Balwant Singh, Kotwali, Ajmer.
436	381	Gordhan Lal S/o Ram Lal Brahman, Pahar-Ganj, Ajmer.

PROSECUTION OF PROSTITUTES IN AJMER.

Question No. 1216.—(a) A number of public prostitutes were prosecuted by the Municipal Committee themselves and certain areas of the city were cleared of them before 1935.

(b) No. The facts are that in 1934 the Municipal Committee, in amplification of a resolution passed by them in 1930, passed a resolution that there was no objection to residence in the prohibited areas of girls who followed the profession of dancing and singing and who came to Ajmer during the *Urs* Fair and were not public prostitutes. In 1935 the matter was raised in public discussion and, on a reference from the Chairman, Municipal Committee, on the eve of the *Urs* Fair, the Police authorities suggested, in conformity with the provisions of the Ajmer Merwara Municipalities Regulation, VI of 1925, that public prostitutes should not be allowed to stay in prohibited areas but that dancing girls having a declared paramour might be allowed in these areas to carry on the avowed object of dancing and singing only and that dancing girls carrying on public prostitution should be prosecuted. This suggestion was placed before the Municipal Committee.

(c) No. The question of adoption did not arise as the suggestion referred to in (b) above was already covered by the Committee's resolutions of 1930 and 1934.

(d) The resolution of the Municipal Committee does not prohibit residence of dancing girls as such. It prohibits the residence of public prostitutes. A large number of dancing girls came to Ajmer and resided in the Dargah Bazar during the *Urs* Fair in 1935, as usual. There is no evidence that these dancing girls were public prostitutes or that the Committee's resolution was thereby contravened.

(e) No.

(f) No.

(g) The information is not available.

(h) The statement is as below:

Year.	Number of cases instituted.
1934-35	622
1935-36	63

(i) Does not arise in view of the reply to (d) above.

(j) The Government of India do not consider that any action by them is called for.

Information promised in reply to starred questions Nos. 1227 and 1228 asked by Pandit Krishna Kant Malaviya on the 15th October, 1936.

RAILWAY BOARD'S LETTER REGARDING REVISED SCALES OF PAY.

Question No. 1227.—The reply to the opening part of the question is in the affirmative.

(a) No.

(b) The reply to the first part of the question is in the affirmative. As regards the latter part staff are liable to discharge on a month's notice.

(c) (i) Yes.

(ii) No.

(d) No.

DESIGNATION OF TICKET CHECKERS ON THE EAST INDIAN RAILWAY.

Question No. 1228.—The Chief Operating Superintendent, East Indian Railway, was of the opinion that the travelling ticket inspectors working on certain sections of the line should be abolished on the introduction of the Moody-Ward system and the Agent, East Indian Railway, in forwarding the Chief Operating Superintendent's proposals expressed himself as in general agreement with them. The Railway Board accepted the recommendation.

Information promised in reply to a supplementary question asked by Dr. Ziauddin Ahmad to starred question No. 1236 on the 15th October, 1936.

RESEARCH WORKS CARRIED OUT BY THE IMPERIAL DAIRY EXPERT.

The subject of the improvement in yields of the different breeds of cattle is dealt with every year in the annual reports of the Imperial Dairy Expert published with the Scientific Reports of the Imperial Agricultural Research Institute, copies of which are available in the Library of the House.

Information promised in reply to parts (a) and (b) of starred question No. 1241 asked by Dr. N. B. Khare on the 15th October, 1936.

ELECTRIC SUPPLY IN SHAHDARA, DELHI.

(a) The farthest distance to which energy is supplied by generating plants is, in Delhi City and Civil Lines 7½ miles from the Delhi Electric Supply and Traction Company Power House, and in New Delhi eight miles from the Municipal Committee Power House. There are no generating plants in Shahdara or Civil Lines. Shahdara is supplied from Bhola, 37 miles away, on the United Provinces Grid System. Only the Fort area is supplied from the Fort Power House.

(b) The distance from Shahdara to Delhi City is less than the farthest distance to which energy is supplied in each area from its Power House, except in the case of the Fort area.

Information promised in reply to starred questions Nos. 1275 and 1276 asked by Mr. B. Das on the 15th October, 1936.

ALLEGED THROWING OUT FROM A MOVING TRAIN OF AN ORIYA BOY BY A TRAVELLING TICKET COLLECTOR OF THE BENGAL NAGPUR RAILWAY.

Question No. 1275.—Government are informed as follows :

(a) The facts are not as stated in the question. The Travelling Ticket Checker of the Bengal Nagpur Railway was prosecuted under section 304-A., Indian Penal Code, for causing the death of a passenger, but was acquitted.

(b) No.

(c) (i) No claim has yet been received.

(ii) All the ticket checking staff have been personally reminded of their duty to the public by the Commercial Traffic Manager of the Bengal Nagpur Railway.

(d) (i) and (ii). The Ticket Checker was suspended from the date of the occurrence and was then dismissed after his conviction under section 323, I. P. C. (Assault) in a court of law.

(e) No, as it will not serve any useful purpose.

ALLEGATIONS AGAINST CERTAIN EMPLOYEES OF THE BENGAL NAGPUR RAILWAY.

Question No. 1276.— (a) No.

Government are informed as follows :

(b) (i) and (ii). The guard was suspended after arrest and his service will be terminated from the date of suspension with loss of Provident Fund Bonus and Gratuity. Suitable action will also be taken against the Khalasi.

(c) No circular has been issued.

(d) Does not arise.

(e) Yes.

Information promised in reply to Pandit Govind Ballabh Pant's starred question No. 1283, on the 15th October, 1936.

PERSONS PROHIBITED FROM ENTERING BRITISH INDIA.

(a) to (c). I presume the Honourable Member is referring to persons externed from British India by the Bombay Government in connection with the civil disobedience movement. Externment orders are at present in force against 18 such persons, all of whom are subjects of Indian States. A list of such persons is laid on the table.

(d) and (e). Manilal Kothari was subject to an order of externment, but the order was cancelled on the 22nd September, 1936. He is, I understand, suffering from acute melancholia.

List of Persons against whom Orders of Deportation issued under Section 3 of Act III of 1864 are still in force.

Serial No.	Name.	State of which he or she is a native.
1	Natvarlal Tapishanker Pandit	Chhota Udepur.
2	Manharlal Rajaram	Wadhwan.
3	Lavanprasad Fulchand	Nawanagar.
4	Trikamlal Mansukhlal	Limbdi.
5	Valjibhai Govindbhai Desai	Jetpur
6	Shivnandji Chaturbhuj	Wadhwan.
7	Nathalal Mansukhlal	Limbdi.
8	Fulchand Kasturchand	Wadhwan.
9	Ramshanker Jagannath Pandit	Baroda.
10	Virchand Bhikhabhai	Vanod.
11	Chhaganlal Nathabhai Joshi	Baroda.
12	Gooramma, wife of Venkatramaya	Mysore.
13	Narayanrao Sanjivrao	Do.
14	S. Venkatapathaiya	Do.
15	Audumbar Wishwanath Bhimaji	Aundh.
16	Waman Vithal Salgaonkar	Savantvadi.
17	Parbhatsang Gumansang	Rajpipla.
18	Dalpatram Dahyabhai Desai.	Sachin.

Information promised in reply to starred questions Nos. 1299, 1304, 1309, 1311, 1312, 1314 and 1315 asked by Mr. Mohan Lal Saksena on the 15th October, 1936.

PROVISION OF REST ROOMS FOR INDIAN GUARDS AT CERTAIN RAILWAY STATIONS.

Question No. 1299.—I presume the Honourable Member is referring to the Rohilkund and Kumaon Railway. If so, Government are informed as follows :

(a) Rest Rooms for Indian Guards have been provided at Lucknow Junction and Mailani. As Bareilly City is the headquarters of all guards operating on the Bareilly-Kasganj, Bareilly-Lucknow and Bareilly-Kathgodam Links, residential quarters have been provided and the need for a rest room does not arise. A Rest Room at Kasganj City is provided and guards return from Kasganj Junction to Kasganj City (a distance of half a mile) for rest. A rest room at Moradabad Junction is not considered necessary.

(b) Separate rest rooms for relieving staff are not provided. Staff to be relieved have instructions that before proceeding on leave a part of their quarters must be vacated for the relieving staff.

(c) No action is called for.

CIRCULAR NO. 11 OF 1932 OF THE AGENT, ROHILKUND AND KUMAON RAILWAY.

Question No. 1304.—(a) A copy of the circular is placed on the table of the House.

(b) Government have no reason to think otherwise.

Copy of Agent's Circular No. 11 (Rohilkund and Kumaon Railway Co.)

Rules regulating the discharge and dismissal of Railway servants.

1. *Extent of application.*—(a) These rules apply to all Rohilkund and Kumaon Railway employees including labourers employed in railway Workshops, or any other branch of State railway service, provided they have completed *three years'* continuous service; and to temporary employees provided they have completed 3 years' continuous service.

(b) The rules relating to dismissal also apply to all employees who have not completed 3 years' continuous service.

2. *Powers.*—No authority lower than the Head of a Department may pass an order of dismissal.

3. No officer lower than a District Officer or corresponding rank may pass an order of discharge.

4. Notwithstanding the provisions of rules 2 and 3, the Agent may, at his discretion, delegate power to an officer of an Assistant grade or a senior subordinate to discharge, or to an officer of the senior scale or a corresponding rank to dismiss, an employee on a scale of pay not exceeding Rs. 30 per mensem who has rendered less than ten years' continuous service.

5. *Dismissal.*—An employee will be liable to be dismissed from the service in the following circumstances, namely :

(i) in consequence of his conviction by a criminal court, or

(ii) for serious misconduct, or

(iii) for neglect of duty resulting in, or likely to result in, loss to the Railway Administration or danger to the lives of persons using the railway.

6. *Discharge.*—An employee will be liable to be discharged from the service in the following circumstances, namely :

(i) on reduction of establishment, or

(ii) for inefficiency, or

(iii) for an offence of a serious character but not so serious as to warrant dismissal or for repeated offences of a lighter character.

An order of dismissal operates as a bar to re-employment in Rohilkund and Kumaon Railway service and shall not be issued unless the employee's guilt is established by clear and conclusive evidence. In other cases when there is circumstantial evidence as to his guilt, it shall be open to the competent authority to consider the question of discharging him.

Explanations.—The Railway Department being a commercial department, service in it must in its nature differ from service in Government Departments and continuance of employment must be subject to the test and conditions enforced by large commercial concerns. Accordingly the power which the Railway Administrations possess of discharging railway servants without assigning reasons in accordance with the terms of their agreement, or otherwise on reduction of establishment due to fluctuations of traffic, simplification of the methods of work or any other cause, or on grounds of inefficiency must be retained. This power, however, by its very nature imposes upon the competent authority the obligation to use it considerately and with strict justice so that the railway servants shall feel that they can expect fair and reasonable treatment. A too frequent or a thoughtless recourse to it is apt to lead to a sense of instability of service which is detrimental both to the welfare of the staff and to the efficient and economical working of railways.

The following principles are accordingly laid down, without prejudice to the foregoing power, for the guidance of the competent authority :

(a) In cases falling under Rule 6 (i) and (ii) the competent authority should consider before passing an order of discharge the desirability of employing the servant concerned usefully in any other place or position and, if this is desirable and possible, should offer him the option of transfer to such place or position. In this connection it is particularly necessary that whenever a reduction in establishment is foreshadowed, enquiries should be instituted at the earliest possible moment directed to find suitable employment on the same or even reduced pay for those who are likely to be brought under reduction, and if an employee is provided with a post on a lower pay on account of the abolition of his former post, his case should receive special consideration for promotion to a post on higher pay not exceeding, however, the scale applicable to his former post, which may fall vacant at a future date.

(b) Rule 6 (ii) cover cases of inefficiency whether due to incompetency, insolvency, physical unfitness or any other cause, where an employee is so inefficient that it is considered unprofitable for the railway to continue to employ him. Every effort should, however, be made to avoid hardship and extenuating circumstances, if any, should be considered before an order of discharge is passed, as far as the exigencies of the service may permit. Rule 6 (ii) also includes cases in which an employee holding a post, the duties of which affect the safety of the travelling public, fails, due to defective eyesight or any other infirmity, to conform to the standard of physical fitness required of the holder of such post. In such circumstances, he may be given leave up to the amount admissible as may be decided by the sanctioning authority prior to discharge and during such leave every effort should be made to find other suitable employment for him.

(c) Special effort should be made to avoid the hardship entailed by the discharge of an employee who has completed 10 years' continuous service. No such employee should ordinarily be discharged on grounds of incompetency under Rule 6 (ii) unless frequent specific failures in work have occurred on his part for which he has been given a written warning and he has been punished with the stoppage of an increment or by reduction in pay during the last two years of his service.

7. *Dismissal—Procedure.*—In all cases where an employee is charged with an offence of a nature which if proved against him is likely to lead to his dismissal, a charge sheet shall be drawn up by his Superior Officer who will read out and explain it to him stating the nature and details of the charge or charges against him, and thereafter hand it over to him and he shall be required to submit a written explanation by a fixed date which shall ordinarily allow of an interval of seven clear days from the date he received the charge sheet. In the case of an illiterate or semi-literate employee the charge sheet shall be read out and explained to him by the officer or a selected senior subordinate who shall record the explanation given by the employee.

The charge sheet with the explanation will then be placed before the officer competent to pass the order of discharge who shall make such enquiry and in such manner as he deems proper and sufficient into the facts of the case and shall record his considered opinion before passing the order of dismissal.

Note.—The provisions of this rule do not apply when it is proposed to issue an order on the strength of facts or conclusions established at a judicial trial or when the railway servant concerned has absconded with an accusation hanging over his head.

8. *Discharge—Procedure.*—When an employee who has completed ten years' continuous service is charged with an offence of a serious character or with repeated offences of a lighter character, meriting discharge under Rule 6 (iii), the procedure shall be as detailed in paragraph 7.

Note 1.—This rule does not require the presentation of a charge sheet for each offence of a lighter character but only when such offences are so repeated as to merit a discharge.

Note 2.—Note under Rule 7 applies here also.

9. Any person whose conduct is undergoing investigation on a serious charge shall be placed under suspension until his case has been decided by the competent authority.

10. *Appeals.*—No appeal shall lie from an order of discharge made on reduction of establishment.

11. Subject to the exception provided for in Rule 10, an appeal from an order of discharge or dismissal shall lie only to the authority next above the officer passing the order, provided that if the order was issued by the Agent himself, no appeal shall lie from it.

12. Every appeal shall be preferred within one month after the date on which the employee preferring the appeal is informed of the order he appeals against.

Note.—The post vacated by an employee dismissed or discharged under the provisions of Rule 5 or Rule 6 (*ii*) and (*iii*) shall not be filled up permanently until the expiry of six weeks or if an appeal is preferred until the orders of the authority to which an appeal lies are received.

13. An appeal preferred under these rules shall contain no disrespectful or improper language and shall be submitted through the immediate superior of the appellant and the head of the office to which he belonged, and through the authority from whose order the appeal is preferred.

14. On receipt of an appeal which complies with the provisions of the foregoing rules, the authority to whom it is addressed shall carefully review the whole case so as to avoid injustice or undue hardship, and shall pass such order as appears to him to be just and equitable, having regard to all the circumstances of the case. *In no case and in no sense is an appeal to be treated as a mere formality.*

Notes.—On receipt of an appeal which complies with the provisions of these rules, the officer to whom it is addressed shall ordinarily dispose of it himself, except that, in respect of appeals addressed to the Agent the latter may at his discretion and subject to such conditions as he may prescribe entrust their disposal to an officer of not lower rank than a Deputy Agent.

2. In the case of an appeal against an order of dismissal, the appellate authority shall consider :

(a) Whether the facts on which the order was based have been established;

(b) Whether the facts established afford sufficient ground for taking action; and

(c) Whether the penalty is excessive or reasonable;

and after such consideration shall pass such order as he thinks proper, either confirming the order appealed against or remitting or reducing the penalty.

15. An appeal may be withheld by any officer through whom it is submitted if :

(i) it is an appeal in a case in which under these rules no appeal lies; or

(ii) it does not comply with the provisions of rules 12 and 13; or

(iii) it is a repetition of a previous appeal and is made to the same appellate authority by which such appeal was decided, and no new facts or circumstances are adduced which afford grounds for a reconsideration of the case; or.

(iv) it is an appeal to an authority to whom under these rules no appeal lies;

Provided that when an appeal is withheld, the appellant shall be informed of the fact and of reasons for it.

16. No appeal shall lie against the withholding of an appeal by a competent authority.

NON-PROVISION OF QUARTERS AT AISHBAGH JUNCTION, BAREILLY AND MAILANI FOR THE MEMBERS OF THE TRAFFIC AND LOCO. DEPARTMENT.

Question No. 1309.—(a) Quarters are supplied for all staff liable to be called upon at any time without notice to attend to the business of the Railway; also for most of the remainder of the staff.

(b) No.

(c) No.

ABSENCE OF AN OVERBRIDGE AT THE BHOJEEPURA RAILWAY STATION.

Question No. 1311.—There is no overbridge at Bhojeepura. Adequate precautions are taken when the passengers are required to entrain from other than the main platform.

ABSENCE OF INTERLOCKING SYSTEM ON THE ROHILKUND AND KUMAON RAILWAY.

Question No. 1312.—The Agent, Rohilkund and Kumaon Railway, reports that the interlocking of the stations on that Railway is in progress.

FRAUDS IN THE SUPPLY OF COAL TO THE LOCO. DEPARTMENT IN BAREILLY CITY.

Question No. 1314.—The reply is in the negative. The second part of the question does not arise.

HOSPITALS AND DISPENSARIES ON THE ROHILKUND AND KUMAON RAILWAY.

Question No. 1315.—Government are informed as follows:

(a) The reply is in the negative.

(b) All the dispensaries are well stocked with medicines of every day use. The accommodation is enough for their requirements as these dispensaries cater only for the outpatients who come for treatment for minor ailments. All the serious cases are sent to the Central Hospital at Izatnagar.

(c) No.

Information promised in reply to starred questions Nos. 1326, 1328, 1329 and 1330 asked by Dr. N. B. Khare on the 15th October, 1936.

REPORT OF THE COMMITTEE THAT VISITED A CERTAIN SCHOOL ON THE EAST INDIAN RAILWAY.

Question No. 1326.—Government are informed that in actual practice only one officer, usually the Transportation Superintendent of a division, has visited the School on each occasion in pursuance of the instructions contained in item 7 of para. 30 of the Gazette referred to in the question.

These reports are departmental documents not intended for publication and Government regret that they are not prepared to place copies on the table of the House.

RESPONSIBILITY OF THE GOVERNOR GENERAL IN COUNCIL AND THE SECRETARY OF STATE FOR INDIA IN COUNCIL FOR THE ACTIONS OF THE AGENTS OF STATE RAILWAYS.

Questions Nos. 1328 and 1329.—The responsibility of the Secretary of State for India or the Governor General in Council for the actions, deeds and orders of the Agents of State-managed Railways depends upon the character of each such action, deed or order.

POLICY OF ABOLITION OF POSTS IN THE HIGHEST GRADES OF STATE RAILWAYS.

Question No. 1330.—The reply to the first part is in the negative. The latter parts do not arise.

Information promised in reply to starred question No. 1371 asked by Raizada Hans Raj on the 16th October, 1936.

STUDENTS PASSING FROM THE 'A' CLASS OF THE MACLAGAN ENGINEERING COLLEGE, LAHORE.

(a) 115.

(b) Approximately 95 per cent.

(c) Approximately 250.

(d) Two of the above vacancies were filled by direct recruitment of qualified 'A' Class students and three by promoting qualified 'A' Class students who had been initially recruited as journeymen. In addition, qualified, 'A' Class students were appointed to the following posts:

(1) In the Electrical Shops —4 Chargemen.

(2) In the Electrical Shops —9 Journeymen.

(3) In the Signal Shops —4 Assistant Block Inspectors.

(e) Reply to the first and second parts is in the affirmative. Initial recruitment is made to the post of Journeymen in the Workshops and these posts are filled by the appointment of qualified 'B' class students of the MacLagan Engineering College, if suitable and available. In the past when the requisite number of 'B' class MacLagan Engineering College students were not forthcoming for employment as journeymen, 'A' class students of that College, who cared to accept such posts, have been taken on as journeymen.

(f) Prior to the 23rd January, 1936, qualified students of the MacLagan Engineering College engaged as journeymen were borne on one seniority list with those who had attained this rank by promotion or had been recruited directly as journeymen after qualifying from other institutions; consequently promotion from journeymen to chargemen was from a common list. Recruitment to the post of journeymen since the above date has been restricted as a general rule to candidates qualified at the MacLagan Engineering College or other similar institution, the bulk of the promotions to chargemen's posts in the future will be from those with this qualification.

(g) The 'A' Course diploma of the First Class in:

(i) Mechanical Engineering, and

(ii) Electrical Engineering,

granted by the MacLagan Engineering College is now recognised.

As regards latter part if a qualified 'A' Class student chooses to offer himself for the post of a journeyman and is appointed he is paid accordingly, and his pay is the same as that allowed to a 'B' Class student recruited as a journeyman. Should, however, a qualified 'A' Class student be recruited as a chargeman or in any other corresponding or higher capacity his pay is regulated accordingly.

(h) Vacancies in posts of chargemen are normally filled by promotion of suitable journeymen and as stated in reply to part (f) qualified students of a recognised institution will secure the bulk of such promotions. Government do not consider that any further preference in favour of 'A' Class over 'B' Class is called for.

(i) Recommendations for promotion to the Lower Gazetted Service are made to the Railway Board when vacancies occur and when called for by the Board for promotion to the Superior Services.

(j) Does not arise.

(k) Twelve out of thirteen appointments on the North Western Railway were given to subordinates.

(l) and (m). The claims of qualified 'A' Class students of the MacLagan Engineering College who are in service are taken into consideration along with the claims of other subordinates when making recommendations for promotion to the Lower Gazetted Service, but possession of the College qualification in itself gives them no preference over other subordinates who may be more suitable for promotion.

Information promised in reply to part (a) of starred question No. 1378 asked by Mr. Mohan Lal Saksena on the 16th October, 1936.

INDIAN COMMISSIONED OFFICERS IN THE ARMY PASSING PROMOTION EXAMINATIONS AND REPORTED FIT FOR PROMOTION.

During the period October, 1934, to October, 1936, 28 Indian Commissioned Officers became due for promotion to the rank of Lieutenant. All of them were recommended and promoted from the due dates. During the same period, 12 Indian Commissioned Officers became due for promotion to the rank of Captain. Eleven were qualified and were promoted. During the same period 27 King's commissioned Indian officers qualified for promotion—25 for captaincy and two for majority. If recommended, they will be promoted when they actually become due for promotion.

Information promised in reply to starred question No. 1388 asked by Mr. Mohan Lal Saksena on the 16th October, 1936.

SELECTION OF CANDIDATES BY THE PUBLIC SERVICE COMMISSION FOR THE INDIAN AUDIT AND ACCOUNTS SERVICE EXAMINATION.

(a), (b) and (c). Yes; this is due to the fact that in making selections the Public Service Commission have to take into account the suitability of the applicants and to ensure adequate representation of the various provinces and communities of India. The attention of the Honourable Member is invited to rule 2 of the rules published with the Government of India, Finance Department, Resolution No. F.-13(3)-Ref./36, dated the 16th May, 1936.

Information promised in reply to starred questions Nos. 1397, 1405 and 1406 asked by Mr. Lalchand Navalrai on the 16th October, 1936.

CONFIRMATION OF SPECIAL TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

Question No. 1397.—Government are informed that final orders regarding the confirmation of Special Ticket Examiners are under issue.

RACIAL DISCRIMINATION IN THE MATTER OF PROMOTION OF OFFICE SUPERINTENDENTS ON THE NORTH WESTERN RAILWAY.

Question No. 1405.—(a) Yes.

(b) The reply to the first part of the question is in the affirmative. As regards the latter part communal considerations are not taken into account in making promotions.

(c) and (d). In view of my reply to part (b) these do not arise.

PROMOTION OF OFFICE SUPERINTENDENTS ON THE NORTH WESTERN RAILWAY

Question No. 1406.—(a) A statement is placed on the table of the House giving the required information.

(b) There are no rules regarding the appointment of Office Superintendents to officiate in gazetted ranks. Officiating appointments are made by selection with due regard to Administrative convenience and to seniority.

(c) In view of my reply to part (b) this does not arise.

(d) As regards the first part no limit has been laid down. With regard to the latter part Government do not consider any rules on the subject are necessary.

(e), (f) and (g). Officiating service is taken into consideration when making permanent appointments to the Lower Gazetted Service. The power to make officiating appointments has been delegated to the Agents of State-managed Railways and Government have no reason to believe that the claims of staff do not receive due consideration when these appointments are made.

List of Office Superintendents who officiated as Gazetted officers during 1934-35 up to 31st October, 1936.

Rawalpindi . .	Mr. J. W. C. Knight .	3rd January, 1935 to 3rd February, 1935. 15th March, 1935 to 30th April, 1935. 8th May, 1935 to 27th May, 1935. 25th May, 1936 to 29th June, 1936.
Delhi . . .	Mr. J. D. J. Crowhurst .	1st December, 1933 to 9th January, 1934. 18th December, 1934 to 14th January, 1935.
	Mr. Amir Chand . .	19th March, 1936 to 16th April, 1936.
Karachi. . .	Mr. H. C. S. Bennett .	22nd March, 1934 to 13th July, 1934. 24th September, 1934 to 23rd October, 1934. 22nd May, 1935 to date.
Quetta . . .	Mr. Gian Chand . .	4th June 1935, to 12th October, 1935-A. T. O. Lahore. 2nd November, 1935 to date A. P. O. Quetta.
Headquarters ,	Mr. Ramji Das . .	25th December, 1934 to 7th February, 1935.
	Mr. J. E. Oriolly . .	16th September, 1934 to 26th October, 1934.
	Mr. Mohd. Ibrahim . .	1st June, 1934 to 30th September, 1934. 30th March, 1935 to date.

Information promised in reply to starred question No. 1425 asked by Bhai Parma Nand on the 16th October, 1936.

SELECTION OF CANDIDATES BY THE PUBLIC SERVICE COMMISSION FOR THE INDIAN AUDIT AND ACCOUNTS SERVICE EXAMINATION.

(a) 761.

(b) 272.

(c) The attention of the Honourable Member is invited to rule 2 of the rules published with the Government of India, Finance Department Resolution, No. F.-13(3)-Ref./36, dated 16th May 1936.

(d) 206 Hindus and 46 Muslims were selected for admission to the Combined Examination, 1936.

(e) Yes; the converse is also true.

(f) Candidates who were not selected were informed by the 9th September 1936. The Public Service Commission make every effort to inform candidates of the results of their applications as soon as practicable.

(g) No; the admission of candidates rests with the Public Service Commission.

Information promised in reply to starred questions Nos. 1428 to 1431 asked by Mr. Muhammad Azhar Ali on the 16th October, 1936.

MAINTENANCE ALLOWANCE FOR THE INHERITANTS OF THE PROPERTY UNDER THE COURT OF WARDS MANAGEMENT IN DELHI.

Question No. 1428.—(a) It is presumed the Honourable Member refers to certain members of the *ex*-Royal Family of Delhi and their property. Maintenance allowances were fixed at the time when the property was first taken over by the Court of Wards.

(b) The income of the estate when it was first taken over by the Court of Wards was Rs. 19,535 per annum. The present income of the estate amounts to Rs. 24,899. Since the estate was first taken under management in 1913 debts amounting Rs. 1,19,643 have been paid off. Arrangements have been made to improve the existing property at a cost of Rs. 55,401, new lands have been purchased and a sum of Rs. 61,725 has been expended on the education of the ward and his relatives.

CLAIMS OF SHAHZADA SALEEM MUHAMMAD SHAH'S DEBTORS.

Question No. 1429.—Yes, the Deputy Commissioner has the power to do this under the provisions of Section 28 of the Punjab Court of Wards Act, II of 1903.

COSTS OF LITIGATION FOR EXECUTION OF DECREES ON THE SIDE OF THE COURT OF WARDS.

Question No. 1430.—(a) It is not clear to what decree the Honourable Member refers. If the decree referred to is that obtained by M. Mohammad Shah against the Court of Wards, execution proceedings were taken by M. Mohammed Shah's widow and her daughter, and the defendants were Mohammad Shah's sister Badshah Jahan Begam through the Court of Wards. The amount spent, *viz.*, Rs. 275, was debited against Badshah Jahan Begam's account in the ordinary course.

(b) The suit was filed by M. Mohammad Shah and the Court of Wards have, therefore, no details as to the cost involved. With regard to the cost of the execution proceedings, I would refer to the reply to part (a) of this question.

APPOINTMENT OF *GIRDAWAR QANUNGO* AS MANAGER OF THE COURT OF WARDS.

Question No. 1431.—(a) Yes.

(b) No.
(c) No.
(d) No.
(e) Does not arise.
(f) No.

(g) The judgments of the civil courts in question make certain reference to the policy of the Court of Wards, but no mention whatsoever is made therein in regard to the personality of the Manager. The Manager, Court of Wards, acts in accordance with the instructions received from the Deputy Commissioner, who in turn acts under the guidance of the Chief Commissioner, Delhi.

(h) The passage has not been correctly quoted.

(i) No action was taken by Government since in the circumstances no action was considered necessary. The passage in the judgment referred to is not correctly quoted, and, in any case, Government does not necessarily share the views of the Sub-Judge who tried the case.

Information promised in reply to unstarred question No. 156 asked by Maulvi Badrul Hasan on the 16th October, 1936.

ENFORCEMENT OF GOVERNMENT OF INDIA ACT X OF 1858 IN PORTION OF THE DELHI DISTRICT WHICH WAS UNDER THE PUNJAB GOVERNMENT.

It has not been possible to obtain definite information; but it is probable that Act X of 1858 was in force in that part of the District of Delhi which was then under the Government of the Punjab.

Information promised in reply to unstarred questions Nos. 160 and 173 asked by Mr. Sham Lal on the 16th October, 1936.

OPTION IN THE MATTER OF SCALES OF PAY AND SENIORITY LISTS IN THE MORADABAD DIVISION OF THE EAST INDIAN RAILWAY.

Question No. 160.—The reply to the opening part of the question is in the affirmative.

(a) Yes, the option is final for both.

(b) Under the circular referred to State and ex-Company employees alike may exercise the option to elect the co-ordinated scales of pay.

(c) I presume the Honourable Member is referring to the Assistant Station Masters employed on the Moradabad Division. If so, Government are informed that the determination of an equitable system of regulating the seniority and promotion of this class of staff was beset with difficulties, and as these difficulties came to notice it was necessary to amend the orders from time to time in the interests of the staff themselves.

RIGHTS AND PRIVILEGES OF THE NON-GAZETTED RAILWAY STAFF.

Question No. 173.—The powers, so far as they concern the non-gazetted staff, have been delegated by the Governor General in Council under the 'Direction' appended to the Railway Services (Classification, Control and Appeal) Rules, a copy of which is in the Library of the House.

Information promised in reply to unstarred question No. 187 asked by Mr. Amarendra Nath Chattopadhyaya on the 16th October, 1936.

REFRESHER COURSES OF RAILWAYS.

(a) The matter has been left to the discretion of each Railway Administration.

(b) Government are informed that the age for exemption is 45 and over, except in the case of Transportation Inspectors for whom it is over 50.

Information promised in reply to unstarred question No. 197 asked by Mr. N. M. Joshi on the 16th October, 1936.

OFFICIATING INCREMENTS FOR INFERIOR SERVANTS OF THE POSTAL DEPARTMENT IN THE KONKAN DIVISION.

(a) and (b). The facts were substantially as stated by the Honourable Member, but I may inform the Honourable Member that the claims in question have since been settled and that arrears of increments have been paid to the officials concerned.

(c) and (d). Do not arise in view of the reply given to parts (a) and (b) of the question.

Information promised in reply to unstarred questions Nos. 221, 222, 224, 225, 229, 230, 231, 232, 233 and 234 asked by Mr. Umar Aly Shah on the 16th October, 1936.

DISCHARGE OF CERTAIN FIREMEN AND SHUNTERS ON THE EASTERN BENGAL RAILWAY.

Question No. 221.—(a) Yes.

(b) No. It is not the practice to mention in the agreement details of the rules and conditions governing the service of the man executing it, as all railway employees are subject to the rules and regulations which may be in force from time to time.

(c) Yes, in most cases.

(d) Does not arise.

(e) and (g). Because they failed to pass their promotion examinations. Moreover, by retaining these men it became difficult to train efficient junior men to fill the higher posts of shunters and drivers, resulting in a lack of adequate supply of suitable men in those categories.

(f) Yes.

(h) Orders were originally issued in 1929, but in 1932 they were made applicable to staff recruited before 1929.

(i) Yes.

(j) In the interest of efficiency, and for reasons explained in the reply to part (e) above.

ABOLITION OF NIGHT SCHOOLS FOR EDUCATING THE ILLITERATE RAILWAY WORKERS OF THE LOCO. DEPARTMENT.

Question No. 222.—(a) Night schools have been abolished, but not on account of economy.

(b) Eight.

(c) Night schools were provided at most stations for the purpose referred to by the Honourable Member in the question, but the staff failed to make adequate use of them and so they were closed.

(d) There were Night Schools at Katihar and Lalmonirhat, but not at Ishurdi.

(e) One shunter and 12 firemen from Lalmonirhat; four firemen from Katihar and two firemen from Ishurdi, have been discharged for not passing the departmental examination.

RELIEVING ALLOWANCE TO STAFF SENT TO OUTSTATIONS TO RELIEVE STATION MASTERS, SIGNALLERS AND CLERKS.

Question No. 224.—Rule 364 of the State Railway Open Line Code, which permitted the grant of relieving allowance to the staff referred to, has been superseded by the orders contained in Railway Board's letter No. 6878-F., dated the 18th May, 1931, a copy of which has been placed in the Library of the House. These orders have been issued in order to introduce on State-managed Railways a uniform procedure which would be simple as well as economical. It is within the powers of the Government of India to issue such orders.

PROVISION OF BOX *KHALASIES* TO CARRY THE BOXES OF INDIAN DRIVERS.

Question No. 225.—The reply to first part of the question is in the affirmative. As regards the second part, all the State-managed Railways in India have complied with the instructions of the Railway Board in this matter.

RUNNING ROOM ARRANGEMENT FOR CREW STAFF ON THE EASTERN BENGAL RAILWAY.

Question No. 229.—The reply to the first part of the question is in the negative. As regards the latter part Government are informed that separate running rooms for crew staff have been provided at certain stations, and at others the crew staff are permitted to use the guards' running rooms.

MILEAGE ALLOWANCE GRANTED TO THE RUNNING PARCEL CLERKS ON THE EASTERN BENGAL RAILWAY.

Question No. 230.—(a) Yes.

(b) No. Such sanction is not considered necessary.

RETROSPECTIVE EFFECT TO CONCESSIONS GRANTED TO RAILWAY STAFF.

Question No. 231.—(a) The Honourable Member has quoted only one-half of what I said. The other half was "but each case must obviously be judged on its merits".

(b) The same principle applies generally when existing concessions are withdrawn.

REDUCTION IN WORKING EXPENSES ON THE EASTERN BENGAL RAILWAY.

Question No. 232.—The Eastern Bengal Railway Administration has for a number of years been making every endeavour to reduce working expenses and is continuing to do so. It is not practicable to detail all measures proposed: but they cover the ground indicated below :—

(a) Job analysis with a view to making the best use of the staff already in service.

(b) Investigating the possibility of utilizing cheaper materials, etc., without loss of efficiency.

(c) Remodelling yards or reorganizing their working to effect reduction in the cost of operation.

(d) Examining the possibilities of reducing payments which have to be made to other Departments of Government, Municipalities, etc.

RUNNING PARCEL CLERKS ON THE EASTERN BENGAL RAILWAY.

Question No. 233.—Government are informed as follows :—

(a) The reply to the first part of the question is in the affirmative. As regards the second part the transfers have been made for administrative convenience.

(b) May, 1919.

(c) and (d). Running Parcel Clerks only deal with parcels and their duties are, therefore, only part of those formerly performed by 2nd guards who were in addition responsible for the safe working and protection of the train.

(e) As regards the first part of the question, statistics of claims paid on parcels traffic carried in charge of Running Parcel clerks are not maintained separately. As regards the second part of question of mileage allowance is in no way connected with any saving that may have accrued from the employment of these clerks.

(f) Records are not available at this distant date to show the reasons for introducing Running Parcel Clerks in place of 2nd guards.

(g) The reply to the first part of the question is in the affirmative. As regards the latter part Government see no justification for the grant of mileage allowance to such staff as are performing duties not connected direcly with the charge of moving trains.

POWERS GIVEN TO AGENTS OF STATE RAILWAYS TO MODIFY THE RULES FOR THE GRANT OF ALLOWANCES.

Question No. 234.—The reply is in the affirmative.

Information promised in reply to unstarred question No. 239 asked by Pandit Sri Krishna Dutta Paliwal on the 16th October, 1936.

DRIVERS IN THE JHANSI DIVISION OF THE GREAT INDIAN PENINSULA RAILWAY.

(a) A statement is laid on the table of the House giving the required information.

(b) Drivers are not recruited direct but promoted from firemen. A statement showing the grades and scales of pay of drivers on the Jhansi Division is placed on the table of the House.

(c) Racial considerations are not taken into account in making promotions which are made on qualifications and experience.

(d) The reply to the first part of the question is in the negative. As regards the latter part the Honourable Member's attention is invited to paragraph 9 (1) (*a*) of the Government of India Resolution No. F.-14/17-B./33, dated 4th July, 1934, a copy of which is in the Library of the House.

(e) The Honourable Member is referred to the reply to part (b) of the question.

(f) Yes.

(g) The reply to the first part of the question is in the affirmative. The latter part does not arise.

(h) The reply to the first part of the question is in the negative. The latter part does not arise.

(i) and (j). No.

Statement showing the communal proportion of Drivers employed in the Jhansi Division on the Great Indian Peninsula Railway in different Grades.

	'A' grade.	'B' grade.	'C' grade.
Anglo-Indian	47	2	..
Parsee	..	30	..
Hindu	..	..	13
Muslim	..	..	25
Indian Christian	1	5	1

Statement showing the different Grades and Scales of Pay for Drivers on the Jhansi Division on the Great Indian Peninsula Railway.

		Rs.
'A' grade	Goods	160 -15 -15 -20 -10 -20 -15—15—270
'A' ,,	Mail & Passenger	285—310
'B' ,,	Goods	130—10—20—15—15—20—210
'B' ,,	Mail & Passenger	220—235
'C' ,,	Passenger	140
'C' ,,	Goods.	72 -10—8 -20—15—125.

Information promised in reply to unstarred questions Nos. 240, 242 and 243 asked by Sardar Sant Singh on the 16th October, 1936.

INCOME AND EXPENDITURE OF THE SALES DEPARTMENT OF THE NORTH WESTERN RAILWAY.

Question No. 240.—(a) No.

(b) Does not arise.

INJUSTICE DONE TO INDIAN OFFICERS ON THE NORTH WESTERN RAILWAY.

Question No. 242.—(a) Yes.

(b) Mr. Jordan was already a permanent gazetted officer, when selected to officiate as Sales Manager.

(c) No.

(d) Some of the officers of the Superior Service senior to Mr. Jordan represented against his appointment.

(e) No.

(f) No action is considered necessary.

APPOINTMENT OF MR. HALES AS DIVISIONAL SUPERINTENDENT, RAWALPINDI DIVISION OF THE NORTH WESTERN RAILWAY.

Question No. 243.—(a) No.

(b) Mr. Hales was reduced temporarily in 1916 while working as Assistant Traffic Superintendent, Karachi Port, for not exercising proper vigilance in signing certain settlement bills.

(c) No.

(d) Does not arise.

Information promised in reply to unstarred questions Nos. 245, 246 and 247 asked by Mr. Ram Narayan Singh on the 16th October, 1936.

PROCEDURE ON STATE RAILWAYS FOR PUNISHING OR REDUCING THE STAFF FROM SUPERIOR TO INFERIOR SERVICE ON FAILURE TO PASS AN EXAMINATION.

Question No. 245.—The reply to the first part of the question is in the negative. As regards the latter part, Government are informed that the rules like many others have varied from time to time in different divisions and they consider that their compilation will involve an amount of time and labour not likely to be justified by results.

APPEAL AGAINST THE DISCRETION OF THE DIVISIONAL SUPERINTENDENT ON THE EAST INDIAN RAILWAY.

Question No. 246.—The Honourable Member is referred to rule 17 of the Rules regulating discipline and rights of appeal of non-gazetted Railway Servants, a copy of which is in the Library of the House.

MAINTENANCE OF RECORDS OF SUBORDINATE NON-PENSIONABLE SERVANTS ON STATE RAILWAYS.

Question No. 247.—The reply to the first part of the question is in the negative. As regards the second part of the staff referred to are governed by paragraph 403 of the State Railway Open Line Code, Volume II, a copy of which is in the Library of the House.

DEATHS OF MAULVI BADI-UZ-ZAMAN AND U BA SI.

The Honourable Sir Nripendra Sircar (Leader of the House): Sir, with your permission, I desire to mention the deaths of two sitting Members which took place after we met here for the last time, I refer to the deaths of Maulvi Badi-uz-Zaman and U Ba Si, who were sitting Members of this Assembly. U Ba Si was once a Member of the Assembly in 1923. He was also a delegate to the Second Round Table Conference. We were informed that he had intended to stand for the local Assembly. Maulvi Badi-uz-Zaman was elected at a by-election and since then he had been attending this Assembly. About Maulvi Badi-uz-Zaman I really have no personal knowledge, but I understand that he was a respected Member of this House. I desire that you, Sir, will kindly convey to the members of the families of these two gentlemen our sincere condolences at the great loss suffered by them.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Sir, I would like to associate myself and my Party with the Resolution moved by the Honourable the Leader of the House. The late Maulvi Badi-uz-Zaman was a member of this Party ever since he joined this House some

[Sir Cowasji Jehangir.]

seven years ago. I can truly characterise him as one of the most unassuming Honourable Members this House has ever had. He pulled his weight not only in the Party, but also in this House without being vocal. He served on Committees and he was always ready with his advice. I can say with confidence that he was exceptionally popular in his own constituency and was returned to this House unopposed whenever he stood for election. We deeply regret his loss, and we shall thank you, Sir, to convey to the members of his family our sincere condolences in their bereavement. We again have had to mourn the loss of a member of our Party which we can ill afford.

Mr. President (The Honourable Sir Abdur Rahim): It will be my duty to communicate the feelings of sorrow that have been expressed by the Leader of the House and by Sir Cowasji Jehangir with respect to the two deceased gentlemen to the bereaved members of their families. I happened to know Maulvi Badi-uz-Zaman fairly well in the last Assembly, and I endorse everything that has been said by Sir Cowasji Jehangir regarding him. He was, in fact, a very useful Member of this Assembly, though he seldom spoke in the House. He was always regular in his attendance and rendered useful service on committees. As regards U Ba Si, I had not the pleasure of knowing him personally. I shall convey the condolence of the House to the bereaved members of his family as well.

MOTIONS FOR ADJOURNMENT.

OFFICIAL INTERFERENCE IN ELECTIONS AT MORADABAD.

Mr. President (The Honourable Sir Abdur Rahim): I have received several notices of adjournment motions. The first is in the name of Mr. Mohan Lal Saksena, the second is also in the name of Mr. Mohan Lal Saksena, the third and fourth are in the name of Pandit Lakshmi Kanta Maitra, the fifth is in the name of Mr. Satyamurti, the sixth is in the name of Pandit Lakshmi Kanta Maitra, the seventh is in the name of Mr. Satyamurti. The eighth and the last is by Maulana Shaukat Ali I do not know whether the Honourable Member, Maulana Shaukat Ali, has seen the Notification in the Gazette Extraordinary which was published only yesterday relating to motions of this class. There is a new Rule promulgated by the Governor General in Council, and I take it it comes into effect at once. Under that Rule, the Honourable Member has to give notice of his adjournment motion, not only to the Secretary of the Assembly, but also to the Member of the Government concerned. I want to know whether the Honourable Member has given that notice to the Government Member concerned.

The Honourable Sir Nripendra Sircar (Leader of the House): I am prepared to waive that notice.

The Honourable Sir Henry Craik (Home Member): I did receive notice.

Mr. President (The Honourable Sir Abdur Rahim): The notice is that the Honourable Member wishes to move the adjournment of the House on an urgent, definite and important matter of public importance, namely, the interference of the Collector, Moradabad, Major Nethersole, and the Tahsildar of Moradabad, Sayid Bashir Hyder, in the free elections in that district, in spite of the clear orders of the Government of India and the assurances given in the House by the Leader of the House and the Honourable the Home Member.

I understand that a Resolution was moved in the last Simla Session with reference to this very matter, that is to say the alleged interference by officials of Government in elections and that Resolution was debated for two days and it is down for further discussion on the 29th January. That being so, I should like to know from the Honourable Member how he could justify this motion because it will be anticipating the discussion on that Resolution. That Resolution will cover the whole subject matter contained in the notice he has given.

Maulana Shaukat Ali (Cities of the United Provinces: Muhammadan Urban): The elections are to take place on the 7th February, and if officials are allowed to interfere, then free elections would be a farce. In the debate on the Resolution referred to by you, Sir, the Honourable the Leader of the House realised the importance of non-interference by officials, and he very kindly promised that everything would be done to see that no interference took place in free elections. The Honourable the Home Member further asked us that if we had any complaints to make, we should refer them to him. In compliance with that promise, the Honourable the Home Member should now instruct his officials not to interfere in the elections. The elections are to take place on the 7th February, barely two weeks more. We have got no other means of bringing to the notice of Government how their officials disregard the orders of the Government.

Mr. President (The Honourable Sir Abdur Rahim): The Resolution will be on the list for 29th January. Then the Honourable Member can discuss this matter.

Maulana Shaukat Ali: There is no time to wait till then. Canvassing work has to be done. Moreover, I cannot speak on that Resolution as I have already spoken once. I have now got certain facts to put before the House as to how the officials in Moradabad are interfering in the elections.

Mr. President (The Honourable Sir Abdur Rahim): The point is that there is a Resolution already down for discussion on the 29th January, that is this week, and, therefore, this adjournment motion, if admitted, would anticipate that Resolution. That cannot be allowed. I, therefore, rule the motion out of order.

REPORT OF THE GOVERNMENT DELEGATES AT THE TWENTIETH SESSION OF THE INTERNATIONAL LABOUR CONFERENCE.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I lay on the table the draft Conventions and Recommendations adopted at the Twentieth Session of the International

12 NOON.

[Sir Frank Noyce.]

Labour Conference together with the report of the Government Delegates to that Conference and a statement indicating the course of action which the Government of India propose to follow in respect of these Draft Conventions and Recommendations.

THE TWENTIETH SESSION OF THE INTERNATIONAL LABOUR CONFERENCE (JUNE 1936).

REPORT OF THE DELEGATES OF THE GOVERNMENT OF INDIA.

Introductory.

1. The 20th Session of the International Labour Conference opened at Geneva on the 4th June 1936, and ended on the 24th June 1936. The Conference was one of the best attended in the history of the International Labour Office. Fifty-one countries were represented by 161 delegates and 256 advisers. Italy, which in past years had taken a prominent part in the deliberations of the Conference, was conspicuous by its absence. The Italian Government suddenly informed the Secertary-General of the Conference that "the Italian Delegation will be unable to attend". Egypt as usual sent an observer, but this country, during the course of the Conference, applied for and became a full member of the Organisation. The entry of Egypt was welcomed by the Conference.

2. The Indian Delegation consisted of the following :

Government Delegates.

Sir B. N. Mitra, K.C.S.I., K.C.I.E., C.B.E.
Mr. S. N. Roy, C.I.E., I.C.S.

Advisers to the Government Delegates.

Mr. A. Dibdin.
Mr. S. R. Zaman, I.C.S.

Employers' Delegate.

Sir Homi Mehta.

Adviser to the Employers' Delegate.

Mr. P. S. Sodhbans.

Workers' Delegate.

Rao Saheb R. W. Fulay.

Adviser to the Workers' Delegate.

Mr. G. Chelvapathy Chetty.

Mr. Zaman also acted as Secretary to the Delegation. Sir B. N. Mitra left Geneva for London on the 23rd June, and Mr. Dibdin acted as his substitute for the rest of the Conference.

Business of the Conference.

3. The agenda of the Conference consisted of the following items :

I. The regulation of certain special systems of recruiting workers.
II. Holidays with pay.
III. Reduction of hours of work in public works undertaken or subsidised by Governments.
IV. Reduction of hours of work in the building and civil engineering industry.
V. Reduction of hours of work in iron and steel works.
VI. Reduction of hours of work in coal mines.
VII. Reduction of hours of work in the textile industry.
VIII. Safety provisions for workers in building construction with reference to scaffolding and hoisting machinery.

Opening of the Conference and Election of Office Bearers.

4. In his capacity as Chairman of the Governing Body Mr. Riddell (Government, Canada), formally opened the proceedings; In the course of his opening speech he briefly reviewed the activities of the Organisation in the past twelve months and

mentioned the Preparatory Maritime Conference held in November 1935 and the Conference of American States held in Santiago in January 1936. According to him the holding of a regional Conference in Santiago far from impairing the universal character of the Organisation marked, as a matter of fact, a new phase in the development of the Organisation, pregnant with possibilities for broadening the horizons of social justice in all parts of the world. It also strengthened the ties between the Organisation and the Governments and peoples of the new world. The International Labour Conference, he concluded, provided a great opportunity for creating sound world public opinion on vital questions affecting labour.

The Conference then elected the following office bearers :

President.	Dr. Bramsnaes (Denmark).
Vice-Presidents :	
Government Group . .	Mr. Winant (United States of America).
Employers' Group . .	Mr. Vanek (Czecho-Slovakia).
Workers' Group . . .	Mr. Mertens (Belgium).

In his Presidential speech Dr. Bramsnaes touched upon the increasing world interest in social problems since the Washington Conference of 1919, for which he thought that the International Labour Organisation was principally responsible. According to him the years of the strongest economic development seem to have afforded the greatest possibilities for the carrying through of social political measures. He was of the opinion that in the long run social policy and sound economy were, in reality, closely connected. He ended up by saying that although the world had not yet come out of the economic crisis, the bottom of the depression seemed to have been passed and he hoped that a turn for the better in the economic field had taken place in most countries, and that this might be taken as a signal for improved possibilities of carrying through a more extensive social legislation.

5. *Committees.*—The following members of the Indian Delegation were appointed to the Committees enumerated below :

Selection Committee.

Indian Government . .	Sir B. N. Mitra.
Indian Employers' . . .	Sir H. Mehta.
Indian Workers' . . .	Rao Saheb R. W. Fulay (Substitute member).

Committee on Application of Conventions.

Indian Government . .	Mr. A. Dibdin. Mr. Dibdin was also appointed Reporter of the Committee.
Indian Workers' . . .	Rao Saheb R. W. Fulay.

Committee on Recruitment of Workers.

Indian Government . . .	Mr. S. N. Roy.
Indian Employers' . . .	Sir H. Mehta.
Indian Workers' . . .	Rao Saheb R. W. Fulay (Substitute—Mr. G. C. Chetty).

Committee on Holidays with Pay.

Indian Government . . .	Mr. S. R. Zaman.
Indian Employers' . . .	Sir H. Mehta (Substitute—Mr. P. S. Sodhbans).
Indian Workers' . . .	Mr. G. C. Chetty (Substitute Member).

Committee on Hours of Work in Iron and Steel Industry.

Indian Employers' . . .	Sir H. Mehta.

Committee on Hours of Work in Coal Mines.

Indian Employers' . . .	Sir H. Mehta (Substitute—Mr. P. S. Sodhbans).

Committee on Hours of Work in Textile Industry.

Indian Employers' . . .	Sir H. Mehta.
Indian Workers' . . .	Rao Saheb R. W. Fulay.

Item I.—Regulation of certain special systems of recruiting Workers.

6. The Committee appointed to consider the draft Convention on the above subject included Mr. S. N. Roy, representing the Government of India, Sir Homi Mehta representing Indian Employers, and Mr. Chetty (substitute for Mr. Fulay) representing the Indian Workers.

7. In their reply to the questionnaire issued by the Labour Office the Government of India had made it clear that the ideal they had constantly kept in view was that of free recruitment of labour within India itself, and that their policy was to keep restrictions at a minimum and to reduce or remove such of them as still existed as and when conditions permitted. While, therefore, they had no objection to the adoption of a draft Convention for the regulation of extra-territorial recruitment they were not prepared to accept international regulations for the detailed control of internal recruitment in India. It is interesting to note that at the very outset of the discussions the British Empire Workers' representative moved an amendment to add the words "with a view to the progressive elimination of the recruiting of labour" at the end of Article 1. What he had in mind was internal recruitment in South Africa but in view of the arguments contained in the reply of the British Government to Question 40 of the questionnaire circulated to all Governments, even the Governments which had given a favourable reply to the question withdrew their support and the amendment was defeated.

8. Acting on instructions, the Indian Government representative moved an amendment to clause (6) of Article 2 for the substitution :

(*a*) of the words "territories dependent on State members" for the words "dependent territories" in line 2, and

(*b*) of the words "territories of State members" for the words "fully self governing countries" in the last line.

The amendment, which was moved as a purely drafting amendment, was supported, among others, by the British Government and the Indian Employers' representatives and carried unanimously. The draft sub-committee, however, suggested some modifications in the wording in the final draft which did not affect the substance and were not objected to.

9. The British Workers' representative moved several amendments with a view to regulate conditions of labour, *e.g.*, the progressive abolition of the compound system, accommodation of workers in quarters conforming of health requirements, abolition of certain forms of the truck system and encouragement of co-operative trading. These were all rejected on the ground that they belonged properly to the question of labour contracts or conditions of labour, both of which were separately under the investigation of the Labour Office. The question of the right of association of recruited workers was also raised. It was pointed out that the subject was outside the scope of the Convention and was eventually not pursued.

10. A motion of the Netherlands Government representative for the insertion of a new article prohibiting all recruitment of non-adult persons was adopted, but subsequently it was pointed out that the new article would deprive a valuable class of workers of the chance of being better fed and better housed and that it was therefore necessary to modify the article. It was decided to refer the matter to the drafting committee and Article 6 was the result.

11. The British Workers' representative, with the support of other worker delegates, sought to modify the first paragraph of Article 17 so as to place the responsibility for the transport of the worker to his place of employment as well as his return home on the recruiter or employer. A long discussion ensued in the course of which it was pointed out that the question of repatriation went beyond the scope both of the article in question and the Convention in general, which was concerned only with recruitment and not with conditions of contract or employment. The only result of the adoption of the amendment would be to place difficulties in the way of States to ratify the convention. Eventually the British Workers' representative withdrew his amendment on Article 17, but on Article 18 he moved that the proviso at the end of paragraph 1 of the original draft, *viz.* :

> "Provided that where this requirement is not in accordance with local custom it may be waived by the competent authority if the authority is satisfied that the employers have, in fixing wage rates, made reasonable allowance for the expenses of the workers in connection with their journey"

should be deleted. The proviso had been drafted to meet the objection of the Union of South Africa and the representative of that Government argued that the adoption of the amendment would destroy the system of subsidised voluntary emigration and prove an insuperable obstacle to the ratification of the Convention by the Government of the Union. The sympathy of the Committee was with the mover of the amendment but many members of the Committee were disinclined to support it

if it was going to endanger ratification. In the end the amendment was adopted by the narrow majority of one. In the Conference the point was again forced to a vote which confirmed the result of the voting in Committee.

12. The Indian Workers' representative moved an amendment to Article 22 in terms almost identical with an amendment presented during the 1935 Conference, providing that permission to recruit labour in any area shall not be granted by the competent authority unless guarantees were forthcoming in regard to :

(*a*) rights to acquire property both movable and immovable,

(*b*) equal status before the law,

(*c*) franchise to local bodies in the area of employment, and

(*d*) provision against discriminatory legislation.

It was pointed out that the first question figures in the draft Recommendation accompanying the draft Convention and that the remaining, however important they might be in themselves, had nothing to do with the question of recruitment. The Chairman, accordingly, ruled the amendment out of order as being beyond the scope of the Convention. Later, however, when the Recommendation drafted by the Labour Office came under discussion, the Recommendation proposed by the British Workers' representative was adopted by the Committee, with certain modifications, in substitution of the original draft of the Office. This recommendation is silent on the question of the right to acquire immovable property.

13. The Conference adopted the Convention as it emerged from the Committee without any modification.

Item II.—Holidays with Pay.

14. The subject was discussed at great length in the Committee to which it was referred. The Committee submitted a draft Convention, a draft Recommendation and four Resolutions, all bearing upon Holidays with Pay.

15. The Committee began its work by discussing whether it was in favour of a Convention or a Recommendation. Acting on instructions of the Government of India, the Indian Government representative (Mr. Zaman) pressed that a Recommendation would be more suitable than a Convention. He added, however, that so far as the principle of holidays with pay was concerned, there could be no objection to it, but that the difficulty lay in the applicability of the Convention. This view was also supported by Mr. Sodhbans, the Indian Employers' representative. Those who were in favour of a Convention held that international regulations in order to be effective, must take the form of a Convention. Paid holidays were justified, not only on humanitarian, but also on economic grounds, as they enabled the worker to maintain his skill and output. The supporters of a Recommendation maintained that the granting of holidays with pay should not be made compulsory by law, but should be introduced by collective agreements. Methods of granting holidays with pay vary of necessity from country to country, from district to district, and even from industry to industry. Where the wages bill constituted only a small percentage of the cost of production, the increase resulting from the granting of holidays with pay would not be of great importance, but where it represented a high percentage of the cost of production the increase would be such as to influence considerably the selling price and so cause an increase in unemployment. The Governments of many Continental and South American countries were in favour of a Convention and the Committee finally voted in favour of a draft Convention.

16. Taking the draft Convention prepared by the International Labour Office as a working model the Committee then examined each article seriatim. A large number of amendments were submitted which considerably delayed the work of the Committee. The view favoured by the Government of India that the Convention should give Governments absolute discretion in the matter of prescribing the occupations to which it should be applicable did not find much support among the members of the Committee. Efforts to restrict the number of occupations also proved abortive. When the Report of the Committee was submitted to the Conference, a general but brief discussion took place. Mr. Chetty (Workers' Delegate, India) supported the proposed Convention. During the course of his speech he stated that holidays with pay in certain State services and a few private undertakings in India had shown that the system tends to make labour more settled, improve discipline and efficiency and reduce absenteeism. Some of the Governments, although not very enthusiastic so far as the Convention was concerned, voted for it as they did not want to oppose the principle of holidays with pay. Mr. Forbes Watson (Employers',

British Empire) said that the Convention would add 2 per cent. to the British employers' wages bill and cost his country 25 million pounds sterling a year. It would also aggravate inequalities in international competition and so violate the intention of the Treaty of Peace. When the Convention was put up to the Conference for final vote it was adopted by 99 votes to 15. The Recommendation which is a corollary to the Convention was adopted by 98 votes to 15. The Indian Government Delegates abstain from voting on the Convention as well as the Recommendation. The Indian Employers' Delegate abstained from voting on the Convention but voted against the Recommendation. The Indian Workers' Delegate voted for the Convention as well as the Recommendation. The Conference also adopted four Resolutions relating to Holidays with Pay for domestic servants, hall porters, home workers and agricultural workers, and requesting the Governing Body to include the question of Holidays with Pay for the categories of workers mentioned above, in the agenda of as early a future session of the Conference as possible.

17. The Convention as adopted applies to persons engaged in industrial and commercial establishments and undertakings. It provides that after one year's continuous service such persons shall be accorded an annual holiday of at least six working days with pay at the usual rate or at a rate specified in collective agreements. The Convention also lays down the principle that the duration of the holiday should increase progressively with the length of service, and fixes the minimum annual holiday at twelve days in the case of persons below sixteen years of age including apprentices.

Item III.--Reduction of hours of work in Public Works undertaken or subsidised by Governments.

18. The question of the 40-hour week has already been discussed at several International Labour Conferences since 1931. Last year the Conference adopted a Convention which enunciated the principle of the 40-hour week. It may be noted, incidentally, that this Convention has not yet been ratified by any country. After a good deal of heated discussion it also adopted a Convention which applied the 40-hour week to glass bottle manufacture. Attempts made in the 1935 Conference to apply this Convention to Public Works, Iron and Steel, Building and Coal Mining, proved unsuccessful. The Employers' Group presented a solid front against a 40-hour week last year, so much so that although they took part in the general discussion in the Conference they refused to take part in any Committee set up to draft Conventions relating to the 40-hour week. This year they slightly modified their attitude and took part in the Committee discussions by means of their advisers, but on the understanding that they would take no part in the drafting of any Convention.

19. The 1936 Conference considered the application of the 40-hour week to five different industries, *i.e.* :

1. Public Works.
2. Building and Civil Engineering Industry.
3. Iron and Steel Works.
4. Coal Mines.
5. Textile Industry.

The supporters of the 40-hour week took the view that once a Convention relating to the principle of the 40-hour week had been adopted its extension to as many industries as possible was only a logical sequence. From the beginning, however, it was apparent that the chances of carrying through Conventions for all these five industries were remote.

20. The application of a 40-hour week to Public Works was warmly championed by Mr. Justin Godart (Government, France), who stated that Public Works were not dependent for their success on export conditions and were not, therefore, open to

competition from countries with low labour standards. Mr. McKeen (Government, New Zealand) also supported the Convention. Mr. Shelley (Employers', British Empire) opposed the Convention on the ground that the Building industry was subject to climatic conditions and that in England it was regulated by a system of collective bargaining. The excellent relations hitherto existing between employers and workers would be imperilled if the industry were used as a stalking-horse and subjected to super-imposed and doctrinaire Conventions.

21. On being put to final vote the Convention applying the 40-hour week to Public Works was adopted by 79 votes to 38. The Indian Government Delegates and the Indian Employers' Delegate voted against, and the Indian Workers' Delegate voted for the Convention.

Item IV.—Reduction of hours of work in the Building and Civil Engineering Industry.

22. There was not much discussion in the Conference on this subject. The draft Convention submitted by the Committee was put to final vote, the voting being—For the Convention 71 : Against 42. Two-thirds majority not having been obtained the Convention was not adopted.

Item V.—Reduction of hours of work in Iron and Steel Works.

23. This subject was referred to a Committee which submitted a draft Convention to the Conference. The Convention was objected to by some of the Employers' Delegates as having been drafted in haste. It was, however, supported by the Government Delegate of the United States of America, who, it may be added, supported the 40-hour week in respect of the other industries under discussion in the Conference. The Conference was opposed by Mr. Leggett (Government, British Empire), who advocated a Tripartite Technical Conference for the purpose of arriving at an agreement based on a full knowledge of facts. Sir Homi Mehta (Employers', India) contended that the adoption of the 40-hour week for Iron and Steel Works would spell ruin to this industry in India, where it was in its infancy. Mr. Fulay (Workers', India) supported the Convention. On being put to final vote the Convention failed to obtain two thirds majority and was consequently not adopted.

Item VI.—Reduction of hours of work in Coal Mines.

24. The draft Convention submitted to the Conference by the Committee was supported by the French Government Delegate, who stated that in the programme of the new French Government the average hours in French mines, which were at present 47 a week, would be reduced to 39. The Government Delegate of the United States of America also supported the application of the 40-hour week to the coal mining industry, and held that the adoption of the proposed Convention, although it may not solve all the problems of the industry, would certainly be the beginning of a solution. On being put to final vote the Convention did not secure two-thirds majority and was therefore not adopted.

Item VII.—Reduction of hours of work in the Textile Industry.

25. Although the discussion on the other 40-hour subjects was meagre, the Textile Industry provided the focus for the discussion of the 40-hour week and most of the important speeches relating to the principles and practice of the 40-hour week took place during the course of the discussion on this item, and may be taken as typifying the attitude of the three groups on this important subject. The British Employers' Delegate, who opened the discussion, stated that the Textile Industry comprised no less than eight main sections, *i.e.*, Cotton, Wool, Silk, Rayon, Linen, Hemp, Jute and Hosiery. Technical considerations and labour requirements differed widely and this complexity rendered the Textile Industry altogether unsuitable for

an International Labour Convention. There could, therefore, be no enforcement of uniformity of application and one of the results of the 40-hour week Convention would be to increase the inequalities and accentuate the disparity between the backward and advanced countries. He also held that the argument that the reduction of working hours would result in a diminution of unemployment was fallacious. Some of the most important textile countries in the world could not possibly ratify this Convention. He was, therefore, in favour of collective agreement between the employers and employees rather than the fixation of hours by legislation.

26. The Workers' Delegate of the British Empire held that there was heavy unemployment in addition to underemployment in every branch of the Textile Industry. Another important feature of this industry was that the majority of persons employed were women and children. Collective agreement, if it had succeeded in some branches of the industry, had failed in other branches and he thought the time had arrived for framing some international regulation of hours as a step towards the levelling up of conditions of work throughout the textile industry in all countries.

27. The most important speech on this subject was delivered by Mr. Ernest Brown, Minister of Labour, Great Britain. He stated that the Convention of principle adopted last year gave sanction only to compulsory work-sharing and did not sufficiently safeguard wages. This kind of work-sharing would not be acceptable in any industry in Great Britain. The 40-hour week programme was launched with the idea of distributing available work and wages and reducing the number of the wholly unemployed by a sharing of work. It was inevitable, however, that the question should be considered, not only from the point of view of the unemployed, but also from that of the employed. It was natural that those in employment saw in the proposal a menace to their own earnings and this aspect of the question was very prominent in Great Britain. He warned the Conference against the dangers of rushing into premature Conventions. He was therefore in favour of collective agreements rather than Conventions which only provided for the sharing of work and could not possibly guarantee the keeping up of wages.

28. Sir Homi Mehta (Employers', India), declared himself opposed to the 40-hour Convention on the ground of difference of conditions in India and in other countries. He referred to the climatic conditions the frequency of holidays resulting from the multiplicity of religious festivals, the competition which employers in India had to face from Japan, and the lack of assurance that any system adopted for British India would be acceptable by the Indian States. In the last three or four years he stated that the textile industry in India had been going down to such an extent that nearly 20 per cent. of the machinery had been scrapped. Mr. Fulay (Workers', India) asserted that the Employers should not always think in terms of dividends and capital. According to him history had shewn that with every reduction in hours of work the textile industry had flourished. If Indian climatic conditions were to be taken into account they should tell in favour of reduction of hours and the raising of the standard of living rather than the reverse. As regards the multiplicity of religious holidays he held that such holidays were granted only in lieu of weekly days of rest and furnished no argument against a Convention for the reduction of working hours. He appealed to the Government of India to consider the situation created by the dumping of cheap Japanese goods. As regards the Indian States he held that conditions could be equalised if only the Indian Government exercised a little pressure.

29. The Japanese Government Delegate disputed the theory that the 40-hour week would give more employment. In his opinion the only solution to all the ills from which labour suffered was the removal of high tariffs and other restrictive measures imposed by certain countries against Japanese goods. Freer trade, according to him, was the only possible policy which would bring about economic recovery and social justice.

30. Mr. Jouhaux (Workers', France) made a passionate plea in favour of the 40-hour week and stated that academic discussion on this subject had gone on long enough. Rapid action was now necessary before it was too late. He pointed with pride to the fact that even while they were discussing this subject in the Conference a Bill for a 40-hour week was being introduced in the French Chamber of Deputies. The application of the 40-hour week to the Textile Industry was also supported by the Government Delegate of the United States of America.

31. After a general discussion on the subject the Conference decided not to suspend the Standing Orders for the purpose of having a single discussion and final decision at this session. It also decided to place the question on the agenda of the 1937 session for second discussion and directed the International Labour Office to frame a questionnaire.

Item VIII.—Safety provisions for workers in building construction.

32. This subject came up for first discussion. The Committee which was asked to examine the subject and which had laid down the points on which Governments should be consulted by questionnaire with a view to second discussion and possible decision in the next session of the Conference, submitted its report which was adopted without opposition. It was also decided to place the question on the agenda of the 1937 session of the Conference.

Committee on the Application of Conventions.

(Article 408.)

33. The Conference appointed the usual Committee to examine the reports of Governments on the application of Conventions. Mr. Dibdin represented the Indian Government and Mr. Fulay the Indian Workers on the Committee. Mr. Dibdin was elected Reporter of the Committee.

34. The Committee took as the basis of its discussion the report of the Experts. There were 69 reports which had been received too late to be reviewed by the Experts and these were examined by the Reporter assisted by the two Vice-Chairmen. Much of the Committee's seven sessions was devoted to discussion of general questions. The Committee were inclined to accept a formula in regard to ratification which was somewhat less rigid than that of other years. In so doing they were influenced by the needs of certain federal States who pointed out that in the constitutional position in which they found themselves federal ratification might be an indispensable preliminary to provincial legislation.

35. In the discussion regarding individual Conventions, Mr. Fulay made representations in regard to the application of the Hours of Work and Weekly Rest Conventions on railways in India and criticised the Government of India's application of the Unemployment Convention. The Government representative for India replied and the points are reported, with others, in the Appendix to the Committee's report.

36. The Report of the Committee was the subject of a short non-controversial debate on the last day of the Conference and was adopted without opposition.

Migration of Workers.

37. The Conference in accordance with the recommendation of the Committee which had considered this subject in the light of the report prepared by the International Labour Office, adopted a Resolution welcoming the enquiry which was being made and expressing the hope that the Governing Body would place on the agenda of a very early session of the Conference, if possible in 1938, the problems arising out of Migration of Workers with reference to recruiting conditions of labour and the question of equality of treatment of foreign and national workers.

Resolutions.

38. Thirteen Resolutions were submitted to the Conference which were adopted without opposition. Amongst the Resolutions the following may be cited as being the most interesting :

(1) The Governing Body should consider the establishment of an Asiatic Committee within the framework of the International Labour Office to meet every other year in an Asiatic country. The Resolution was proposed by the Japanese and the Indian Workers' Delegates.

(2) The Governing Body should consider including in the agenda of an early session the question of the safeguarding of individual workers in the exercise of their freedom of association from pressure by private employers.

(3) The Governing Body should recommend to Governments in whose countries the sale of opium for smoking was permitted, certain measures for improving the conditions of labour and reducing the consumption of opium.

(4) The Governing Body should take steps to enable the International Labour Office to continue the study of the Nutrition of Workers in collaboration with the other international organisations concerned and should consider placing on the agenda of the Conference certain questions relating to some aspects of the problem.

(5) The Governing Body should study the effect of dumping on the standard of living and study the remedies for the evil caused. The Resolution was proposed by Mr. Fulay, the Indian Workers' Delegate.

39. Mention has been made in an earlier part of this Report that the application of the 40-hour week to the Building, Iron and Steel and Coal Mining Industries was not accepted by the Conference. Three Resolutions requesting the Governing Body to consider the convening of a Tripartite Technical Conference on these subjects were, however, adopted. A similar Resolution was also adopted in respect of the Textile Industry.

Discussions on the Director's Report.

40. The Director's Report containing as it does a compact but analytical and closely reasoned survey of world economic and social conditions, provides a very useful venue for discussing labour conditions as they strike observers in different parts of the world. The Report was discussed in six sittings of the Conference and practically every Member State contributed something towards the discussion. Although many of the subjects were academic and theoretical and the remedies proposed often far too ambitious, the discussion served the useful purpose of indicating in what directions reform was urgently needed. The Report begins with an examination of the question as to whether the world is proceeding towards economic recovery or suffering from a relapse. It then goes on to consider the various methods advocated for combating unemployment. From that it proceeds to the examination of various social and industrial policies and ends with the Director's views on reconstruction.

41. Speaker after speaker deplored the prevailing intense economic nationalism. It was stated that the present world-wide unemployment was, to a large extent, due to tariffs, bounties, subsidies and currency control. It was held by some that an expansionist monetary policy promoted international trade by increasing the buying power in the country adopting that policy. Many delegates pointed out that the erection of trade barriers by one country forced similar action in others and was ultimately responsible for the tangle of export subsidies, bounties and other dubious devices.

42. The Irish Free State Government Delegate, however, pleaded for self-sufficiency and held that nations could not expect political appeasement unless they were prepared to recognise the right of every country to develop its own resources as much as it reasonably could and to secure prosperity for its own people within its own borders. The importance of a forward Public Works policy, as a measure for combating unemployment was urged by some speakers. The Government Delegate of the Union of Soviet Socialist Republics took advantage of the discussion to point out how Russia had developed economically under the Soviet Union and how Russian labour was improving in every way. Japan argued that all countries should try to consider one another's positions sympathetically and stated that it wished to recognise the rights of others but asked in return to be treated fairly.

43. Mr. Sodhbans (Employers', India) said that India was loyally co-operating in the work of the Organisation to the full measure of her possibilities, and that the Indian Employers had not shirked their share of this work. Every Convention

that could be applied in India had been ratified and was faithfully enforced. He hoped, however, that in Geneva there would be an adequate realisation of the difficulties which India had to face. Modern industrialisation was a comparatively new development in that country and time would be required for the working population to adapt themselves to new methods. He urged that the Conference should not overlook the competition which India had to meet from Japan and the Indian States. Mr. Fulay (Workers' India) advocated the desirability of holding Asiatic Conferences for the study of the labour problems of Japan, China and India and countries similarly placed, and invited the Director to seek an early opportunity of visiting India. Sir B. N. Mitra (Government, India) said that in spite of the rather gloomy picture drawn by the Indian Employers' and Workers' representatives, business conditions in India had improved in 1935. India, however, wished to see the restoration of the full and unrestricted flow of international trade at the earliest possible date. The Indian Government had been anything but remiss in "planning" and its attitude had always been progressive. Subject to the limitations imposed by the special conditions and circumstances of the country, the policy of the Government had steadily been directed towards improving the conditions under which the workers live and work and he saw no reason to anticipate any change in that policy in future.

44. The Director, in the course of his reply, criticised the usefulness of the double discussion procedure and suggested that instead of double discussion there should be a Technical Conference or Committee to be followed by a final discussion. As regards shorter hours he said that some countries which had adopted them had actually demonstrated that they had produced more employment, or at any rate that they had prevented more unemployment. As regards cost, he said that it was extremely likely that they would not increase as much as theoretical calculations would indicate, owing to offsetting factors. He joined issue with those who condemned artificial trade barriers, and ended up by saying :

> "What is now needed is to bring the causes of political discord into relation with the problems of social and economic policy. If the economic element at the root of international differences and disturbances could be isolated and dealt with, a large part of their sting would be removed. The darkness of the present outlook is largely due to the fact that no such synthesis of politics and economics has yet been undertaken or even contemplated in the international field. Until it happens, the social prospects for the future must remain clouded and anxious, and it will be difficult for the Director in his annual report to express any unqualified optimism without being false to his duty."

Conclusion.

45. This Conference, like its predecessor, occupied itself principally with the application of the principle of the 40-hour week to various industries. The matter was forced on public notice on the eve of the Conference by the strike in France and the decision of the French Government to apply the 40-hour week to all industries. France, therefore, was a strong supporter of the reduction of hours and was supported by the United States throughout. Several Continental countries and States from South America also fell into line with them. Those who favoured reduction of hours held that it would reduce unemployment, while those against it argued that it would increase cost, reduce sales, and thereby cause more unemployment. The Government of the British Empire was against mere work-sharing and opposed any measure which would have the effect of reducing wages and hours without considering its effect on the possible lowering of the standard of living.

46. In conclusion we desire to place on record our warm appreciation of the able assistance we received from our advisers, Messrs. Dibdin and Zaman, throughout the Conference. We are also much indebted to Mr. Zaman for his help in the preparation of this report.

B. N. MITRA.

S. N. ROY.

31st July 1936.

APPENDIX.

1. DRAFT CONVENTION CONCERNING THE REGULATION OF CERTAIN SPECIAL SYSTEMS OF RECRUITING WORKERS.

Formal preamble has been omitted.

Article 1.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to regulate in accordance with the following provisions the recruiting of indigenous workers in each of its territories in which such recruiting exists or may hereafter exist.

Article 2.

For the purposes of this Convention :

(*a*) the term "recruiting" includes all operations undertaken with the object of obtaining or supplying the labour of persons who do not spontaneously offer their services at the place of employment or at a public emigration or employment office or at an office conducted by an employers' organisation and supervised by the competent authority;

(*b*) the term "indigenous workers" includes workers belonging to or assimilated to the indigenous populations of the dependent territories of Members of the Organisation and workers belonging to or assimilated to the dependent indigenous populations of the home territories of Members of the Organisation.

Article 3.

Where the circumstances make the adoption of such a policy desirable, the following classes of recruiting operations may, except when undertaken by persons or associations engaged in professional recruiting, be exempted from the application of the Convention by the competent authority :

(*a*) operation undertaken by or on behalf of employers who do not employ more than a prescribed limited number of workers;

(*b*) operations undertaken within a prescribed limited radius from the place of employment; and

(*c*) operations for the engagement of personal and domestic servants and of non-manual workers.

Article 4.

Before approving for any area any scheme of economic development which is likely to involve the recruiting of labour, the competent authority shall take such measures as may be practicable and necessary :

(*a*) to avoid the risk of pressure being brought to bear on the populations concerned by or on behalf of the employers in order to obtain the labour required;

(*b*) to ensure that, as far as possible, the political and social organisation of the populations concerned and their powers of adjustment to the changed economic conditions will not be endangered by the demand for labour; and

(*c*) to deal with any other possible untoward effects of such development on the populations concerned.

Article 5.

1. Before granting permission to recruit labour in any area, the competent authority shall take into consideration the possible effects of the withdrawal of adult males on the social life of the population concerned, and in particular shall consider :

(*a*) the density of the population, its tendency to increase or decrease, and the probable effect upon the birthrate of the withdrawal of adult males;

(*b*) the possible effects of the withdrawal of adult males on the health, welfare and development of the population concerned, particularly in connection with the food supply;

(*c*) the dangers to the family and morality arising from the withdrawal of adult males; and

(*d*) the possible effects of the withdrawal of adult males on the social organisation of the population concerned.

2. Where the circumstances make the adoption of such a policy practicable and necessary, the competent authority shall, in order to safeguard the populations concerned against any untoward consequences of the withdrawal of adult males, fix the maximum number of adult males who may be recruited in any given social unit in such manner that the number of adult males remaining in the said unit does not fall below a prescribed percentage of the normal proportion of adult males to women and children.

Article 6.

Non-adult persons shall not be recruited: Provided that the competent authority may permit non-adults above a prescribed age to be recruited with the consent of their parents for employment upon light work subject to prescribed safeguards for their welfare.

Article 7.

1. The recruiting of the head of family shall not be deemed to involve the recruiting of any member of his family.

2. Where the circumstances make the adoption of such a policy practicable and desirable, the competent authority shall encourage recruited workers to be accompanied by their families, more particularly in the case of workers recruited for agricultural or similar employment at a long distance from their homes and for periods exceeding a specified duration.

3. Except at the express request of the persons concerned, recruited workers shall not be separated from wives and minor children who have been authorised to accompany them to, and to remain with them at, the place of employment.

4. In default of agreement to the contrary before the departure of the worker from the place of recruiting, an authorisation to accompany a worker shall be deemed to be an authorisation to remain with him for the full duration of his term of service.

Article 8.

Where the circumstances make the adoption of such a policy practicable and desirable, the competent authority may make it a condition of permitting recruiting that the recruited workers shall be grouped at the place of employment under suitable ethnical conditions.

Article 9.

Public officers shall not recruit for private undertakings either directly or indirectly, except when the recruited workers are to be employed on works of public utility for the execution of which private undertakings are acting as contractors for a public authority.

Article 10.

Chiefs or other indigenous authorities shall not:

(*a*) act as recruiting agents;

(*b*) exercise pressure upon possible recruits; or

(*c*) receive from any source whatsoever any special remuneration or other special inducement for assistance in recruiting.

Article 11.

No person or association shall engage in professional recruiting unless the said person or association has been licensed by the competent authority and is recruiting workers for a public department or for one or more specific employers or organisations of employers.

Article 12.

Employers, employers' agents, organisations of employers, organisations subsidised by employers, and the agents of organisations of employers and organisations subsidised by employers, shall only engage in recruiting if licensed by the competent authority.

Article 13.

1. Before issuing any licence for recruiting the competent authority shall:

(*a*) satisfy itself that the applicant for a licence, if an individual, is a fit and proper person;

(*b*) require the applicant for a licence, except when the said applicant is an employers' organisation or an organisation subsidised by employers, to furnish financial or other security for proper conduct as a licensee;

(*c*) require the applicant for a licence, if an employer, to furnish financial or other security for the payment of wages due; and

(*d*) satisfy itself that adequate provision has been made for safeguarding the health and welfare of the workers to be recruited.

2. Licensees shall keep, in such form as the competent authority may prescribe, records from which the regularity of every recruiting operation can be verified and every recruited worker can be identified.

3. A licensee who is the agent of another licensee shall wherever possible receive a fixed salary, and in any case in which he receives remuneration calculated at a rate per head of workers recruited such remuneration shall not exceed a maximum to be prescribed by the competent authority.

4. The validity of licences shall be limited to a fixed period not exceeding one year to be prescribed by the competent authority.

5. The renewal of licences shall be conditional upon the manner in which the licensee has respected the conditions subject to which the licence was issued.

6. The competent authority shall be entitled :

(*a*) to withdraw any licence if the licensee has been guilty of any offence or misconduct unfitting him to conduct recruiting operations; and

(*b*) to suspend any licence pending the result of any enquiry into the conduct of the licensee.

Article 14.

1. No person shall assist a licensee in a subordinate capacity in the actual recruiting operations unless he has been approved by a public officer and has been furnished with a permit by the licensee.

2. Licensees shall be responsible for the proper conduct of such assistants.

Article 15.

1. Where the circumstances make the adoption of such a policy necessary or desirable, the competent authority may exempt from the obligation to hold a licence worker-recruiters who :

(*a*) are employed as workers by the undertaking for which they recruit other workers;

(*b*) are formally commissioned in writing by the employer to recruit other workers; and

(*c*) do not receive any remuneration or other advantage for recruiting.

2. Worker-recruiters shall not make advances of wages to recruits.

3. Worker-recruiters may recruit only within an area to be prescribed by the competent authority.

4. The operations of worker-recruiters shall be supervised in a manner to be prescribed by the competent authority.

Article 16.

1. Recruited workers shall be brought before a public officer, who shall satisfy himself that the law and regulations concerning recruiting have been observed and, in particular, that the workers have not been subjected to illegal pressure or recruited by misrepresentation or mistake.

2. Recruited workers shall be brought before such an officer as near as may be convenient to the place of recruiting or, in the case of workers recruited in one territory for employment in a territory under a different administration, at latest at the place of departure from the territory of recruiting.

Article 17.

Where the circumstances make the adoption of such a provision practicable and necessary, the competent authority shall require the issue to each recruited worker who is not engaged at or near the place of recruiting of a document in writing such as a memorandum of information, a work book or a provisional contract containing such

particulars as the authority may prescribe, as for example particulars of the identity of the workers, the prospective conditions of employment, and any advances of wages made to the workers.

1. Every recruited worker shall be medically examined.

2. Where the worker has been recruited for employment at a distance from the place of recruiting or has been recruited in one territory for employment in a territory under a different administration the medical examination shall take place as near as may be convenient to the place of recruiting or, in the case of workers recruited in one territory for employment in a territory under a different administration, at latest at the place of departure from the territory of recruiting.

3. The competent authority may empower public officers before whom workers are brought in pursuance of Article 16 to authorise the departure prior to medical examination of workers in whose case they are satisfied :

(*a*) that it was and is impossible for the medical examination to take place near to the place of recruiting or at the place of departure;

(*b*) that the worker is fit for the journey and the prospective employment; and

(*c*) that the worker will be medically examined on arrival at the place of employment or as soon as possible thereafter.

4. The competent authority may, particularly when the journey of the recruited workers is of such duration and takes place under such conditions that the health of the worker is likely to be affected, require recruited workers to be examined both before departure and after arrival at the place of employment.

5. The competent authority shall ensure that all necessary measures are taken for the acclimatisation and adaptation of recruited workers and for their immunisation against disease.

Article 19.

1. The recruiter or employer shall whenever possible provide transport to the place of employment for recruited workers.

2. The competent authority shall take all necessary measures to ensure :

(*a*) that the vehicles or vessels used for the transport of workers are suitable for such transport, are in good sanitary condition and are not overcrowded;

(*b*) that when it is necessary to break the journey for the night suitable accommodation is provided for the workers; and

(*c*) that in the case of long journeys all necessary arrangements are made for medical assistance and for the welfare of the workers.

3. When recruited workers have to make long journeys on foot to the place of employment, the competent authority shall take all necessary measures to ensure :—

(*a*) that the length of the daily journey is compatible with the maintenance of the health and strength of the workers; and

(*b*) that, where the extent of the movement of labour makes this necessary, rest camps or rest houses are provided at suitable points on main routes and are kept in proper sanitary condition and have the necessary facilities for medical attention.

4. When recruited workers have to make long journeys in groups to the place of employment, they shall be convoyed by a responsible person.

Article 20.

1. The expenses of the journey of recruited workers to the place of employment, including all expenses incurred for their protection during the journey, shall be borne by the recruiter or employer.

2. The recruiter or employer shall furnish recruited workers with everything necessary for their welfare during the journey to the place of employment, including particularly, as local circumstances may require, adequate and suitable supplies of food, drinking water, fuel and cooking utensils, clothing and blankets.

3. This Article applies to workers recruited by worker-recruiters only to the extent to which its application is considered possible by the competent authority.

Article 21.

Any recruited worker who :

(*a*) becomes incapacitated by sickness or accident during the journey to the place of employment;

(*b*) is found on medical examination to be unfit for employment;

(*c*) is not engaged after recruiting for a reason for which he is not responsible; or

(*d*) is found by the competent authority to have been recruited by misrepresentation or mistake;

shall be repatriated at the expense of the recruiter or employer.

Article 22.

The competent authority shall limit the amount which may be paid to recruited workers in respect of advances of wages and shall regulate the conditions under which such advances may be made.

Article 23.

Where the families of recruited workers have been authorised to accompany the workers to the place of employment the competent authority shall take all necessary measures for safeguarding their health and welfare during the journey and more particularly :

(*a*) Articles 19 and 20 of this Convention shall apply to such families;

(*b*) in the event of the worker being repatriated in virtue of Article 21, his family shall also be repatriated; and

(*c*) in the event of the death of the worker during the journey to the place of employment, his family shall be repatriated.

Article 24.

1. Before permitting the recruiting of workers for employment in a territory under a different administration, the competent authority of the territory of recruiting shall satisfy itself that all necessary measures have been taken for the protection of the recruited workers in accordance with the provisions of this Convention when the workers have travelled beyond its jurisdiction.

2. Where workers are recruited in one territory for employment in a territory under a different administration and the circumstances and amount of recruiting appear to the competent authorities concerned to necessitate such action, the said authorities shall enter into agreements defining the extent to which such recruiting is to be permitted and providing for co-operation between them in supervising the execution of the conditions of recruiting and employment.

3. The recruiting of workers in one territory for employment in a territory under a different administration shall be undertaken only under licence issued by the competent authority of the territory of recruiting : Provided that the said authority may accept as equivalent to a licence issued by it a licence issued by the competent authority of the territory of employment.

4. Where the circumstances and the amount of recruiting for employment in a territory under a different administration appear to the competent authority of the territory of recruiting to necessitate such action, the said authority shall provide that such recruiting may only be undertaken by organisations approved by it.

Article 25.

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation, each Member of the Organisation which ratifies this Convention shall append to its ratification a declaration stating :

(*a*) the territories to which it undertakes to apply the provisions of the Convention without modification :

(*b*) the territories to which it undertakes to apply the provisions of the Convention subject to modifications, together with details of the said modifications;

(*c*) the territories to which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;

(*d*) the territories in respect of which it reserves its decision.

2. The undertakings referred to in sub-paragraphs (*a*) and (*b*) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of sub-paragraphs (*b*), (*c*) or (*d*) of paragraph 1 of this Article.

Article 26.

The formal ratifications of this Convention shall be communicated to the Secretary General of the League of Nations for registration.

Article 27.

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Secretary-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 28.

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 29.

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 30.

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the Agenda of the Conference the question of its revision in whole or in part.

Article 31.

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(*a*) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 29 above, if and when the new revising Convention shall have come into force;

(*b*) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 32.

The French and English texts of this Convention shall both be authentic.

2. RECOMMENDATION CONCERNING THE PROGRESSIVE ELIMINATION OF RECRUITING.

Formal preamble has been omitted.

The Conference,

Having adopted a Draft Convention concerning the regulation of certain special systems of recruiting workers,

Considering that in addition to the regulation of recruiting of labour it should be a cardinal principle to be followed by the Members of the International Labour Organisation to direct their policy where necessary and desirable towards the progressive elimination of the recruiting of labour and the development of the spontaneous offer of labour,

Recommends that each Member of the International Labour Organisation should take steps to hasten such elimination by :

(*a*) improvement of the conditions of labour;

(*b*) development of the means of transport;

(*c*) promotion of the settlement of workers and their families in the area of employment, where such settlement is the policy of the competent authority;

(*d*) facilitating the voluntary movement of labour under administrative supervision and control; and

(*e*) the educational development of indigenous peoples and the improvement of their standard of living.

3. DRAFT CONVENTION CONCERNING THE REDUCTION OF HOURS OF WORK ON PUBLIC WORKS.

The General Conference of the International Labour Organisation,

Having met at Geneva in its Twentieth Session on 4th June 1936;

Considering that the question of the reduction of hours of work on public works undertaken or subsidised by Governments is the third item on the Agenda of the Session;

Confirming the principle laid down in the Forty-Hour Week Convention, 1935, including the maintenance of the standard of living;

Considering it to be desirable that this principle should be applied by international agreement to public works;

adopts this twenty-third day of June one thousand nine hundred and thirty-six the following Draft Convention which may be cited as the Reduction of Hours of Work (Public Works) Convention, 1936 :—

Article 1.

1. This Convention applies to persons directly employed on building or civil engineering works financed or subsidised by central Governments.

2. For the purpose of this Convention the precise scope of the terms "building or civil engineering", "financed" and "subsidised" shall be delimited by the competent authority after consultation with the organisations of employers and workers concerned where such exist.

3. The competent authority may, after consultation with the organisations of employers and workers concerned where such exist, exempt from the application of this Convention :

(*a*) persons employed in undertakings in which only members of the employer's family are employed;

(*b*) persons occupying positions of management who do not ordinarily perform manual work.

Article 2.

1. The hours of work of persons to whom this Convention applies shall not exceed an average of forty per week.

2. In the case of persons who work in successive shifts on processes required by reason of the nature of the process to be carried on without a break at any time of the day, night or week, weekly hours of work may average forty-two.

3. The competent authority shall, after consultation with the organisations of employers and workers concerned where such exist, determine the processes to which paragraph 2 of this Article applies.

4. Where hours of work are calculated as an average the competent authority shall, after consultation with the organisations of employers and workers concerned where such exist, determine the number of weeks over which this average may be calculated and the maximum number of hours that may be worked in any week.

5. For the purpose of this Convention, the term "hours of work" means the time during which the persons employed are at the disposal of the employer and does not include rest periods during which they are not at his disposal.

Article 3.

1. The competent authority may, by regulations made after consultation with the organisations of employers and workers concerned where such exist, provide that the limits of hours prescribed in the preceding Article may be exceeded in the case of :

(*a*) persons employed on preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the undertaking or branch thereof or of the shift; and

(*b*) persons employed in occupations which by their nature involve long periods of inaction during which the said persons have to display neither physical activity nor sustained attention or remain at their posts only to reply to possible calls.

2. The regulations referred to in paragraph 1 shall determine the maximum number of hours which may be worked in virtue of this Article.

3. The competent authority may permit the limits of hours prescribed in the preceeding Article to be exceeded to a prescribed extent in cases in which this is necessary, if serious hindrance to the execution of a particular public work is to be avoided, on account of abnormal circumstances such as the inaccessibility of the site or the impossibility of engaging sufficient qualified labour.

Article 4.

The limits of hours prescribed in the preceding Articles may be exceeded, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking,

(*a*) in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of *force majeure;* or

(*b*) in order to make good the unforeseen absence of one or more members of a shift.

Article 5.

1. The limits of hours prescribed in Articles 2 and 3 may be exceeded in cases where the continued presence of particular persons is necessary for the completion of an operation which for technical reasons cannot be interrupted.

2. The competent authority shall, after consultation with the organisations of employers and workers concerned where such exist, determine the operations to which this Article applies and the maximum number of hours in excess of the prescribed limits which may be worked by the persons concerned.

3. Overtime worked in virtue of this Article shall be remunerated at not less than one-and-a-quarter times the normal rate.

Article 6.

1. The competent authority may grant an allowance of overtime for exceptional cases of pressure of work. Such an allowance shall only be granted under regulations made after consultation as to the necessity of such overtime and the number of hours to be worked with the organisations of employers and workers concerned where such exist, and no such allowance shall permit of any person being employed for more than one hundred hours of such overtime in any year.

2. Overtime worked in virtue of this Article shall be remunerated at not less than one-and-a-quarter times the normal rate.

Article 7.

In order to facilitate the effective enforcement of the provisions of this Convention, every employer shall be required :

(*a*) to notify, by the posting of notices in conspicuous positions in the works or other suitable place or by such other method as may be approved by the competent authority,

(*i*) the hours at which work begins and ends;

(*ii*) where work is carried on by shifts, the hours at which each shift begins and ends;

(*iii*) where a rotation system is applied, a description of the system, including a time-table for each person or group of persons;

(*iv*) the arrangements made in cases where the average duration of the working week is calculated over a number of weeks; and

(*v*) rest periods in so far as these are not reckoned as part of the working hours;

(*b*) to keep a record in the form prescribed by the competent authority of all additional hours worked in virtue of Articles 3 (paragraph 3), 5 and 6 and of the payments made in respect thereof.

Article 8.

The annual reports submitted by Members upon the application of this Convention shall include more particularly full information concerning:

(*a*) the definition adopted in virtue of Article 1, paragraph 2;

(*b*) processes which the competent authority has recognised as necessarily continuous in character in virtue of Article 2, paragraph 2;

(*c*) determinations made in virtue of Article 2, paragraph 4;

(*d*) decisions taken in virtue of Article 3; and

(*e*) allowances of overtime granted in virtue of Article 6.

Article 9.

Nothing in this Convention shall effect any law, award, custom or agreement between employers and workers which ensures more favourable conditions than those provided by this Convention.

NOTE.—Articles 10 to 16 are identical with Articles 26 to 32 of the Draft Convention concerning the regulation of certain special systems of recruiting workers.

4. DRAFT CONVENTION CONCERNING ANNUAL HOLIDAYS WITH PAY.

Formal preamble has been omitted.

Article 1.

1. This Convention applies to all persons employed in any of the following undertakings or establishments, whether public or private:

(*a*) undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including undertakings engaged in shipbuilding or in the generation, transformation or transmission of electricity or motive power of any kind;

(*b*) undertakings engaged wholly or mainly in the construction, reconstruction, maintenance, repair, alteration or demolition of any one or more of the following:

buildings,
railways,
tramways,
airports,
harbours,
docks,
piers,
works of protection against floods or coast erosion,
canals,
works for the purpose of inland, maritime or aerial navigation,
roads,
tunnels,
bridges,
viaducts,
sewers,
drains,
wells,
irrigation or drainage works,
telecommunication installations.
works for the production or distribution of electricity or gas,
pipe-lines,
waterworks,

and undertakings engaged in other similar work or in the preparation for or laying the foundation of any such work or structure;

(c) undertakings engaged in the transport of passengers or goods by road, rail, inland waterways or air, including the handling of goods at docks, quays, wharves, warehouses or airports;

(d) mines, quarries and other works for the extraction of minerals from the earth;

(e) commercial or trading establishments, including postal and telecommunication services;

(f) establishments and administrative services in which the persons employed are mainly engaged in clerical work;

(g) newspaper undertakings;

(h) establishments for the treatment and care of the sick, infirm, destitute or mentally unfit;

(i) hotels, restaurants, broading-houses, clubs, cafés and other refreshment houses;

(j) theatres and places of public amusement;

(k) mixed commercial and industrial establishments not falling wholly within any of the foregoing categories.

2. The competent authority in each country shall, after consultation with the principal organisations of employers and workers concerned where such exist, define the line which separates the undertakings and establishments specified in the preceding paragraph from those to which this Convention does not apply.

3. The competent authority in each country may exempt from the application of this Convention:

(a) persons employed in undertakings or establishments in which only members of the employer's family are employed;

(b) persons employed in public services whose conditions of service entitle them to an annual holiday with pay at least equal in duration to that prescribed by this Convention.

Article 2.

1. Every person to whom this Convention applies shall be entitled after one year of continuous service to an annual holiday with pay of at least six working days.

2. Persons, including apprentices, under sixteen years of age shall be entitled after one year of continuous service to an annual holiday with pay of at least twelve working days.

3. The following shall not be included in the annual holiday with pay:

(a) public and customary holidays;

(b) interruptions of attendance at work due to sickness.

4. National laws or regulations may authorise in special circumstances the division into parts of any part of the annual holiday with pay which exceeds the minimum duration prescribed by this Article.

5. The duration of the annual holiday with pay shall increase with the length of service under conditions to be prescribed by national laws or regulations.

Article 3.

Every person taking a holiday in virtue of Article 2 of this Convention shall receive in respect of the full period of the holiday either:

(a) his usual remuneration, calculated in a manner which shall be prescribed by national laws or regulations, including the cash equivalent of his remuneration in kind, if any; or

(b) the remuneration determined by collective agreement.

Article 4.

Any agreement to relinquish the right to an annual holiday with pay, or to forgo such a holiday, shall be void.

Article 5.

National laws or regulations may provide that a person who engages in paid employment during the course of his annual holiday may be deprived of his right to payment in respect of the period of the holiday.

Article 6.

A person dismissed for a reason imputable to the employer before he has taken a holiday due to him shall receive in respect of every day of holiday due to him in virtue of this Convention the remuneration provided for in Article 3.

Article 7.

In order to facilitate the effective enforcement of the provisions of this Convention, every employer shall be required to keep, in a form approved by the competent authority, a record showing :

(*a*) the date of entry into his service of each person employed by him and the duration of the annual holiday with pay to which each such person is entitled;

(*b*) the dates at which the annual holiday with pay is taken by each person;

(*c*) the remuneration received by each person in respect of the period of his annual holiday with pay.

Article 8.

Each Member which ratifies this Convention shall establish a system of sanctions to ensure the application of its provisions.

Article 9.

Nothing in this Convention shall effect any law, award, custom or agreement between employers and workers which ensures more favourable conditions than those provided by this Convention.

NOTE.—Articles 10 to 16 are identical with Articles 26 to 32 of the Draft Convention concerning the regulation of certain special systems of recruiting workers

5. RECOMMENDATION CONCERNING ANNUAL HOLIDAYS WITH PAY.

Formal preamble has been omitted.

The Conference,

Having adopted a Draft Convention concerning annual holidays with pay for employed persons,

Considering that the purpose of such holidays is to secure to employed persons opportunities for rest, recreation and the development of their faculties,

Considering that the conditions laid down by the Draft Convention constitute the minimum standard to which any system of holidays with pay should conform,

Considering that it is desirable to deal in greater detail with the methods of applying the system,

Recommends that each Member should take the following suggestions into consideration :

1. (1) The continuity of service required in order to become entitled to a holiday should not be affected by interruptions occasioned by sickness or accident, family events, military service, the exercise of civic rights, changes in the management of the undertaking in which the employed person is employed, or intermittent involuntary unemployment if the duration of the unemployment does not exceed a prescribed limit and if the person concerned resumes employment.

(2) In employments in which work is not carried on regularly throughout the year the condition of continuity of employment should be regarded as satisfied by the working of a prescribed number of days during a prescribed period.

(3) The holiday should be earned after one year's work, regardless whether this period has been spent in the employment of the same or of several employers. Each Government should take effective steps to ensure that the cost arising from the granting of the holidays shall not fall entirely upon the last employer.

2. Although it may be desirable that provision should be made in special cases for holidays to be divided, care should be exercised to ensure that such special arrangements do not run counter to the purpose of the holiday, which is to enable the employed person to make good the loss of physical and mental forces during the course of the year. In other cases division of the holiday should be restricted save in quite exceptional circumstances, to division into not more than two parts, one of which should not be less than the prescribed minimum.

3. It would be desirable that the increase in the length of the holiday with the duration of service should begin to operate as soon as possible and should be effected by regular stages so that a prescribed minimum will be attained after a prescribed number of years, for example, twelve working days after seven years of service.

4. The fairest method of calculating the remuneration of a person paid in whole or in part on an output or piece-work basis would be to calculate the average earnings over a fairly long period so as to nullify as far as possible the effect of fluctuations in earnings.

5. It would be desirable that the Members should consider whether a more advantageous system should not be established for young persons and apprentices under 18 years of age in order to ease the transition from school to industrial life during a period of physical development.

Statement.

The following statement gives particulars of the course which the Government of India propose to follow in respect of the Draft Conventions and Recommendations adopted by the Twentieth Session of the International Labour Conference.

I. (*a*) Draft Convention concerning the regulation of certain special systems of recruiting workers. (*b*) Recommendation concerning the progressive elimination of recruiting.	No Resolution will be moved by Government. The Convention is designed to regulate the recruiting of indigenous workers in the territories of Members of International Labour Organization and the term "indigenous workers" is defined as including "workers belonging to or assimilated to the indigenous populations of the dependent territories of Members of the Organization and workers belonging to or assimilated to the dependent indigenous populations of the home territories of Members of the Organization". This definition was carefully drafted by the Committee so that it would only cover the conditions which the Convention was framed to meet It is not designed to cover conditions in India, since India has no dependent territories and no workers belonging to or assimilated to the dependent indigenous populations of her home territories. In these circumstances, the Government of India do not propose to ratify it. The Recommendation concerning the progressive elimination of recruiting is linked with the Convention for regulating certain special systems of recruiting workers and is equally not designed to cover conditions in India. In so far however as the principle underlying it, of encouraging the growth of voluntary offers of labour, is applicable to Indian conditions it accords with the settled policy of the Government of India.
II. Draft Convention concerning the reduction of hours of work on public works.	No Resolution will be moved by Government on the Draft Convention, as it is an application of the general principle of the 40 hours week which has been rejected by the Council of State and the Legislative Assembly.
III. (*a*) Draft Convention concerning annual holidays with pay. (*b*) Recommendation concerning annual holidays with pay.	A resolution will be moved in this House.

PANEL OF CHAIRMEN.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the House that under rule 3 (1) of the Indian Legislative Rules, I nominate Sir Muhammad Yakub, Mr. S. Satyamurti, Sir Leslie Hudson and Sir Cowasji Jehangir on the Panel of Chairmen for the current Session.

THE DURGAH KHAWAJA SAHEB BILL.

Secretary of the Assembly: Sir, the following Message has been received from the Secretary of the Council of State:

"In accordance with rule 36 (1) of the Indian Legislative Rules, I am directed to inform you that the amendments made by the Legislative Assembly in the Bill to make better provision for the administration of the Durgah and the Endowment of the **Durgah of Khawaja Moin-ud-din Chishti**, generally known as Durgah Khawaja Saheb, Ajmer, were taken into consideration by the Council of State at its meeting held on the 17th October, 1936, and that the Council have agreed to the amendments."

LOYAL CONGRATULATIONS TO HIS MAJESTY KING GEORGE VI, EMPEROR OF INDIA, UPON HIS ACCESSION, AND AN ASSURANCE OF DEVOTION TO HIS ROYAL PERSON.

The Honourable Sir Nripendra Sircar (Leader of the House): Sir, I beg to move:

"That this Assembly do convey to His Majesty King George VI, Emperor of India, loyal congratulations upon his accession and an assurance of devotion to His Royal Person."

This is a motion which really does not require any speech in support of it. We meet for the first time after the accession, and I think it is the duty of this House to convey this message of loyal congratulations as is stated in the motion.

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

"That this Assembly do convey to His Majesty King George VI, Emperor of India, loyal congratulations upon his accession and an assurance of devotion to His Royal Person."

The motion was adopted.

ELECTION OF THE STANDING COMMITTEE FOR THE DEPARTMENT OF COMMERCE.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways): Sir, I beg to move:

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

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

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

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I may inform Honourable Members that the election of Members for the Standing Committee for the Department of Commerce will be conducted in accordance with the principle of proportional representation by means of the single transferable vote. The dates for receiving nominations and for holding election, if necessary, for the Committee will be announced later.

THE REPEALING AND AMENDING BILL.

The Honourable Sir Nripendra Sircar (Law Member): Sir, I beg to move for leave to withdraw the Bill to amend certain enactments and to repeal certain other enactments.

This has become necessary by reason of certain defects and Government do not wish to proceed with the Bill.

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

"That leave be granted to withdraw the Bill to amend certain enactments and to repeal certain other enactments."

The motion was adopted.

The Honourable Sir Nripendra Sircar: Sir, I withdraw the Bill.

THE INDIAN BOILERS (AMENDMENT) BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Boilers Act, 1923, for certain purposes.

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

"That leave be granted to introduce a Bill further to amend the Indian Boilers Act, 1923, for certain purposes."

The motion was adopted.

The Honourable Sir Frank Noyce: Sir, I introduce the Bill.

THE INDIAN ELECTRICITY (AMENDMENT) BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Electricity Act, 1910, for certain purposes.

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

"That leave be granted to introduce a Bill further to amend the Indian Electricity Act, 1910, for certain purposes."

The motion was adopted.

The Honourable Sir Frank Noyce: Sir, I introduce the Bill.

THE LAND CUSTOMS (AMENDMENT) BILL.

The Honourable Sir James Grigg (Finance Member): Sir, I beg to move for leave to introduce a Bill further to amend the Land Customs Act, 1924, for certain purposes.

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

"That leave be granted to introduce a Bill further to amend the Land Customs Act, 1924, for certain purposes."

The motion was adopted.

The Honourable Sir James Grigg: Sir, I introduce the Bill.

THE CODE OF CIVIL PROCEDURE (SECOND AMENDMENT) BILL.

INSERTION OF NEW SECTION 44-A.

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

"That the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes, (*insertion of new section 44-A*), as reported by the Select Committee, be continued."

This Bill could not be brought on owing to pressure of business and other work and it has lapsed. Under the rules this motion has become necessary.

Sir, I move.

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

"That the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes, (*insertion of new section 44-A*), as reported by the Select Committee, be continued."

The motion was adopted.

The Honourable Sir Nripendra Sircar: Sir, I beg to move.

"That the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes, (*insertion of new section 44-A*), as reported by the Select Committee, be re-committed to a Select Committee consisting of Mr. Sham Lal, Mr. Sri Krishna Sinha, Mr. Kazmi, Mr. Lalchand Navalrai, Sir H. P. Mody, Mr. Nauman, Mr. F. E. James, The Honourable Sir Nripendra Sircar, Sir Abdur Hamid and Rao Bahadur Lal Chand, with instructions to report on or before the 8th February, 1937, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

I should explain why it is necessary to have the Bill re-committed. The Bill dealt with the matter of execution of foreign decrees, the idea being to avoid the necessity of bringing a suit over again on a foreign judgment. Now, that matter is really mixed up with the next item on the agenda, namely, the question of the enforcement of awards as opposed to decrees. Therefore the obvious course is—and I understood on the last occasion from inquiry that the idea was acceptable to all parts of the House—to refer both the matters to the same Select Committee. Sir, I move.

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

"That the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes, (*insertion of new section 44-A*), as reported by the Select Committee, be re-committed to a Select Committee consisting of Mr. Sham Lal, Mr. Sri Krishna Sinha, Mr. Kazmi, Sir H. P. Mody, Mr. Lalchand Navalrai, Mr. Nauman, Mr. F. E. James, the Honourable Sir Nripendra Sircar, Sir Abdul Hamid, and Rao Bahadur Lal Chand with instructions to report on or before the 8th February, 1937, 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 ARBITRATION (PROTOCOL AND CONVENTION) BILL.

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

"That the Bill to make certain further provisions respecting the law of arbitration in British India be referred to a Select Committee, consisting of Mr. Sham Lal, Mr. Sri Krishna Sinha, Mr. Kazmi, Sir H. P. Mody, Mr. Lalchand Navalrai, Mr. Nauman, Mr. F. E. James, The Honourable Sir Nripendra Sircar, Sir Abdul Hamid, and Rao Bahadur Lal Chand with instructions to report on or before the 8th February, 1937, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

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

"That the Bill to make certain further provisions respecting the law of arbitration in British India be referred to a Select Committee, consisting of Mr. Sham Lal, Mr. Sri Krishna Sinha, Mr. Kazmi, Sir H. P. Mody, Mr. Lalchand Navalrai, Mr. Nauman, Mr. F. E. James, The Honourable Sir Nripendra Sircar, Sir Abdul Hamid, and Rao Bahadur Lal Chand with instructions to report on or before the 8th February, 1937, 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 LAC CESS (SECOND AMENDMENT) BILL

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): Sir, I beg to move:

"That the Bill further to amend the Indian Lac Cess Act, 1930, for a certain purpose be taken into consideration."

This is a purely formal measure, necessitated by the separation of Orissa from Bihar: of the million maunds of lac which are produced by what used to be formerly the province of Bihar and Orissa, only 5,000 is produced by the province of Orissa and the amendments which I have put forward purport to limit the representation of Government only to the Government of Bihar and not to include the Government of Orissa which neither claims representation nor merits it in view of the infinitesimal proportion which its production of lac bears to the total production from Bihar and Orissa. Sir, I move.

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

"That the Bill further to amend the Indian Lac Cess Act, 1930, for a certain purpose be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

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

"That clause 1 stand part of the Bill."

Mr. J. D. Anderson (Secretary, Legislative Department): Sir, I beg to move the following amendment:

"That in clause 1 of the Bill, for the brackets, words and figures "(Second Amendment) Act, 1936", the brackets, words and figures '(Amendment) Act, 1937" be substituted."

This amendment is altogether formal. The title which was appropriate when this Bill was before this House previously has, in the process of time, become inept.

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

"That in clause 1 of the Bill, for the brackets, words and figures "(Second Amendment) Act, 1936", the brackets, words and figures "(Amendment) Act, 1937" be substituted."

The motion was adopted.

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

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The Title and the Preamble were added to the Bill.

Sir Girja Shankar Bajpai: Sir, I beg to move:

"That the Bill, as amended, be passed."

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

"That the Bill, as amended, be passed."

The motion was adopted.

THE HINDU WOMEN'S RIGHTS TO PROPERTY BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Dr. G. V. Deshmukh (Bombay City: Non-Muhammadan Urban): Sir, I beg to present the Report of the Select Committee on the Bill to amend the Hindu Law governing the Hindu Women's rights to property.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 26th January, 1937.

LEGISLATIVE ASSEMBLY.

Tuesday, 26th January, 1937.

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

QUESTIONS AND ANSWERS.

ELECTRICAL EQUIPMENTS PURCHASED FROM FOREIGN AND INDIAN FACTORIES.

237. ***Mr. Akhil Chandra Datta:** (a) What is the proportion of purchase of electrical equipments by the Government of India from foreign and Indian factories?

(b) What amount has been paid by the Government of India for the purchase of electrical equipments during the last five years from foreign factories on behalf of:

(1) State Railways,

(2) Army,

(3) Public Works?

(c) Are Government considering the desirability and feasibility of stopping this drain of Indian money?

The Honourable Sir Frank Noyce: (a) and (b). Detailed figures for purchases of electrical stores by different departments are not readily available, but I lay on the table a statement showing the values of important purchases of electrical stores made by the Indian Stores Department during the five years, 1931-32 to 1935-36, showing the amounts spent on indigenous and imported stores separately.

(c) I would draw the attention of the Honourable Member to the answer I gave to Pandit Krishna Kant Malaviya's starred question No. 5 on the 4th February, 1936. The manufacture in India of electrical machinery and equipment is still in its infancy. Government render practical assistance to the indigenous industry by obtaining its requirements of such articles as are manufactured in India. It will be seen from the statement that the value of purchases during each of the last two years was approximately four times that of the previous year. These included such articles as electric wires and cables, copper conductors, electric fans and fittings, lamps and electric lighting fittings, primary and secondary cells and components, porcelain insulators and spare parts for telephone equipment and signalling apparatus. The industry has made considerable progress during

recent years but its capacity to satisfy fully the requirements of the country must remain a question of time.

Statement showing the values of important purchases of electrical stores made by the Indian Stores Department during the five years 1931-32 to 1935-36.

Year.	Indigenous.		Imported.		Total Value.
	Value.	Percentage.	Value.	Percentage.	
	Rs.		Rs.		Rs.
1931-32	7,09,000	14	41,94,000	86	49,03,000
1932-33	3,91,000	9	40,72,000	91	44,63,000
1933-34	5,00,000	9	48,59,000	91	53,59,000
1934-35	20,68,000	27	55,65,000	73	76,33,000
1935-36	19,86,000	22	69,93,000	78	89,79,000
Total	56,54,000	18	2,56,83,000	82	3,13,37,000

Mr. Lalchand Navalrai: May I know from the Honourable Member whether the imports from foreign countries are more than the articles purchasable in India? I want to know approximately.

The Honourable Sir Frank Noyce: Yes, they are.

Mr. Lalchand Navalrai: What have Government done for about two years to see that the imports are less? How have Government helped the manufacturers here to lessen the amount of imports?

The Honourable Sir Frank Noyce: As I have said, the industry is still in its infancy. Government are giving it all the encouragement they can by purchasing such of their requirements as are manufactured in this country. What more does my Honourable friend suggest that they should do?

Mr. Lalchand Navalrai: Have Government created Government factories for that purpose?

The Honourable Sir Frank Noyce: No. If Government did so, they would be at once accused of interfering with private enterprise.

Mr. Lalchand Navalrai: But until private enterprise is able to cope with this competition, why are not Government going to start their own factories?

Mr. President (The Honourable Sir Abdur Rahim): Government have already answered that. Next question.

AREA UNDER CULTIVATION IN INDIA FOR FOOD PURPOSES.

238. ***Mr. Akhil Chandra Datta:** (a) What is the total area under cultivation in India for food purposes?

(b) What is the area which is now uncultivated and which is available for cultivation for food purposes?

(c) What is the area which has been brought under cultivation during the last ten years in India for food purposes?

Sir Girja Shankar Bajpai: (a), (b) and (c). A statement giving the available information is laid on the table.

Statement.

(a) The area under food crops in 1933-34 was 217,665,000 acres.

(b) The area classed as culturable waste other than fallow was 153,449,000 acres, but no reliable estimate can be given of the area cultivable with food crops.

(c) During the ten years 1923-24 to 1933-34 the area under food crops increased by 9,666,000 acres.

PUBLIC SUBSCRIPTIONS RAISED FOR CERTAIN PURPOSES IN THE CENTRALLY ADMINISTERED AREAS.

239. ***Mr. Sri Prakasa:** (a) Will Government lay on the table a statement of subscriptions received from the various districts of the centrally administered areas for the King's Jubilee Fund and King's Memorial Fund and state the amount of interest, if any, taken by local officials in the same?

(b) Will Government also lay a statement on the table regarding any other public subscriptions raised under the auspices of local officials in the centrally administered areas?

(c) Will Government lay on the table a copy of any general or special orders issued under Rule 4(2)(c) of the Government Servants' Conduct Rules in the years 1935 and 1936 in the centrally administered areas?

The Honourable Sir Henry Craik: (a) As regards the Silver Jubilee Fund I understand that the information can be found in the published report on the administration of that Fund. As regards the King George V Memorial Fund I would invite the attention of the Honourable Member to the reply given by me on the 30th September last to part (d) of Mr. Ram Narayan Singh's starred question No. 717. I have no further information.

(b) I have not the information.

(c) In the centrally administered areas no general or special orders have been issued under rule 4(2) (c) of the Government Servants' Conduct Rules, 1935.

METHODS FOR INCREASING THE PRODUCTIVITY OF SOIL.

240. ***Mr. M. Asaf Ali:** (a) Will Government state whether the Government's Agricultural Research Department has tried Dr. Gericke's experiments relating to the method of increasing the productivity of soil?

(b) Is it a fact that Dr. Gericke's method can help to produce 217 tons of tomatoes, and 2,465 bushels of potatoes per acre?

(c) Which method according to Government's Agricultural Research Department has produced similar results? And what steps have Government taken to give wide publicity to the method by which they have obtained the best results?

Sir Girja Shankar Bajpai: (a) Experiments similar to Dr. Gericke's have been carried out by Government Agricultural Research Departments.

(b) Government are advised that this is not possible if the experiments are carried out on an acre basis.

(c) Proper soil management and judicious manuring will make it possible to increase the yields considerably, provided there is an assured and timely water supply. Information on those matters is supplied to the public by means of articles in scientific journals and newspapers and by lectures.

SAFEGUARDING OF THE INTERESTS OF INDIAN COMMERCE AND SHIPPING.

241. *Mr. Amarendra Nath Chattopadhyaya: (a) Has the attention of Government been drawn to the speech of Mr. Alexander Shaw of P. & O. Steam Navigation Co., pressing for bargaining with Japan while negotiating for Indo-Japanese Trade Agreement in favour of Empire shipping?

(b) Do Government propose to bargain for Indian shipping instead of pressing for Empire shipping?

(c) Do Government propose to give preference to the full tonnage to the Indian shipping and allow the surplus to the Imperial shipping interest?

(d) Do Government propose to take all possible steps to safeguard the interest of Indian commerce and shipping in relation to the Indo-British and Indo-Japanese Trade Agreement and do nothing in the matters without the approval of the Indian Legislative Assembly?

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

(b), (c) and (d). Government are unable to give any information regarding the course of the present Indo-Japanese negotiations other than that contained in the official communiqués, copies of which will be found in the Library.

ALLEGATIONS AGAINST THE OFFICIALS OF THE CENTRAL PUBLIC WORKS DEPARTMENT.

242. *Mr. Sham Lal: Has the attention of Government been drawn to the way power was exercised by officials of the Central Public Works Department which resulted in wastage of lacs of public money in various construction projects, particularly the Irwin Hospital and the Imperial Agricultural Research Institute?

The Honourable Sir Frank Noyce: Government are not aware of any misuse of power by the officials of the Central Public Works Department which has resulted in wastage of lakhs of public money.

ALLEGATIONS AGAINST THE OFFICIALS OF THE CENTRAL PUBLIC WORKS DEPARTMENT.

243. *Mr. Sham Lal: (a) Are Government aware of the fact that the higher officials of the Central P. W. D. have been accepting tenders of certain contractors which were score of thousands higher than those of firms of better standing and reputation?

(b) Is it a fact that in 1935, a lower tender of the Hindustan Construction was rejected for a work of about six lacs value and given to a local contractor?

(c) Is it a fact that the above mentioned firm, whose tenders have been rejected, has been considered good enough to be entrusted with works to the value of ninety lacs in Quetta Reconstruction?

(d) Is it a fact that the contractor who has been given this contract was the same as in the case of Irwin Hospital?

(e) If the answer to the above be in the affirmative, will Government state the reasons for giving the contract to a higher tenderer?

The Honourable Sir Frank Noyce: (a) No.

(b) Yes. But the difference between the amount of the tenders was trifling and there were adequate reasons for giving the work to other firms.

(c) I understand that the Hindustan Construction Company has been entrusted with 68 lakhs worth of work at Quetta.

(d) A part of the work was given to the contractor who constructed the Irwin Hospital, New Delhi.

(e) I have satisfied myself that the Chief Engineer had good and sufficient reasons for acting as he did, but I am not prepared to state them.

Occupation of certain Private Buildings in New Delhi without obtaining Completion Certificates.

244. ***Mr. Sham Lal:** (i) Is it a fact:

(a) that before any private building can be occupied in New Delhi, a completion certificate has to be obtained from the Chief Commissioner, Delhi;

(b) that this certificate is granted on the recommendation of the Secretary to the Chief Commissioner in the P. W. D.;

(c) that the same person holds both the offices, of the Secretary to the Chief Commissioner in the P. W. D. and that of the Superintending Engineer, Construction Circle P. W. D.;

(d) that in case of certain buildings, occupation was permitted without the usual procedure having been followed for grant of Completion Certificate; and

(e) that all the buildings mentioned in (d) above belonged to or were built by a contractor who built the Irwin Hospital?

(ii) If the answer to the above be in the affirmative, will Government state what action has been taken against the officer named above?

Sir Girja Shankar Bajpai: (i), (a) and (c). Yes.

(b) The certificate is granted on behalf of the Chief Commissioner on the recommendation of the Land and Development Officer, the Chief Architect, the Superintending Engineer, Health Services, the Health Officer and the Electrical Inspector.

(d) No.

(i), (e) and (ii). Do not arise.

PROTECTION OF DIFFERENT RELIGIONS.

245. *Mr. Sri Prakasa: (a) What steps have Government so far taken to protect the Christian and Jewish religions from being traduced?

(b) What books, if any, attacking these two faiths have so far been prohibited from entry into India, or confiscated if printed in India?

(c) What is the general attitude of Government towards such writings of Scott or Shakespeare that attack Jews and their religion; and of Gibbon and the various Gollancz publications that attack Christianity?

The Honourable Sir Henry Craik: (a) and (c). Government have taken no steps to protect any particular religion in the manner suggested. I would invite the attention of the Honourable Member to the provisions of section 99A of the Criminal Procedure Code and section 295A of the Indian Penal Code which enable action to be taken where necessary to deal with deliberate and malicious insults to the religion or religious beliefs of any class of His Majesty's subjects.

(b) I have no information.

CHECK ON THE USE OF SERVICE STAMPS AND STATIONERY.

246. *Mr. Sri Prakasa: (a) What check, if any, is kept on Government servants, authorized to use service stamps and stationery, in order to prevent them from using these for private correspondence?

(b) Are they required to keep an account of the use of the stamps and stationery placed at their disposal?

(c) Is there any maximum limit fixed for service stamps for use by the various officials of Government?

The Honourable Sir Frank Noyce: (a) No systematic examination that will completely prevent the misuse of Government stationery or stamps is possible, but there are checks of various kinds. Thus telegrams sent with service stamps are examined to ensure that they relate to official matters and letters bearing service stamps have to be franked by the despatching officer so that any extensive use of either service stamps or official stationery for other purposes is likely to be detected. There are rules governing the issue and consumption of stationery the operation of which would tend to disclose any systematic abuse. Practically all articles of stationery used by Government bear a distinctive mark which also helps to prevent their application to improper purposes.

(b) A proper account of the issue of stationery and use of service stamps is maintained by a responsible person in every office.

(c) There is no fixed limit for the use of service stamps by individual officials, but a budget of the requirements of each office is framed every year on the basis of the actual expenditure of stamps during the previous year.

WITHDRAWAL OF ONE MAIL TRAIN FROM THE GRAND CHORD LINE OF THE EAST INDIAN RAILWAY.

247. *Mr. Sri Prakasa: (a) With reference to the reply to starred question No. 398 on the 16th September, 1936, is it or is it not a fact that till some years back there used to be only one mail by the main line and

one by the grand chord line between Howrah and Moghal Sarai and that it was only after an accident to the main line mail at Mokamah that it was decided to run this also on the grand chord line?

(b) Is it a fact that on account of agitation in the province of Bihar against the taking off of the mail train from the main line that the Lahore Moghal Sarai mail was extended to Howrah along that line?

(c) What is the average annual income from and expenditure on three mails now running between Howrah and Moghal Sarai as compared with the income from and expenditure on the two mails that were running before?

(d) Are Government prepared to reconsider the desirability in the interest of economy, of withdrawing one mail train from the grand chord line?

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

(c) It is not practicable to isolate from the total gross earnings and expenditure the figures for specified trains.

(d) I am sending the Agent, East Indian Railway, a copy of the Honourable Member's question and of my reply thereto for such action as he may consider necessary.

RULES PERTAINING TO THE NUMBER OF LETTERS TO BE SENT IN THE SAME ENVELOPE.

248. *Mr. Sri Prakasa: (a) With reference to the reply to starred question No. 443 on the 17th September, 1936, would it be admissible for a person to enclose a letter of introduction to a third party along with a reply to a correspondent requesting such a letter of introduction?

(b) If not, what procedure must a correspondent adopt when enclosing a letter meant for a third party which is enclosed for personal delivery by the addressee?

(c) Do Government propose to consider the desirability of simplifying the rules and making it legal for more than one letter being placed in one envelope, and being satisfied with only appraising the weight thereof for purposes of proper postage?

The Honourable Sir Frank Noyce: (a) Yes.

(b) Does not arise.

(c) No.

NEWSPAPERS IN THE UNITED PROVINCES AND BENGAL RECEIVING ADVERTISEMENTS FROM THE EAST INDIAN RAILWAY.

249. *Mr. Sri Prakasa: (a) What newspapers in the United Provinces and Bengal receive advertisements from the East Indian Railway?

(b) What is the average amount paid annually by the railways to each of these newspapers?

(c) What are the newspapers which used formerly to get advertisements but now do not do so? Will Government state the reasons for stopping these advertisements in each case?

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

ALTERNATIVE ROUTES BETWEEN BENARES AND DELHI.

250. ***Mr. Sri Prakasa:** (a) Is it a fact that for a long time past the usual route between Benares and Delhi used to be *via* Lucknow and Moradabad? If so, are Government prepared to recommend to the East Indian Railway the desirability of making this route also an alternative route between the two stations, with a right to break journey on the way?

(b) Is it a fact that the routes between Benares and Cawnpore *via* Janghai and Lucknow are alternative routes and also that the routes *via* Cawnpore and *via* Moradabad are alternative routes between Lucknow and Delhi? If so, what is the point in not regarding routes *via* Janghai-Cawnpore and Lucknow-Moradabad as alternative routes between Benares and Delhi?

The Honourable Sir Muhammad Zafrullah Khan: (a) As regards the first part, Government have no information. In regard to the second part, I shall ask the Agent, East Indian Railway, to consider the Honourable Member's suggestion.

(b) The reply to the first part is in the affirmative. As regards the second, I am drawing the Agent, East Indian Railway's attention to the point for consideration.

PROVISION OF SPECIAL COMPARTMENTS IN EACH RAILWAY TRAIN FOR SMOKERS.

251. ***Mr. Sri Prakasa:** (a) In view of the Honourable the Commerce Member's statement in the course of his replies to supplementary questions to starred question No. 314 on the 11th September, 1936, that he imagined the objection to smoking in railway compartments, was based on religious sentiment, will Government state what religions, if any, object to smoking as an article of faith?

(b) Are Government aware that many persons object to smoking on the material reason of physical discomfort? If so, what relief, if any, have such passengers from persons smoking in a railway compartment?

(c) Are Government prepared to consider the desirability of providing a few special compartments in each train for smokers, as is done in Europe?

(d) Are Government aware that European passengers object to the use of the hubble bubble by Indian fellow pasengers, but persist in smoking cigars and cigarettes themselves? What relief, if any, has the hubble bubble smoker against the cigarette smoker?

The Honourable Sir Muhammad Zafrullah Khan: (a) There was nothing in my previous answer to suggest that the objection to smoking was an article of faith.

(b) Possibly: section 110 of the Indian Railways Act provides for this.

(c) An experiment on the lines suggested by the Honourable Member is being made on the North Western Railway.

(d) As regards the first part, Government have no information; and the latter part does not, therefore, arise.

KEEPING OF THROUGH BOGIES AT CONVENIENT PLACES AT MOGHAL SARAI AND BENARES RAILWAY STATIONS.

252. ***Mr. Sri Prakasa:** (a) With reference to the reply to starred question No. 315 on the 11th September, 1936, is it or is it not a fact that at Moghal Sarai and Benares reserved compartments, saloons, and even special pilgrim and industrial special trains are put at convenient sidings and are used by persons concerned without any trouble or difficulty to anyone?

(b) If so, do Government propose to reconsider the desirability of keeping through bogies at these stations at convenient places at the stations and enable intending passengers to board them before the arrival of the trains to which they are to be attached?

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

(b) I shall convey the Honourable Member's suggestion to the Agent, East Indian Railway, for consideration.

HONORARY MAGISTRATES IN THE CENTRALLY ADMINISTERED AREAS.

253. ***Mr. Sri Prakasa:** (a) With reference to the reply to starred question No. 316 on the 11th September, 1936, will Government state how many honorary magistrates are functioning at present, in the centrally administered areas, have undergone departmental examinations and with what results?

(b) Have those, who have failed in these examinations, been reappointed?

(c) How many of them before appointment expressed a desire orally or in writing to high Government officers that they would like to be honorary magistrates, and how many invited at the initiation of high officials?

(d) Is it a fact that many of them visit *thanedars* and *kotwals* at police stations?

(e) Are Government aware that visits by honorary magistrate to police officials leave a feeling in the minds of observers that they are not conducive to justice?

(f) Do Government propose to prohibit private visits of honorary magistrates to police officials and *vice versa* in the areas in which such magistrates have to hear and decide police cases?

The Honourable Sir Henry Craik: (a) In the reply to which the Honourable Member himself refers I have answered the first part of this question. I have not the information asked for in the second part.

(b) and (c). I have not the information.

(d), (e) and (f). These questions are practically a repetition of questions to which I replied on the 11th September last.

METHOD OF CIRCULATION OF BILLS FOR ELICITING PUBLIC OPINION.

254. ***Mr. Sri Prakasa:** (a) With reference to the reply to starred question No. 573 on the 23rd September, 1936, do Government propose to consider the desirability of sending on their initiative to all Members

of the Central Legislature and requesting Local Governments to send to all Members of the Local Legislature copies of the Bills that are circulated for eliciting public opinion?

(b) Do Government propose to make sure that copies of Bills thus circulated, are sent to persons and institutions particularly interested in the subject matter of the Bill either directly or through Local Governments?

The Honourable Sir Nripendra Sircar: (a) and (b). No. There is no occasion to consider the matter as the Government are fully satisfied with the existing arrangements. In respect of Bills circulated by the direction of the Legislative Assembly it has since been suggested to the Local Governments that copies of Bills may be placed in libraries of Provincial Legislatures for the use of their members.

REPORT OF THE INCOME-TAX EXPERTS.

255. ***Mr. Sri Prakasa:** (a) Is it a fact that the income-tax experts have submitted their report to Government?

(b) When, if at all, will their recommendations be known to the public?

(c) What action, if any, do Government intend to take on it?

The Honourable Sir James Grigg: I would refer the Honourable Member to the reply given to question No. 202 on the 25th of January 1937.

PLATFORM TICKETS SOLD AT LUCKNOW ON THE OCCASION OF THE VISIT OF HIS EXCELLENCY THE VICEROY.

256. ***Mr. Sri Prakasa:** (a) How many platform tickets were sold to persons who went to the platform of the Railway Station at Lucknow, on the occasion of the last visit of His Excellency the Viceroy to that city?

(b) Were all persons who went on the platform on that occasion required to buy platform tickets? If not, why not?

(c) What was the loss to the Railway Company by those persons not purchasing platform tickets?

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

(c) I would refer the Honourable Member to the reply I gave to his question No. 857 on the 7th October, 1936. No question of loss arises if the Railway Administration decides to admit any person to a platform without his purchasing a platform ticket.

DECORATIONS AT RAILWAY STATIONS ON THE OCCASIONS OF THE VISIT OF VICEROYS AND GOVERNORS.

257. ***Mr. Sri Prakasa:** (a) With reference to the reply to starred question, No. 857, on the 7th October, 1936, will Government state whether private individuals or firms or institutions voluntarily apply to Divisional Superintendents for permission to decorate railway stations on the occasion of the arrival of Viceroys or Governors at any particular station, or does the Divisional Superintendent himself ask any particular person, firm or institution, to undertake such a decoration?

(b) If there are many applicants, is it entirely left to the discretion of the Divisional Superintendent concerned to choose the best person for the work, and does he advise the person concerned as to what he should do?

(c) Does the Railway supply flags, 'fog-signals', etc., for decorative and demonstrative purposes, or is the person chosen for the purpose required to supply or pay for all these himself?

(d) Are persons engaged in the decorations admitted to the platform without platform tickets, or have they to purchase platform tickets every time they go in or every two hours as the case may be?

(e) Are porters required to assist free of all cost at the decorations?

(f) Are Government aware that *bona fide* passengers are greatly inconvenienced by the lumber at the railway station during the time the decorations are put up, and do Government propose to advise the railway administrations to prohibit decorations?

(g) If not, are Government prepared to ask the Railway Administrations to permit decorations for anybody provided somebody stands the cost?

The Honourable Sir Muhammad Zafrullah Khan: (a) to (g). I have called for certain information and will lay a reply on the table when it has been received.

RAILWAY SALOONS SUPPLIED TO THE MEMBERS OF THE GOVERNMENT OF INDIA.

258. ***Mr. Sri Prakasa:** (a) With reference to the reply to starred question No. 247, on the 9th September, 1936, is there no limit fixed to the amount of luggage that a Member of the Executive Council of the Government of India can carry in his saloon?

(b) What is the definition of personal luggage which is not charged for? Is there anything like public luggage which is charged for? Is it a fact that a radio set is personal luggage not charged for, while a box containing Government stationery is public luggage and is charged for?

(c) How many servants can an Executive Councillor take with him without any extra charge being made for them?

(d) Are private secretaries and personal assistants included under the heading 'Servant'? If not, what does the word 'Servant' exactly signify?

(e) What is the manner of checking the passengers in a saloon? Do Travelling Ticket Examiners enter the saloons as they do other compartments, or have they to follow any different procedure?

(f) Are tickets purchased and paid for in advance when a saloon is used by an Executive Councillor, or do the Railway send a bill afterwards to Government for payment?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (c). No limit has been prescribed.

(b) All luggage which a Member takes with him, including a radio set and a box containing Government stationery, is considered as his personal luggage.

(d) The reply to the first part is in the negative. The word "servant" covers all those who are required to wait on the Member for his convenience.

(e) Ordinarily by enquiries from any person travelling in the saloon. There is, however, nothing to preclude a Travelling Ticket Examiner from entering a saloon in order to check the number of passengers travelling therein, if he is not satisfied with the information given to him.

(f) The amount due for the running of the saloon is recovered on bills submitted by Railways to the Department concerned.

DELIVERY OF PARCELS CONTAINING FRESH FRUITS.

259. ***Mr. Sri Prakasa:** (a) With reference to the reply to starred question No. 305, on the 11th September, 1936, are Government in a position to state whether it is or it is not a fact that at Simla, Naini Tal and Ranikhet, parcels of fresh fruits are delivered by the Railway Company direct to the consignees at their residences and railway receipts collected from them afterwards?

(b) Do Government propose to recommend to the Railway Administrations to arrange the delivery of parcels to consignees at their residences in all principal cities, taking security deposit and fixing a reasonable rate for each parcel so delivered?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government have no information beyond that previously communicated in reply to the question referred to.

(b) I am sending a copy of the Honourable Member's question and of this reply to the Agents of the Railways concerned for consideration.

CENSORING OF LETTERS CONTAINING RAILWAY RECEIPTS FOR FRESH FRUITS.

260. ***Mr. Sri Prakasa:** (a) In view of the Honourable the Home Member's statement in the course of his answer to a supplementary question to question No. 305, on the 11th September, 1936, that the censoring of letters containing railway receipts for fruit parcels and an examination of the contents of the parcels themselves, have nothing to do with his department, will Government state to what department does this work pertain?

(b) Is it a fact that censors, when they find railway receipts in the letters they have opened, make sure of the contents of the parcels for which these railway receipts are meant before delivering them to the addressees?

(c) Who is responsible for loss and damage of articles by the loss or delay of railway receipts due to the activities of the censor?

The Honourable Sir Frank Noyce: (a), (b) and (c). The Honourable Member's assumption is that the delay in delivery of the letters in question is due to their being censored. To the best of my belief that assumption is not correct.

ISSUE OF POSTAGE STAMPS AND CURRENCY WITH NEW KING'S EFFIGY.

261. ***Mr. Sri Prakasa:** (a) With reference to the reply to question No. 306, on the 11th September, 1936, in which Government hoped that postage stamps and currency with the new king's effigy will be available sometime this year and in view further of the fact that there has been

a change due to the abdication of His Majesty King Edward VIII, do Government expect any further delay in the issuing of postage stamps and currency with the present king's effigy?

(b) What was the cost already incurred in making the various instruments for producing stamps and currency with His Majesty King Edward VIII's effigy?

(c) Do Government propose to pay any compensation to the Reserve Bank for the scrapping of those instruments and preparation of new ones necessitated by this further change?

The Honourable Sir James Grigg: Certain enquiries are being made, and such information as may be collected will be laid on the table this Session.

INCONVENIENCE FELT BY INTERMEDIATE AND THIRD CLASS PASSENGERS AND PLATFORM TICKET HOLDERS AT THE HOWRAH RAILWAY STATION.

262. *Mr. Sri Prakasa: (a) Is it a fact that intermediate and third class passengers, as well as platform ticket-holders, are not allowed to enter the platforms at the Howrah Railway Station till first and second class passengers have been accommodated?

(b) Are Government aware that this arrangement leads to heavy overcrowding in the central hall leading to the platforms?

(c) Is it not a fact that most of the first and second class passengers reserve their berths beforehand and so are assured of comfortable accommodation whenever they come?

(d) Are Government aware that the detaining of intermediate and third class passengers entails unnecessary inconvenience to them?

(e) Do Government propose to recommend to the authorities concerned the desirability of allowing passengers to enter the platforms as they come?

The Honourable Sir Muhammad Zafrullah Khan: (a) to (d). Government have no information.

(e) I am communicating the Honourable Member's suggestion to the Agent of the East Indian Railway for such action as he may consider necessary.

RATE FOR REGISTRATION OF TELEGRAPH ADDRESSES.

263. *Mr. Sri Prakasa: (a) What is the present annual rate for having registered abbreviated telegraphic addresses?

(b) When were the rates last revised?

(c) What have been the rates at different periods during the last ten years and how did each revision affect the number of such addresses?

(d) Do Government intend to lower the rate and thus encourage private individuals and firms to avail themselves of this arrangement?

The Honourable Sir Frank Noyce: (a) Rs. 20 per annum.

(b) On 10th August, 1932.

(c) Rs. 15 per annum in 1926.

Rs. 25 per annum from the 19th of October, 1931.

Rs. 20 per annum from the 10th of August, 1932.

Information regarding the number of registered abbreviated telegraphic addresses in existence in 1925-26 and in 1932 to 1934 is not available; therefore it cannot be stated how each revision affected the number of such registered addresses.

(d) Government do not propose to lower the rate as it is considered to be a reasonable charge for the services rendered. In this connection, I would invite the Honourable Member's attention to the reply given in this House to starred question No. 1609 by Mr. Gaya Prasad Singh on the 7th December, 1932, and to starred question No. 132 by Khan Bahadur Haji Wajihuddin on the 8th September, 1932.

CONFUSION CAUSED IN HAVING SEPARATE POSTAL DISTRICTS AND REVENUE DISTRICTS.

264. ***Mr. Sri Prakasa:** (a) Is it a fact that postal districts and revenue districts do not correspond and that this causes confusion in the minds of private correspondents?

(b) Is it a fact that all business in the revenue district of Jalaun, including the district headquarters in the United Provinces, belongs to the postal district of Jhansi and all that in Hamirpur to that of Banda?

(c) Is it a fact that at places some parts of one revenue district belong to one postal district and other parts of the same revenue district belong to others?

(d) Is there any special convenience or advantage in this arrangement? If not, do Government propose to consider the desirability of having common revenue and postal districts?

The Honourable Sir Frank Noyce: (a) It is not clear whether by the term "Postal District" the Honourable Member means a Postal Division which is ordinarily in charge of a Superintendent of Post Offices or whether he means the area over which a Head Post Office has jurisdiction for accounts purposes. In either case however the reply to the first part of the question is in the affirmative. As regards the latter part of the question, Government see no reason why any confusion should be caused in the minds of private correspondents on this account.

(b) It is a fact that the Post Offices in the district of Jalaun are, for accounts purposes, within the jurisdiction of the Head Post Office at Jhansi and the Post Offices in the district of Hamirpur are under the accounts jurisdiction of the Head Post Office at Banda.

(c) Yes.

(d) Postal Divisions and accounts jurisdiction areas of Head Post Offices are fixed according to administrative convenience from the postal point of view and Government see no need to make the jurisdiction of Postal Divisions or of Head Post Offices co-terminous with any revenue district. Any such attempt would involve unnecessary expenditure without any commensurate advantage.

FRAMING OF TIME TABLES FOR THE EAST INDIAN RAILWAY.

265. ***Mr. Sri Prakasa:** (a) Who are the authorities who frame time tables for the East Indian Railway?

(b) Do they consult local railway officers before introducing changes at any particular centre?

(c) Were the Station Masters of the Dinapore Division consulted before the new time table was enforced from October last?

(d) What were the circumstances in which the time table pertaining to this section was changed from the 1st December?

(e) What is the estimated loss suffered by the Railway in this division during the months of October and November because of the new time table?

(f) What are the comparative figures of earnings for these two months in that section during the years 1935 and 1936?

The Honourable Sir Muhammad Zafrullah Khan: (a) The Chief Operating Superintendent.

(b) Yes.

(c) I am not aware as to who actually were consulted.

(d) I have called for certain information and will lay a reply on the table when it has been received.

(e) and (f). There are so many factors that influence the movement of traffic from day to day that it is not practicable to isolate one or more of them with a view to ascertaining what the difference, if any, in earnings may have been due to.

FREE PLATFORM PASSES GIVEN TO SUPERINTENDENTS OF POLICE.

266. ***Mr. Sri Prakasa:** (a) With reference to the answer to question No. 246 on the 9th September, 1936, is it or is it not a fact that at places Superintendents of Police are given free passes to enter railway platforms? If so, under what rule is this done?

(b) Can those in possession of such passes enter platforms only when on duty, or even on private work, such as receiving or seeing off relatives and friends?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government have no information as to whether platform permits are being given to Superintendents of Police, but officers authorised to issue such permits would not ordinarily refuse to give one to a Superintendent of Police, if they are satisfied that there is justification for this being done.

(b) Platform permits are not given for private work.

RUNNING OF THE BOMBAY-CALCUTTA MAILS *VIA* ALLAHABAD AND BENARES.

267. ***Mr. Sri Prakasa:** (a) With reference to the reply to starred question No. 310 on the 11th September, 1936, will Government state what is the average number of passengers from and to the Mirzapur Railway Station who utilize the Bombay-Calcutta Up and Down Mails, and how many from Allahabad and Benares utilize them?

(b) What is the daily cost of the shuttle trains that run between Allahabad and Chheoki for these Mails?

(c) What would be the extra mileage involved by running these trains *via* Janghai-Allahabad instead of *via* Mirzapur?

(d) Are Government prepared to reconsider the desirability of running these trains *via* Benares, Janghai and Allahabad so as to connect two important stations with the mails and save extra expense on shuttle trains?

The Honourable Sir Muhammad Zafrullah Khan: (a) The number of passengers actually entraining by each train cannot be ascertained, as tickets issued from these stations may be utilised by any train starting therefrom on the date of issue.

(b) It is not practicable to ascertain the actual cost of a service.

(c) 9 miles per day in each direction.

(d) This is a matter for the East Indian Railway Administration to deal with, and I am sending the Agent a copy of the Honourable Member's question and of my reply thereto for such action as he may consider necessary.

INCREASE IN THE SIZE OF THE EMBOSSED POSTCARDS.

268. ***Mr. Sri Prakasa:** (a) With reference to the reply to starred question No. 308 given on the 11th September, 1936, will Government state what would be the extra cost involved under the following headings if the size of the embossed postcards were increased to that now allowed for privately manufactured postcards: (i) paper, (ii) printing; and (iii) machinery?

(b) Do Government propose to call for tenders from private presses for the printing of such postcards and to consider the desirability of giving the work to a qualified and reliable private press if the estimated cost comes to less than what is incurred now-a-days?

(c) What is the approximate number of such embossed postcards printed per year?

The Honourable Sir Frank Noyce: (a) The annual extra cost of paper would be half a lakh of rupees and of printing rupees twenty five thousand. The cost of installing larger machines would be approximately one lakh of rupees.

(b) Government consider it inadvisable that embossed postcards should be printed in private presses.

(c) 250 millions.

ISSUE OF PLATFORM PASSES TO THE MEMBERS OF THE CRIMINAL INVESTIGATION DEPARTMENT.

269. ***Mr. Sri Prakasa:** (a) With reference to the reply to starred question No. 309 given on the 11th September, 1936, do Government propose to consider the desirability of charging the Criminal Investigation Department for passes given to enable its members to enter platforms, in the interest of railway finance?

(b) What is the number of free passes given to the members of the Criminal Investigation Department on the East Indian and North Western Railways, respectively?

(c) Are the Railway authorities, when granting passes to the Criminal Investigation Department, prepared to impose the condition that the holders thereof are not entitled to harass passengers in any way?

(d) In view of the Honourable the Commerce Member's statement that free passes are granted because they are on public duty, will Government state whether railways carry members of the Criminal Investigation or any other Department of Government free of all costs when they are travelling on public duty? If not, why are any persons on public duty permitted to enter platforms without payment?

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

(b) Government have no information and see no justification for calling for these particulars.

(c) No one, whether with or without platform permits, is entitled to harass passengers.

(d) No. The issue of platform tickets is intended to regulate admission to passenger platforms of other than *bona fide* passengers. Free platform permits serve the same purpose.

Revaluation of Rupee.

270. ***Dr. Ziauddin Ahmad:** (a) Has the attention of Government been drawn to the speech of the Finance Member in the Senate of the Italian Government as reported in the *Times of India*, (page 16), dated the 5th January, 1937 that "since the lira was revalued, the Italian Commercial balance had shown a surplus"?

(b) Do Government intend to revalue the rupee in order to increase the export trade of India?

The Honourable Sir James Grigg: (a) and (b). I would refer the Honourable Member to the answer which I gave on the 25th of January, 1937, to Mr. C. N. Muthuranga Mudaliar's question No. 17.

Bad Food supplied to Haj Pilgrims on Ships.

271. ***Dr. Ziauddin Ahmad:** (a) Has the attention of Government been drawn to the report of the Bombay Haj Committee and numerous passengers about the bad food supplied to the Mecca pilgrims on Board the steamer?

(b) Is the catering arrangement for *Hajis* made by Turner Morrison and Co.? If not, what arrangement has been made for the supply of food?

(c) Does the company give contract to outsiders? Did they ever invite tenders?

(d) What arrangements have Government made to look after the comforts of *Hajis*, specially about food?

Sir Girja Shankar Bajpai: (a), (b) and (d). Messrs. Turner Morrison & Co., who are responsible for the supply of food to pilgrims on board their steamers, have entrusted this task to the Indo-Arabian Food Supply Company of Bombay. Complaints regarding the supply of food received from the Port Haj Committee of Bombay and other sources have been the

subject of continuous attention by Government who have throughout been acting in close consultation with the Standing Haj Committee of the Indian Legislature in order to remove legitimate grievances to the extent that this is practicable. An Amir-ul-Haj is appointed on every ship to look after the comforts of pilgrims and to bring to the notice of the master any complaints that pilgrims may have to make.

(c) No tenders were invited by the Shipping Company. They entrusted the feeding arrangements to the Indo-Arabian Food Supply Company as the latter has been running restaurants on the pilgrim ships for several years before the introduction of the compulsory supply of food to all pilgrims and it was felt that the experience would be useful in the larger operation of feeding all pilgrims.

BAD FOOD SUPPLIED TO HAJ PILGRIMS ON SHIPS.

272. ***Dr. Ziauddin Ahmad:** (a) In case Turner Morrison and Co. are unable to provide satisfactory food to pilgrims, do Government propose to invite other companies, British or foreign, to run steamer services between Jeddah and Karachi or Bombay?

(b) Will Government lay on the table the correspondence they had with Turner Morrison and Co., about bad food supplied to *Hajis*?

(c) Did Government depute any officer of the Education, Health and Lands Department to enquire into the comfort of *Hajis*?

(d) What report did he submit about the quality and distribution of food?

Sir Girja Shankar Bajpai: (a) Government have so far no reason to believe that Messrs. Turner Morrison & Co. are unable to provide satisfactory food.

(b) The correspondence is too voluminous for convenient compliance with the Honourable Member's request.

(c) The Honourable Member in charge of the Department of Education, Health and Lands and the Joint Secretary in that Department had an informal talk with certain members of the Port Haj Committee of Bombay during their visit to Bombay in August last. The Joint Secretary also had an informal discussion with members of the Port Haj Committee of Karachi during his visit to that city a few days ago.

(d) No formal reports of such investigations and discussions, which are undertaken in the ordinary course of administration, are submitted.

VALUE OF SHARES OF THE TATA IRON AND STEEL COMPANY.

273. ***Dr. Ziauddin Ahmad:** What was the value of different type of shares of Tata Steel and Iron Company in January 1934? What is the value of these shares now?

The Honourable Sir Muhammad Zafrullah Khan: The Government of India keep no record of the market prices of shares of Joint Stock Companies. Such prices are, however, published regularly in the Commercial Press, to which I must refer the Honourable Member.

PROTECTION GIVEN TO TEXTILE MILL COMPANIES.

274. *Dr. Ziauddin Ahmad: (a) Are Government aware that textile mill companies made enormous profits in the boom time, and did not build any reserve?

(b) Are Government aware that these millowners begged the Government to tax the consumers in the name of the protection of Indian industries?

(c) Are Government aware of the fact that they imposed taxes on the consumers in the form of heavy protection import duty?

(d) Are Government aware that Indian consumers contribute an amount in the neighbourhood of 20 crores for the maintenance of textile mill industry?

(e) If it is not 20 crores, what is the approximate figure?

(f) Have Government considered whether it will not be more economical if the contribution of 20 crores or an appropriate amount be given to the workmen who may be employed in some reasonable scheme of public utility?

The Honourable Sir Muhammad Zafrullah Khan: (a) I assume that the Honourable Member is referring to the cotton textile industry. His attention is invited to paragraph 40 of the Report of the Indian Tariff Board (Cotton Textile Industry Enquiry), 1927, copies of which are in the Library.

(b) I would refer the Honourable Member to paragraph 1 of the Resolution of the Government of India in the Commerce Department, No. 341-T (9), dated the 10th June, 1926.

(c) Tariff protection to the industry was granted under legislation passed by the Indian Legislature.

(d) Yes, Sir, on a rough calculation.

(e) Does not arise.

(f) No, Sir.

ABOLITION OF IMPORT DUTY ON PIG IRON.

275. *Dr. Ziauddin Ahmad: Are Government prepared to consider the abolition of import duty on pig iron? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: No. They have considered the matter only recently and have decided to take no action.

RUMOUR REGARDING THE REPORT OF SIR RALPH WEDGWOOD COMMITTEE.

276. *Dr. Ziauddin Ahmad: (a) Are Government aware of the rumour that the report of Sir Ralph Wedgwood Committee was written out in the office of the Railway Board, before the members of the Committee landed in the country?

(b) Are Government aware of the rumour that the reasons for not appointing Indians on the Committee was that the secret mentioned in part (a) may not leak out?

(c) Are Government prepared to ensure that the enquiry is fair and exhaustive, and extends over the entire dominion of subjects raised by the Legislature without paying any attention to the rumours mentioned above?

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

(c) Government will bring the Honourable Member's question to the notice of the Committee.

MEASURES FOR THE IMPROVEMENT OF CONGESTION IN DELHI.

277. ***Mr. M. Asaf Ali:** (a) When do Government propose to publish Mr. Hume's Report on congestion, and measures for the improvement of existing conditions in Delhi?

(b) Are Government contemplating the establishment of a Town Improvement Trust for Delhi in the near future?

Sir Girja Shankar Bajpai: (a) Government have not yet decided whether to publish Mr. Hume's report or not.

(b) Yes.

DETENTION OF STATE PRISONERS IHSAN ILAHI AND BHAWANI SAHAI.

278. ***Mr. M. Asaf Ali:** (a) Will Government be pleased to state for how long Ihsan Ilahi and Bhawani Sahai, State Prisoners, have been in detention?

(b) Have they or any of their relatives made any representations to Government for their conditional or unconditional release?

(c) When were their cases last examined and with what result?

The Honourable Sir Henry Craik: (a) Approximately six and five years, respectively.

(b) Yes.

(c) The cases were examined in July and August of last year when it was decided that the orders of detention should continue in force.

SALE OF PLOTS IN NEW DELHI.

279. ***Mr. M. Asaf Ali:** (a) Is it a fact that only 14 per cent. of the total area of New Delhi has been built on?

(b) Is it also a fact that some Public Works Department officials have built on more than 70 per cent. of the plots allotted or leased to them? If so, why was this permitted, and why are no steps taken to enforce the observance of the 33 per cent. rule in their case?

(c) Has the area behind the Modern School been leased to Government servants and others, who do not belong to the artisan class?

(d) Were some of these plots of three to four hundred yards auctioned at Rs. 4,000 to Rs. 5,000 each?

(e) Why are these lessees debarred from making reasonable and approved alterations in the scheduled plans to suit their convenience?

Sir Girja Shankar Bajpai: Enquiries have been made and a reply will be furnished to the House on receipt of information.

ENQUIRY INTO THE CONDUCT OF CAPTAIN H. B. S. BRAR OF THE POLITICAL DEPARTMENT OF THE GOVERNMENT OF INDIA.

280. ***Sardar Mangal Singh:** Will Government please state if it is a fact that a public inquiry was held under Act XXXVII of 1850 by Mr. E. C. Marten, I.C.S., into the conduct of Captain H. B. S. Brar of the Political Department of Government of India?

Sir Aubrey Metcalfe: Yes.

ENQUIRY INTO THE CONDUCT OF CAPTAIN H. B. S. BRAR OF THE POLITICAL DEPARTMENT OF THE GOVERNMENT OF INDIA.

281. ***Sardar Mangal Singh:** Will Government please state the date on which the Governor General in Council ordered the appointment of the Commissioner to enquire into the conduct of Captain H. B. S. Brar?

Sir Aubrey Metcalfe: The Governor General in Council approved the appointment of the Commissioner on the 8th February, 1935, although the formal order was not signed till the 5th March, 1935.

ENQUIRY INTO THE CONDUCT OF CAPTAIN H. B. S. BRAR OF THE POLITICAL DEPARTMENT OF THE GOVERNMENT OF INDIA.

282. ***Sardar Mangal Singh:** Will Government please state under what rules the services of Captain H. B. S. Brar were replaced at the disposal of the Commander-in-Chief?

Sir Aubrey Metcalfe: He was reverted to the Army by the order of His Excellency the Viceroy.

ENQUIRY INTO THE CONDUCT OF CAPTAIN H. B. S. BRAR OF THE POLITICAL DEPARTMENT OF THE GOVERNMENT OF INDIA.

283. ***Sardar Mangal Singh:** Will Government please lay on the table the copies of the written defence of Captain Brar, the reports of the Inquiry Commissioner and of the Public Services Commissioners and the orders of the Secretary of State for India, regarding the case of Captain H. B. S Brar?

Sir Aubrey Metcalfe: Copies of the defence, Inquiry Report and Public Services Commissioner's Report are being made and will be laid on the table in due course. The orders of the Secretary of State are contained in a confidential document which cannot be made available to the House.

ENQUIRY INTO THE CONDUCT OF CAPTAIN H. B. S. BRAR OF THE POLITICAL DEPARTMENT OF THE GOVERNMENT OF INDIA.

284. ***Sardar Mangal Singh:** Will Government please state the reasons for investing Captain A. J. Dring with powers under section 337 of the Criminal Procedure Code when he was placed on special duty to make the preliminary inquiry into the conduct of Captain H. B. S. Brar?

Sir Aubrey Metcalfe: The Government of India have no information on the subject.

ENQUIRY INTO THE CONDUCT OF CAPTAIN H. B. S. BRAR OF THE POLITICAL DEPARTMENT OF THE GOVERNMENT OF INDIA.

285. ***Sardar Mangal Singh:** Will Government please state at what time and on what date the inquiry started at Bannu into the conduct of Captain Brar and at what time and on what date the Government of India ordered the inquiry?

Sir Aubrey Metcalfe: The enquiry which had been approved by the Governor General in Council on the 8th February, 1935, started on the 5th March, 1935, on which date the formal order appointing the Commissioner was signed. The Government of India have no information as to the time of commencement of the enquiry in Bannu nor was any record kept of the time at which the order was signed.

REPRESENTATIONS MADE TO THE BRITISH GOVERNMENT ON MR. BINDER'S REPORT REGARDING THE GRIEVANCES OF INDIANS IN ZANZIBAR.

286. ***Prof. N. G. Ranga:** Will Government be pleased to state:

(a) if they have received the representation of the Imperial Indian Citizenship Association, asking Government to express their dissent from the recommendations of the Binder Report;

(b) if so, what action has been taken on it by Government; and

(c) whether they have made any representations to the British Government on the Binder Report; if so, what is the nature of their representation?

Sir Girja Shankar Bajpai: (a) Yes.

(b) and (c). The attention of the Honourable Member is invited to my reply to parts (b) to (e) of Mr. Avinashilingam Chettiar's starred question No. 197 of the current Session.

RECOMMENDATIONS OF THE INDIAN ECONOMIC CONFERENCE AND THE INDIAN SCIENCE CONGRESS.

287. ***Prof. N. G. Ranga:** (a) Will Government be pleased to state if they have obtained the reports of the proceedings of the Indian Economic Conference and the Indian Science Congress?

(b) If so, what action is proposed to be taken on the recommendations made by those Conferences, especially in regard to:

(i) a re-orientalisation of the protectionist policy of Government;

(ii) the establishment of a permanent Tariff Board;

(iii) anti-malarial measures;

(iv) improvement of the nutritive values of cereals; and

(v) the development and introduction of suitable organic manures?

(c) If not, are Government prepared to consider the advisability of regularly standing and acting upon their recommendations in so far as they are practicable and financially feasible?

Sir Girja Shankar Bajpai: (a) No.

(b) Does not arise.

(c) Government regret their inability to answer this part of the question until they have seen the recommendations.

RAISING OF CESS ON TEA.

288. ***Prof. N. G. Ranga:** Will Government be pleased to state:

(a) if it is a fact that the Tea Improvement and Propaganda Committee has decided upon raising the cess from annas twelve to Rs. 1-8-0;

(b) whether it is not a fact that Government stated in the Simla Session that there would not be any likelihood of the cess being raised beyond rupee one;

(c) whether they are aware of the fact that the Indian Merchants Chamber had protested against this precipitous rise in the cess; and

(d) whether they are prepared to see that the cess is not raised beyond rupee one?

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

(b) No.

(c) No.

(d) Government are unable to give any such undertaking as the rate of the cess has to be fixed on the recommendation of the Indian Tea Market Expansion Board which has yet to come into existence.

RECOGNITION OF THE SOUTH INDIAN FEDERATION OF PEASANTS AND WORKERS TO REPRESENT THE INDIAN TEA PLANTERS OF SOUTH INDIA.

289. ***Prof. N. G. Ranga:** Will Government be pleased to state if they are prepared to recognise the South Indian Federation of peasants and workers to represent the Indian tea planters of South India and allow that Federation to elect the member for the membership of the Indian Tea Propaganda Committee, allotted for the South Indian tea planters?

The Honourable Sir Muhammad Zafrullah Khan: Government will be glad to consider any representation that may be submitted to them by the Federation through the Local Government with whom the power of nomination at present rests.

PROHIBITION OR RESTRICTION ON THE EXPORTS OF GOLD FROM INDIA.

290. ***Prof. N. G. Ranga:** Will Government be pleased to state:

(a) if they have reconsidered their policy regarding the gold exports in the light of the representation sent to them by the Merchants Chamber of the United Provinces;

(b) whether they are prepared to take any steps either to prohibit or to restrict the exports of gold from India; and

(c) if not, why not?

The Honourable Sir James Grigg: I have nothing to add to my previous replies and statements on this subject.

REPRESENTATIONS REGARDING THE GRIEVANCES OF THE BENGAL NAGPUR RAILWAY EMPLOYEES.

291. *Prof. N. G. Ranga: Will Government be pleased to lay on the table the representations made by the All-India Railwaymen's Federation and the Bengal Nagpur Railway workers union regarding their grievances, and the replies given to them by both the Government and the Railway Authority concerned?

The Honourable Sir Muhammad Zafrullah Khan: Government have received no representations from the All-India Railwaymen's Federation and the Bengal Nagpur Railway Workers' Union regarding their grievances.

Government are not aware what representations may have been received by the Railway Administration and what replies may have been given, and are not prepared to enquire.

REPRESENTATIONS REGARDING THE GRIEVANCES OF THE BENGAL NAGPUR RAILWAY EMPLOYEES.

292. *Prof. N. G. Ranga: (a) Will Government be pleased to state whether it is a fact that the Bengal Nagpur Railway workers and All-India Railwaymen's Federation had asked Government to appoint a conciliatory Board to enquire into their grievances and to avoid the then impending crisis over the then proposed retrenchment and wage-cuts proposed by the Railway Agent?

(b) If so, when were such representations made?

(c) What was the action taken by Government?

(d) Have Government done anything to avert the strike? If not, why not?

The Honourable Sir Frank Noyce: (a), (b), (c) and (d). No representation was made by the All-India Railwaymen's Federation in connection with the Bengal Nagpur Railway strike. An application signed by the President, Bengal Nagpur Railway Indian Labour Union, was received on the 28th December, 1936, for the appointment of a Board of Conciliation. The application though not in the form required by the rules was very carefully considered by Government, who came to the conclusion that no useful purpose would be served by appointing a Board. Government also considered the question of referring certain matters connected with the dispute to a Court of Inquiry and decided that there was no justification for such action. The representation gave no opportunity of averting the strike which was already in progress when it was received. Since then the Agent, Bengal Nagpur Railway, has offered certain terms to the strikers with a view to terminating the strike.

STRIKE ON THE BENGAL NAGPUR RAILWAY.

293. *Prof. N. G. Ranga: Will Government be pleased to state:

(a) when the strike had begun;

(b) what were the losses incurred by the Bengal Nagpur Railway due to this strike for every day of the strike; and

(c) what is the total loss so far incurred by the Railway because of this strike?

The Honourable Sir Muhammad Zafrullah Khan: (a) A general strike was called by the Bengal Nagpur Railway Indian Labour Union to commence at 10 P.M. on Sunday, the 13th December, 1936, but at earlier dates a considerable number of employees had refused duty

(b) and (c). It is not practicable to make any precise estimate. For the 10 days' period ending 20th December, 1936, the approximate gross earnings of the Bengal Nagpur Railway were 5·34 lakhs less than the actuals for the corresponding period of the previous year, and for the 11 days' period ending 31st December, 1936, Rs. 8·11 lakhs less.

APPLICATIONS INVITED FOR THE POST OF THE PROFESSOR OF MINING AT THE INDIAN SCHOOL OF MINING, DHANBAD.

294. *Mr. Suryya Kumar Som: (a) Is it a fact that applications were invited for the post of the Professor of Mining at the Indian School of Mining, Dhanbad, several months ago?

(b) Was there any interview on the 4th November, 1936, of some selected candidates who satisfied the conditions advertised for the post? How many were granted interviews? What were the recommendations of the Selection Board?

(c) Why was the post not filled up during all these months? When are Government going to fill up the post? Does not the teaching in the School of Mines suffer due to this long vacancy?

(d) Is there any truth in the rumour that Government propose to recruit a foreigner to fill up the post?

(e) Is it contemplated to advertise for the post in Great Britain?

(f) Is it a fact that amongst the candidates interviewed in last November there were more than one candidate who had obtained degrees in Mining or first class diploma in Mining and who were first class certified colliery managers with wide experience in Indian Mining?

(g) Is it not the policy of Government to recruit suitable Indians in preference to foreigners for the post when they fulfil all the conditions required?

The Honourable Sir Frank Noyce: (a) Yes.

(b) Yes. Six candidates were called for interview. I am not prepared to disclose the Selection Committee's recommendations, as all such recommendations are of a confidential character.

(c) The post fell vacant on the 1st November, 1936. The Governing Body's recommendation was received on 19th November. Some time was occupied in considering the question and steps were taken to offer the post to an Indian candidate on 4th January. The vacancy has not been a long one and as the Principal of the School was authorised to make temporary arrangements, I have no reason to suppose that the work suffered appreciably.

(d) None.

(e) No.

(f) and (g). Yes.

GOVERNMENT'S POLICY REGARDING EMPLOYMENT OF RETRENCHED OFFICIALS.

295. ***Mr. Suryya Kumar Som:** Is it an accepted policy of Government to take retrenched officials back to service, if they are otherwise suitable for the job, in preference to new recruits?

The Honourable Sir Henry Craik: The general rule regarding the finding of alternative employment for persons discharged on the abolition of their appointments will be found in Articles 426 and 427 of the Civil Service Regulations, a copy of which is in the Library of the House. Special measures were taken in connection with the re-employment of persons who were retrenched in the general retrenchment campaign of 1931-32, details of which will be found in the reply given on the 17th February, 1932, by Sir James Crerar to Mr. Lalchand Navalrai's question No. 412 and the statement subsequently laid on the table of the House in connection therewith.

AMOUNT SPENT IN REPAIRING THE DAMAGES DUE TO EARTHQUAKES AT QUETTA AND IN BIHAR.

296. ***Mr. Sri Prakasa:** (a) What are the amounts spent so far by Government in repairing the damages due to earthquake at Quetta and in Bihar, respectively?

(b) What is the reason for the differentiation in treatment of the two places? Was there any difference in the nature of the earthquake, or the nature of the damage?

Sir Aubrey Metcalfe: (a) It is impossible to say what amount was spent by Government on repairing damage due to the Bihar Earthquake, because the Government immediately concerned is not the Government of India. The Honourable Member will, however, find some information in Mr. Brett's report published in 1935, a copy of which is in the Library. The financial assistance given by the Government of India has been fully explained in the Honourable the Finance Member's budget speeches. As for Quetta, preliminary expenditure on salvage and clearance has amounted to about 19 lakhs and repairs to damages to Karezes (water-courses), roads, bridges and drains to the end of the current year will be about 3·5 lakhs. Buildings in Quetta were completely destroyed and the reconstruction of civil buildings which has not yet commenced is expected to cost over 100 lakhs. In the Defence Department, the reconstruction of buildings to the end of the current year is expected to cost nearly 50 lakhs.

(b) Government are not aware of any differentiation in treatment between Bihar and Quetta. The latter part of the question does not therefore arise.

TRAVELLING OF OTHER PERSONS IN SALOONS RESERVED FOR THE EXECUTIVE COUNCILLORS OF THE GOVERNMENT OF INDIA.

297. ***Mr. Sri Prakasa:** (a) In view of the fact that only an Executive Councillor and his servants can travel in the saloon reserved for him, will Government state whether it is a part of a contract with the railways that all other persons travelling in it shall have to purchase extra first class tickets, or has this practice grown out of any convention?

(b) Was the price of building the saloons paid by Government to the railway, or have the railway built the saloons at their own cost?

(c) If the former, why are not a sufficient number of passengers allowed to use it, the cost of whose tickets will approximate to annas twelve a mile, the charge levied by the railway for haulage?

(d) What is the point in forcing an Executive Councillor to purchase extra tickets for members of his family travelling with him?

The Honourable Sir Muhammad Zafrullah Khan: (a) The orders issued by Government provide for fares being paid for those not entitled to travel in the saloon.

(b) The capital cost of the saloon is borne by Railways. Interest, maintenance and depreciation charges thereon are recovered by Railways from Government.

(c) and (d). I would refer the Honourable Member to paragraph 4 of Appendix O, page 600 of the Indian Railway Conference Association's Coaching Tariff (No. 10), a copy of which is in the Library of the House.

RUNNING OF THE 13-UP AND 14-DOWN HOWRAH-DELHI EXPRESS TRAINS ON THE EAST INDIAN RAILWAY *VIA* BENARES AND JANGHAI.

298. ***Mr. Sri Prakasa:** (a) Is it a fact that the 13-Up and 14-Down Howrah-Delhi Express trains on the East Indian Railway, used formerly to run *via* Benares and Janghai between Moghal Sarai and Allahabad and that since October last they are running *via* Mirzapur between the same stations?

(b) Is it also a fact that a light train runs between Benares and Moghal Sarai to connect Benares with the Up Express at Moghal Sarai?

(c) What is the extra cost involved in running this light train?

(d) What is the extra income, if any, made by the railway by the diversion of the train from the former route?

(e) Do Government propose to recommend to the railway authorities concerned the desirability of running these trains again on the old route?

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

(c) and (d). I would refer the Honourable Member to the reply I gave to his question No. 247.

(e) The suggestion will be communicated to the Agent, East Indian Railway, for such action as he may consider necessary.

REPORT SUBMITTED BY RAIZADA HANS RAJ AND SIR MUHAMMAD YAMIN KHAN ON THEIR VISIT TO THE ANDAMANS.

299. ***Mr. Sri Prakasa:** (a) Have Raizada Hans Raj and Sir Muhammad Yamin Khan, jointly or severally, sent to Government any report of their visit to the Andamans?

(b) What action do Government intend to take on the report or reports? Will Government lay copies of the same on the table of the House?

(c) What was the total cost of their visit to the Indian exchequer?

The Honourable Sir Henry Craik: (a) and (b). I would refer the Honourable Member to the reply which I have given to Mr. Mohan Lal Saksena's starred question No. 88 to which I have nothing to add. As reports of the interviews granted by both the gentlemen on their visit to the Andamans have already appeared in the Press Government do not consider it necessary to lay any correspondence on the table of the House.

(c) The information is being obtained and will be laid on the table later.

ALTERNATIVE ROUTES BETWEEN BENARES AND STATIONS ABOVE ALLAHABAD ON THE EAST INDIAN RAILWAY.

300. *Mr. Sri Prakasa: (a) From what date have the routes *via* Janghai and *via* Moghal Sarai between Benares and stations above Allahabad on the East Indian Railway been made alternative?

(b) When, if ever, were the railway booking offices at the Delhi Central Station and Connaught Place in New Delhi informed of this new arrangement?

(c) Is it a fact that so late as November last the booking offices at Connaught Place and Delhi Central Station used to charge extra for tickets between Delhi and Benares *via* Moghal Sarai?

(d) What extra income have the railway derived by these booking offices?

(e) Under what heads, if any, are sums realised over and above the proper dues, credited in the railway accounts?

(f) Are Government aware that correspondence with the railway for small overcharges involves labour and expense and what steps, if any, do Government intend to take to protect passengers from such overcharges?

The Honourable Sir Muhammad Zafrullah Khan: (a) 1st July, 1936.

(b) I have called for the information required and will lay a reply on the table when it has been received.

(c) I do not know what extra charge the Honourable Member refers to. The fares *via* Moghal Sarai are higher than those *via* Janghai.

(d) There is no extra income on passenger tickets which are sold at the same rates as at the main station.

(e) Overcharges are not shown separately. They are included in the earnings of the traffic to which they relate.

(f) The reply to the first part is in the affirmative: as regards the latter part, disciplinary action is taken if overcharges are recovered otherwise than in good faith.

INCREASE IN THE PRICE OF THE EAST INDIAN RAILWAY TIME TABLES.

301. *Mr. Sri Prakasa: (a) Is it a fact that the time tables of the East Indian Railway that used formerly to be sold for four annas are now sold for six annas and that extra small time tables are also published and sold for two annas for different provinces through which the railway runs?

(b) What is the number of each variety now printed and how many approximately of each are sold?

(c) What is the total profit to the railway by the sale of the present time tables as compared with the sale of the old four annas time table?

(d) Do Government propose to consider the desirability of recommending to the railway to revert to the old price?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes, except that there are only two extra small time tables, one for Bengal and Bihar and the other for the United Provinces.

(b) I would refer the Honourable Member to the statement I placed on the table of the House in reply to Mr. Mohan Lal Saksena's question No. 70 on the 25th instant.

(c) I have called for certain information and will lay a reply on the table when it has been received.

(d) This is a detail of administration which Government must leave to the Agent, East Indian Railway, to settle.

SYSTEM OF PRINTING THE EAST INDIAN RAILWAY TIME TABLES.

302. ***Mr. Sri Prakasa:** (a) Have Government seen the manner in which the East Indian Railway now prints its time tables, and compared it with the old system?

(b) Is it not a fact that the present system is more cumbrous and complicated? Are Government prepared to recommend to the railway to revert to the old system?

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

(b) I am unable to agree that the present arrangement is unsatisfactory.

TICKETS CHECKED AT THE BIDDING OF THE CRIMINAL INVESTIGATION DEPARTMENT OFFICIALS ON THE EAST INDIAN RAILWAY.

303. ***Mr. Sri Prakasa:** (a) Is it a fact that Travelling Ticket Examiners on the East Indian Railway check the tickets of particular passengers at the bidding of the C. I. D. officials and take notes of the same?

(b) Are railway officials bound by any law to attend to the demands of the C. I. D. in this behalf? Are Government aware that railway officials detest the work the C. I. D. compel them to do?

(c) Are there any executive directions from Government or the Agent to the railway officials to help the C. I. D. in any manner?

(d) Are Government aware that the present practice leads to many innocent passengers being regarded as police suspects by their fellow-passengers, which is embarrassing and humiliating to them?

(e) Are Government aware that this makes the Railway very unpopular with the public?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government have no information, but if the Honourable Member will let me have particulars of any case in which this has been done, I will have enquiries made.

(b), (d) and (e). No.

(c) Information will be called for from the Agent and a reply laid on the table in due course.

SUPPLY OF CLOTHING TO THE STAFF ON THE EAST INDIAN RAILWAY.

304. ***Mr. Sri Prakasa:** (a) What is the system for the supply of clothing to the railway staff on the East Indian Railway? Have the railway any approved firm of tailors, or do they call for tenders?

(b) Is each person separately measured and fitted?

(c) Are Government prepared to consider the desirability of recommending to the Railway Administration to patronize local tailors in each division?

(d) What is the annual cost of clothing supplied to each Travelling Ticket Examiner on the East Indian Railway? Will Government give particulars of such clothing?

(e) Is the clothing supposed to be the private property of the official concerned, or has he to deposit the old suit before he gets a new one?

(f) Is the cost of the clothing deducted from the salary of the official, or is it supplied free on behalf of the railway?

The Honourable Sir Muhammad Zafrullah Khan: I am collecting the information and will lay it on the table of the House in due course.

USE OF THE WORDS "FEMALE", "WOMAN", AND "LADY" ON THE EAST INDIAN RAILWAY.

305. ***Mr. Sri Prakasa:** (a) What is the difference in the meaning of the words 'female', 'woman' and 'lady', as used by the East Indian Railway on railway compartments, waiting rooms and latrines?

(b) If they mean the same thing, are Government prepared to ask the railway to decide upon only one of these terms and use it universally for the purpose intended?

The Honourable Sir Muhammad Zafrullah Khan: (a) None.

(b) The suggestion will be considered.

SPECIAL TRAIN RUN FROM ALLAHABAD TO LUCKNOW IN CONNECTION WITH THE INDUSTRIAL EXHIBITION.

306. ***Mr. Sri Prakasa:** (a) Is it a fact that a special train was run from Allahabad to Lucknow in connection with the Industrial Exhibition at the latter place? How many passengers availed themselves of this? What was the cost on it and the amount of money realised by the sale of tickets for it?

(b) Are Government satisfied that the money was well spent? If not, do they propose to take steps that such special trains are not run in future?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes; one intermediate and thirty-five third class passengers travelled. The amount of fares realised approximated to Rs. 50. The actual cost of operation cannot be definitely ascertained.

(b) The reply to the first part is in the negative. The train was advertised to run in the belief that a very much larger number of passengers would have travelled. Action in regard to the latter part of the question is therefore not called for.

JHATKA AND HALAL MEAT SUPPLIED IN RAILWAY DINING CARS AND REFRESHMENT ROOMS.

307. ***Mr. Sri Prakasa:** (a) What type of meat—*Jhatka* or *Halal*—is supplied to customers using the dining cars attached to trains and the non-denominational restaurants at the railway stations?

(b) Are Government aware that many persons who use these are religiously bound to object to one type or the other of meat referred to above? If so, do Government propose to take steps to see that either these general dining cars and restaurants are reserved for Europeans only, or only vegetarian food is supplied therein?

(c) Is it a fact that there are Hindu and Muslim waiters in these dining cars and restaurants?

(d) Are Government aware that Hindus object to beef and Muslims to pork and that they are greatly aggrieved that being poor and helpless, they are compelled to serve these? If so, are Government prepared to prohibit the service of either meat, or enjoin on railways to employ as waiters only Europeans or such other persons who may have no objection to such meat?

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

(b) The reply to the first part is in the affirmative and to the second in the negative. The use of dining cars and restaurants is entirely optional.

(c) It is believed that the majority belong to the communities referred to.

(d) No. The men who take up employment as waiters know what they are likely to be required to do in that capacity.

TICKETS FOR THE BENGAL AND NORTH WESTERN RAILWAY PLATFORM AT THE BENARES CANTONMENT RAILWAY STATION.

308. ***Mr. Sri Prakasa:** (a) What is the arrangement of the East Indian Railway with the Bengal and North Western Railway regarding the use of the Benares Cantonment Railway Station by the latter?

(b) Is it a fact that the Bengal and North Western Railway have no system of platform tickets, and is it or is it not necessary to purchase platform tickets when going to receive or see off friends on the Bengal and North Western Railway platform at the Benares Cantonment station? If necessary, why is it so? If not, why are persons harassed when they do not purchase such tickets?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). I have called for the information required by the Honourable Member and will lay a reply on the table when it has been received.

RULES REGARDING PRIVATE SALOONS ON RAILWAYS.

309. ***Mr. Sri Prakasa:** (a) What are the rules regarding private saloons on railways? Can anyone get one built for himself for payment, or is it only allowed for persons of any particular rank? If the latter, why is it so?

(b) Has the person for whom it is built to pay the price of the same, and can he get it in accordance with his own design?

(c) What is the cost of haulage of such saloons, and what are the rules regarding the number of passengers that can travel in it without extra tickets?

(d) Has the maximum carrying capacity of such saloons been fixed, and if so, what is it?

(e) What class of tickets has to be purchased by persons travelling in these saloons besides the owner?

(f) Can the owner of a saloon lend it out for use to a friend; and, if so, what are the conditions, if any, attached to such transaction?

The Honourable Sir Muhammad Zafrullah Khan: (a) It is the policy of Government not to permit the private ownership of railway vehicles. Exceptions to this policy are made only in favour of Ruling Princes. For administrative reasons it is desirable that the number of privately-owned saloons should be strictly limited.

(b) The cost of the saloon is met by the Ruling Prince concerned. Privately-owned saloons are required to conform to standard dimensions, weights, etc., and subject to these limitations, their internal arrangements may follow the owner's wishes.

(c), (d) and (e). I would refer the Honourable Member to Rule 102, pages 147 to 149 of the Indian Railway Conference Association's Coaching Tariff, No. 10, a copy of which is in the Library of the House.

(f) The reply to the first part is in the negative, and the latter part does not, therefore, arise.

OVERTIME ALLOWANCE FOR THE DISPOSAL OF ENGLISH MAIL IN THE KARACHI POST OFFICE.

310. ***Mr. Lalchand Navalrai:** (a) With reference to my starred question No. 1506, answered on the 29th November, 1932, will Government please state on what date was the overtime allowance actually sanctioned and paid to the staff in connection with the disposal of the inward English Mail in the Karachi Post Office?

(b) Is it a fact that the staff was paid only for 35 occasions instead of the 66 occasions?

(c) Is it a fact that the circle officer asked the Director General, Posts and Telegraphs, to give sanction for the payment of overtime for the remaining 31 weeks also?

(d) Is it a fact that the Director General at first said that he was not prepared to approach Government again for the sanction?

(e) Is it a fact, that the above reply was given after the circle officer explained to the Director General that he was satisfied, by inspecting the records, that the mails during the 31 weeks in question had been actually

dealt with during the closed hours of sorting and delivery departments which mainly dealt with the work; and that the omission of 31 weeks from the original over-time statement prepared by the Karachi Post Office, was a mistake, and that the Post Master, Karachi, had definite orders to engage staff on overtime allowance and he did engage and order overtime staff on all the 66 occasions?

(f) Will Government please state why, in the face of the clear recommendation of the circle officer on the spot, the Director General's office turned down the request of the Postal Union?

(g) What do Government propose to do to give due relief to the staff concerned?

The Honourable Sir Frank Noyce: (a) The overtime allowance was sanctioned on the 13th February, 1934, and paid between the 24th and 28th February, 1934.

(b) The staff was paid on the 35 occasions on which it was established that overtime had been earned.

(c) to (f). The Government of India are not prepared to discuss official correspondence the existence of which could only have come to the Honourable Member's knowledge as a result of a breach of Rule 17 of the Government Servants' Conduct Rules.

(g) Government are not satisfied that any relief to the staff is due.

Mr. Lalchand Navalrai: May I know if the statement is correct that they had acted for more than 35 days?

The Honourable Sir Frank Noyce: I have said that the staff was paid for the 35 occasions on which it was established that overtime had been earned. It was presumably not established that overtime had been earned on other occasions.

Mr. Lalchand Navalrai: May I know that the department came to the conclusion that they had actually worked for more days?

The Honourable Sir Frank Noyce: Obviously not. The staff was paid for the 35 occasions on which it was established that the overtime had been earned.

POST OF THE STAFF MEMBER OF THE RAILWAY BOARD.

311. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state if they intend to refill the post of the 'Staff Member' on the Railway Board?

(b) If so, what are the reasons for it, and how do Government justify refilling the post when, owing to retrenchment and other causes, the appointment was abolished or allowed to remain vacant?

(c) Have the railway finances and income increased to justify refilling of this post? If so, how?

(d) In case of refilling the appointment, do Government propose to appoint an Indian to the post? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). The post of Member Staff on the Railway Board was neither abolished nor held in abeyance.

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

Mr. Lalchand Navalrai: May I know if there is that place of Staff Member to be filled up? If it was not in abeyance or postponed . . . .

The Honourable Sir Muhammad Zafrullah Khan: It was neither abolished nor held in abeyance; it was continuously filled.

Mr. Lalchand Navalrai: May I know who held it?

The Honourable Sir Muhammad Zafrullah Khan: If it is necessary for the Honourable Member to know, Mr. Tylden-Pattenson continued to hold it till a certain date.

CATERING IN REFRESHMENT ROOMS AND DINING CARS ON THE NORTH WESTERN RAILWAY.

312. ***Mr. Lalchand Navalrai:** (a) With reference to para. 13 of the memorandum of the Railway Board, dated 11th September, 1936, published at page 1 of the Summary of the Proceedings of the Meeting of the Central Advisory Council for Railways, dated 3rd and 8th October, 1936, will Government be pleased to state when, for the last time, were applications by advertisements called for, for the European catering in refreshment rooms and dining cars on North Western Railway?

(b) How many applications were received for Delhi, Lahore and Karachi sections?

(c) What was the method adopted for calling for the applications by advertisements?

(d) In which papers were the advertisements published?

(e) To whom were the contracts given, for how long, and on what grounds, and were the contractors Europeans or Indians?

The Honourable Sir Muhammad Zafrullah Khan: I am calling for the information required by the Honourable Member and will lay a reply on the table when it has been received.

SHORTAGE OF QUARTERS IN THE PAHARTALI RAILWAY COLONY OF THE ASSAM BENGAL RAILWAY.

313. ***Mr. Akhil Chandra Datta:** (a) Is it a fact that quarters in the Pahartali Railway Colony of the Assam Bengal Railway are not sufficient to meet the requirements of the railway employees?

(b) How many applications for quarters have been refused on the ground that there are none available?

(c) Have all employees applying for quarters been furnished with them?

(d) Has the Agent, Assam Bengal Railway, found it necessary to have more quarters?

(e) Is the shortage due to want of funds?

(f) How many quarters have been built during the years 1930, 1931, 1932, 1933, 1934, 1935 and 1936?

The Honourable Sir Muhammad Zafrullah Khan: Enquiries are being made from the Railway Administration and a reply will be laid on the table in due course.

DEVELOPMENT OF INDIAN SHIPPING.

314. *Mr. Akhil Chandra Datta: (a) Have Government studied and investigated the position of the Indian shipping interests and ascertained what are the obstacles in the way of the development of Indian shipping?

(b) What definite steps, if any, have been taken by Government since September 1929 to remove those obstacles?

(c) Have Government adopted any measures to enable Indians to enter the overseas trade of their own country?

(d) Have Government received any application for financial aid from any Indian enterprise to enable them to enter the overseas trade?

(e) If so, has any financial aid been so far rendered?

(f) Have Government collected statistics about the part played by the Indian shipping interests in overseas trade? If so, will Government be pleased to lay them on the table?

(g) Has any action been taken on the basis of those statistics?

(h) What is the policy of Government with regard to the development of Indian shipping?

The Honourable Sir Muhammad Zafrullah Khan: (a) The question has been engaging the attention of Government for some years past.

(b) The attention of the Honourable Member is invited to the reply given by me to a supplementary question asked by Mr. Satyamurti on the 5th February, 1936, with reference to his starred question No. 75.

(c) There is no bar to Indians engaging in overseas trade.

(d) Yes.

(e) No.

(f) The Honourable Member's attention is invited to the statement laid on the table on the 9th April, 1936, with reference to Mr. Gadgil's starred question No. 1308.

(g) No.

(h) To give it all possible and reasonable assistance.

RECRUITMENT OF BRITISHERS TO THE INDIAN CIVIL SERVICE.

315. *Mr. Akhil Chandra Datta: (a) Is there any proposal to appoint Britishers to the Indian Civil Service, apart from and independent of the results of competitive examination conducted for the purpose?

(b) Have Government made any recommendation to the Secretary of State to alter the present system of recruitment to the Indian Civil Service in England, so as to enable more Europeans than Indians to get into the service in England? If so, what is that recommendation?

(c) What are the circumstances and reasons which led to this recommendation?

(d) Has the Secretary of State taken any decision on that recommendation? If so, when, and what?

(e) What is the reason for the shortage of recruitment to this service during the last six years?

(f) What steps have been taken to make good the deficiency, and with what result?

(g) What will be the financial relief to India if an Indian is recruited in the place of an Englishman?

(h) What will be the total financial relief to India if recruitment is henceforth confined to Indians?

The Honourable Sir Henry Craik: (a) to (f). I would refer the Honourable Member to the statement made by me on this subject on the 31st August, 1936, in connection with an adjournment motion by Mr. S. Satyamurti on the floor of this House, and to the replies given by me to questions Nos. 47, 113, 125, 126, 132, 177, 178 and 671 on the 2nd, 3rd, 4th, 8th and 28th September, 1936, and supplementary questions and answers thereto.

(g) and (h). The financial relief will be represented by overseas pay, passage concessions, etc., which vary in amount with individual officers and during an officer's career, and cannot be evaluated without many unsafe assumptions.

Mr. Lalchand Navalrai: With regard to part (b) of the question, may I know if Indians get into service in England there?

The Honourable Sir Henry Craik: Yes.

Mr. Lalchand Navalrai: Is it a large number or only one or two men? I am talking of the English Civil Service.

The Honourable Sir Henry Craik: I cannot say. The question of recruitment to the English Civil Service is not part of my official duties.

Mr. Akhil Chandra Datta: With reference to the answer to part (g) of the question, can I have a very rough idea of the amount of financial relief?

The Honourable Sir Henry Craik: I am afraid I cannot give even a rough idea.

PROTECTION AND DEVELOPMENT OF HANDLOOM INDUSTRY.

316. ***Mr. Akhil Chandra Datta:** (a) What is the policy of Government with regard to the handloom industry?

(b) What definite measures, if any, have Government adopted for the protection and development of handloom industry during the last five years?

The Honourable Sir Frank Noyce: (a) and (b). The Government of India are making grants amounting to Rs. 5 lakhs a year for a period of five years to Local Governments for the development of the handloom

weaving industry. The money is being spent by Local Governments on various approved schemes. Particulars of the action taken by them will be found on pages 20, 26 and 27 of the Bulletins of Indian Industries and Labour No. 57, copies of which are in the Library of the House. That bulletin also gives particulars of the assistance given in other ways by Local Governments and of the fiscal protection afforded to cotton textiles in general.

Mr. Lalchand Navalrai: May I know if it will be a provincial subject after the advent of the new constitution? Will help to handloom industry be a question for the Provincial Governments?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can find that out for himself from the Act, or at any rate he can wait till the new Constitution comes into force.

CO-OPERATIVE EDUCATION AND TRAINING IN THE PROVINCES.

317. ***Mr. Akhil Chandra Datta:** (a) Are Government aware that as a result of the policy recommended by the Linlithgow Commission on Agriculture and supported by numerous other committees, the work of co-operative education and training was declared to be a fit subject to be entrusted to non-official bodies like apex co-operative federations? Do Government adhere to this policy?

(b) Will Government state the reasons that have led to a transfer of the work of co-operative education and training to the department just on the eve of the introduction of the new constitution without giving a fair trial to the policy recommended by the Linlithgow Commission and others?

Sir Girja Shankar Bajpai: (a) Government have been unable to trace in the Commission's Report any recommendation for the adoption of a policy such as the one stated by the Honourable Member.

(b) Does not arise.

ARTICLE ENTITLED "BOMBAY EXPOSED TO GRAVE DANGER IN EVENT OF WAR" PUBLISHED IN THE *SUNDAY STANDARD*.

318. ***Sir Muhammad Yakub:** (a) Has the attention of Government been drawn to an article under the heading "Bombay exposed to Grave Danger in event of War", published in the *Sunday Standard*, dated the 10th January, 1937?

(b) Have Government seen the Right Honourable Mr. V. S. Srinivasa Shastri's statement that "The world to-day was hastening towards a war of the highest magnitude in which all units will be involved"? If so, will Government state what steps, if any, they have taken, or are going to take, in order to keep India ready to meet all exigencies? If not, why not?

(c) Do Government propose to take any steps to safeguard Bombay, Karachi, Calcutta, Delhi, Peshawar, Rangoon, Madras and other important cities from destructive air raids? If not, why not?

The Honourable Sir Henry Craik: (a) I have read the article.

(b) and (c). The first part of the question asks for an opinion on a debatable subject. I am not able to disclose military measures taken for the protection of India but the question of the protection of the Civil population from ærial attack is at present under the consideration of the Government of India.

TRAVELLING BY AIR OF THE OFFICERS OF THE ALL-INDIA AND CENTRAL SERVICES.

319. *Mr. C. N. Muthuranga Mudaliar: Will Government be pleased to state:

(a) the number of officers (each class to be shown separately) of the All-India and Central Services, class I and class II, who have been furnished during the last two years, 1934-35 and 1935-36, at Government expense with first class 'C' passages by the P. & O. Steamers;

(b) whether it is proposed that the first two classes of officers should in future travel by air instead of by sea as at present, and, if so, the reasons for the change; and

(c) whether it is a fact that the change proposed is in support of the policy of His Majesty's Government in the United Kingdom to promote ærial navigation as part of their larger policy of strengthening all sides of their ærial services?

The Honourable Sir James Grigg: (a) Officers of Central Services, Class II, sent out of India, are not eligible for First Class "C" passages by P. & O. The information in respect of officers of All-India Services and Central Services, Class I, is not readily available. Government consider that the advantage to be gained by collecting it from various sources will not be commensurate with the labour involved.

(b) Government have issued instructions with the object of encouraging officers of the All-India Services and Central Services, Class I, whose deputation pay exceeds a particular limit, to travel by air rather than by sea as they have estimated that such travel will, on the whole, be more economical to Government.

(c) No.

ALLOWANCES OF THE GOVERNOR GENERAL.

320. *Mr. C. N. Muthuranga Mudaliar: Will Government be pleased to state:

(a) the various allowances, other than his pay, of which the Governor General of India is in receipt;

(b) the allowances of which he will be in receipt after the inauguration of Federation; and

(c) the total allowances of the Governors General of Australia, Canada, South Africa and New Zealand?

The Honourable Sir James Grigg: (a) The Governor General of India is in receipt of the following allowances, other than his pay:

	Rs.
Sumptuary allowance	40,000
Contract allowance	1,41,800
State conveyances and motors	43,000
Presents and charities	10,000
Customs duty on imported stores	8,000
Purchase of glass, crockery and linen	16,000
Tour expenses	4,70,000

(b) No decision has yet been reached.

(c) Government have no information.

EXPENDITURE PROVIDED FOR DEFENCE PURPOSES.

321. ***Mr. C. N. Muthuranga Mudaliar:** Will Government be pleased to state:

(a) the expenditure provided for defence purposes in the current year's budget of the Dominions of Canada, Australia, New Zealand and South Africa;

(b) what percentage of the total expenditure is it in each case; and

(c) what percentage of the total expenditure is the similar expenditure provided for India?

Mr. G. R. F. Tottenham: (a) and (b). The required information is not available for the current year. I would, however, refer the Honourable Member to the Armaments Year Book, 1935, and the Statistical Year Book, 1935-36, which are issued by the League of Nations and which contain information on the subject. It is made clear in the books themselves that there is no comparability between the figures of the different countries owing to differences (1) in the proportion between public and private activities, (2) in the proportion between the activities of the central, regional, local and other public bodies, and (3) in methods of accounting.

(c) About 25.

ENQUIRY BY EXPERTS INTO THE INCOME-TAX SYSTEM IN INDIA.

322. ***Mr. C. N. Muthuranga Mudaliar:** Will Government be pleased to state:

(a) whether the enquiries conducted by certain income-tax experts imported from the United Kingdom recently have been completed; and if so, whether their report will be published; if not, why not;

(b) when they first started on their investigation;

(c) the period during which Government anticipated they would be employed; and

(d) whether that period has been greatly exceeded, and, if so, by how much, and why?

The Honourable Sir James Grigg: (a) I would refer the Honourable Member to the reply given to parts (a) and (b) of question No. 202 on the 25th of January, 1937.

(b) About the end of October, 1935.

(c) A year or so.

(d) No.

RE-ORGANISATION OF THE GOVERNMENT OF INDIA SECRETARIAT.

323. *Mr. C. N. Muthuranga Mudaliar: Will Government be pleased to state:

(a) whether they have under consideration the reorganisation of the existing central Secretariat in connection with the forthcoming reformed constitution of the centre, and if so, whether they have considered the question of the pay of officers of the superior services employed in the Secretariat, and if not, why not;

(b) whether they have considered the question of the revision of the present scales of pay for posts of Secretary, Joint Secretary, Deputy Secretary, Under and Assistant Secretary either in connection with the changes contemplated in connection with the reorganisation of the Secretariat, or in connection with the introduction of new scales of pay, and if so, the result of such consideration, and if not, why not; and

(c) whether it is a fact that special pay or fixed pay attached to the posts referred to in part (b) above is not an 'accruing' right of the services concerned, and if so, whether the question of refixing it in accordance with the economic conditions of India will be considered?

The Honourable Sir Henry Craik: (a) The reply to the first part is in the affirmative.

(a) second part and (b). The scale of pay of the post of Assistant Secretary has already been reduced for new entrants, and the question of the revision of pay of other superior posts has been deferred for the present.

(c) The reply to the first part is in the negative and the second part does not arise.

UNSTARRED QUESTIONS AND ANSWERS.

APPOINTMENT OF MUSLIMS AND OTHER MINORITIES IN THE CENTRAL SERVICES.

15. Sir Muhammad Yakub: (a) Will Government be pleased to lay on the table of the House a complete statement showing to what extent effect was given to the Government of India's Resolution relating to the appointment of the Musalmans and other small minorities in the Central Services, including the Railways and the Postal Department, during the year 1936, giving reasons when the directions contained in the Resolution could not be given effect to?

(b) Will Government be pleased to state how many posts were declared "Technical" in various departments, since the Government of India's Resolution mentioned in part (a) of this question was issued, and pointing out how many should have been allotted to Muslims if they had not been so declared?

The Honourable Sir Henry Craik: (a) The information will be contained in the annual returns for 1936, which will be laid on the table of the House in due course.

(b) I lay on the table a list of posts excluded from the orders about communal representation, because they require high technical or special qualifications or because their number is too small for the orders to be applied. There is nothing to prevent the appointment of Muslims to these posts if they possess the necessary qualifications.

List of Services and Posts excluded from the scope of the orders contained in the Home Department Resolution No. F.-14/17-B/33-Ests., dated the 4th July 1934, regarding communal representation in the services.

Services and Posts.	Class of Service.
1.—COMMERCE DEPARTMENT.	
1. Bengal Pilot Service	Central, Class I.
2. Mercantile Marine Training Ship Service	Do.
3. Nautical Adviser to the Government of India	General Central, Class I.
4. Chief Surveyor with the Government of India	Do.
5. Actuary to the Government of India	Do.
6. Secretary, Indian Accountancy Board	Do.
7. President and Members, Tariff Board	Do.
8. Principal Officers, Nautical Surveyors, Principal Engineer and Ship Surveyors, and other Engineer and Ship Surveyors of the Mercantile Marine Department at the ports of Karachi, Bombay, Madras, Calcutta and Chittagong	Do.
9. Ship Surveyors, Mercantile Marine Department, Bombay and Calcutta	Do.
10. Headmaster, Indian Mercantile Marine Training Ship "DUFFERIN"	Do.
11. Shipping Masters, Bombay and Calcutta	Do.
12. Director-General of Commercial Intelligence and Statistics	Do.
13. Deputy Directors of Commercial Intelligence and Statistics	Do.
14. Deputy Director of Statistical Research at the headquarters of the Government of India	Do.
15. Engineer-in-Chief, and Engineer, Lighthouse Department.	Do.
16. Wireless Telegraphy Inspectors, Mercantile Marine Department	General Central, Class II.
17. Medical Officer of the Indian Mercantile Marine Training Ship "DUFFERIN"	Do.
18. Deputy Shipping Masters, Bombay and Calcutta	Do.
19. Assistant Shipping Master, Calcutta	Do.
20. Chief Engineers of the Pilot Vessels belonging to the Bengal Pilot Service	Do.
21. Assistant Actuary to the Government of India	Do.
22. Commercial Accountant, Lighthouse Department	Do.
23. Foremen Lighthouse Mechanics on the Headquarters Lighthouse Establishment	Do.
24. Draftsman and Clerks, Engineer-in-Chief's Office, Lighthouse Department	General Central, Subordinate.

Services and Posts.	Class of Service.
I.—COMMERCE DEPARTMENT—*contd.*	
25. Mechanics and Storekeeper Clerk at the Madras Lighthouse Workshop	General Central, Subordinate.
26. Subordinate Staff in the Lighthouse Districts	Do.
27. Crews of the Launches belonging to the Mercantile Marine Department, Calcutta and Bombay	Do.
28. Crews of Light Vessels	Do.
29. Crews (including Engineer Officers but excluding Chief Engineers) of the Pilot Vessels belonging to the Bengal Pilot Service and the Steam Launch "AID"	Do.
30. Accountant for the Leadsmen's Quarters at Calcutta	Do.
31. Assistant Masters, Clerks, and Crews of the Indian Mercantile Marine Training Ship "DUFFERIN"	Do.
32. High Commissioner for India	Unclassified.
33. Deputy High Commissioner for India	Do.
34. Secretary, Public Department, Office of the High Commissioner for India	Do.
35 Indian Trade Commissioners	Do.
36. Deputy Indian Trade Commissioner, London	Do.
II.—DEFENCE DEPARTMENT.	
1. Caretaker, Army and R. A. F. Headquarters.	Posts on the Army side are not subject to the Civil Services (Classification, Control and Appeal) Rules, and hence no classification can be given.
2. Workmen's Establishment of the Royal Indian Navy.	
3. Ratings of Military Launches.	
4. Chief Maulvi, Board of Examiners.	
5. Translators and Librarians, Fauji Akhbar Section.	
6. All Posts in the Army Educational Establishments.	
7. Army Language Teachers.	
8. Accountant, A. G.'s Branch.	
9. Recruiters and clerks of the offices of the A. T. R. Os.	
10. Clerical staff of the Indian Territorial Force.	
11. Civilian Clerks of the Indian Signal Training Corps, S. T. C., Jubbulpore.	
12. Civilian Clerks with units of the Auxiliary Force in India.	
13. Religious Teachers for units of the Army in India.	
14. Clerical staff of the Command Offices of Judge Advocate General's Department.	
15. Civilian staff under the Director of Medical Services.	
16. Assistant Farm Overseers and Zilladars and all locally recruited staff of the Army Remount Department.	
17. Surveyors Assistants, and Superintendents, Electrical and Mechanical, Military Engineer Service.	
18. Draughtsman, M. G. O.'s Branch.	
19. Assistant Works Managers, Ordnance and Clothing Factories.	
20. Technical Staff of the Indian Ordnance Inspection Section (Lethal Stores Inspectorates).	
21. Technical staff of the Indian Army Ordnance Corps.	
22. Overseer, Sub-Overseer, and Tally Clerks, Controller Flour Mills, Lyallpur.	
23. Draughtsmen, First Grade, Aircraft Depot, R. A. F., Drigh Road.	
Two posts under the R. I. N. at Calcutta.	
Advisory Chemists, Assistant Chemists, and Laboratory Assistants, Medical Stores Depots.	
26. Cutlers, Medical Stores Depots, Lahore and Calcutta.	
III.—EDUCATION, HEALTH AND LANDS DEPARTMENT.	
1. Medical Research Department	Central, Class I.
2. Zoological Survey of India	Do.
3. Government Epigraphist for India, Superintendent for Epigraphy, and Assistant Superintendent for Epigraphy, Archæological Department	Do.

Services and Posts.	Class of Service.
III.—EDUCATION, HEALTH AND LANDS DEPARTMENT—*contd.*	
4. Imperial Agricultural Research Institute and Sub-Stations	Central, Class I and Class II.
5. Imperial Dairy Institute	Do.
6. Imperial Veterinary Research Institute and Sub-Stations	Do.
7. Botanical Survey of India	Do.
8. Agents of the Government of India in South Africa, Ceylon and British Malaya	General Central, Class I.
9. Secretary to the Agent of the Government of India in S. Africa	Do.
10. Assistant Secretary to the Agent of the Government of India in South Africa	General Central, Class II.
11. Epigraphical Assistant, Reader, and Clerks, office of Government Epigraphist for India	Central Subordinate.
12. Assistant, Clerks, and Custodian, Office of the Superintendent for Epigraphy	Do.
13. Custodians, Agra and Lahore Forts, and Custodian, Archæological Area, Delhi Fort and Curator, Indian War Memorial Museum	Do.
14. Entomological Assistant, Laboratory Assistants, Artists, Gallery Assistants, Taxidermists, and Insect Setters, Zoological Survey of India	Do.
15. Ministerial establishments of the Agents of the Government of India in South Africa, Ceylon, and British Malaya	Unclassified.
IV.—FINANCE DEPARTMENT.	
A.—Posts directly under the Finance Department.	
1. Master, Deputy Master, and Assistant Master, Security Printing, India	General Central, Class I.
2. Deputy Controller of Stamps	Do.
3. Assistant Master, Currency Note Press	Do.
4. Controller of the Currency	Do.
5. Deputy Controller of the Currency	Do.
6. Mint Masters, Bombay and Calcutta	Do.
7. Deputy Mint Master	Do.
8. Chief Assayer, Mint, Bombay	Do.
9. Chief Inspector, Control, Engraver, Supervisors (Technical), Junior Supervisors (Technical), and Assistant Supervisors (Technical), Security Printing, India	General Central, Class II.
10. Personal Assistant to the Controller of the Currency	Do.
11. Artist Engraver, Calcutta Mint	Do.
12. Estate Custodian, Security Printing, India	General Central, Subordinate.
13. Bullion Establishment at the Mints	Do.
14. Fifty per cent. of the Supervising Staff of the Operative Establishment at the Mints (Reserved for Europeans, Domiciled Europeans and Anglo-Indians)	Do.
B.—Posts under the Central Board of Revenue.	
15. Members and First Secretary, Central Board of Revenue	General Central, Class I.
16. Special Chemical Adviser to the Central Board of Revenue	Do.
17. Chemical Examiners, Calcutta and Bombay Customs Houses	Do.
18. Chief Mining Engineer, Northern India Salt Revenue, Khewra	Do.
19. Superintending Electrical and Mechanical Engineer, Khewra	Do.

Services and Posts.	Class of Service.
IV.—FINANCE DEPARTMENT—*contd.*	
***B.—Posts under the Central Board of Revenue*—contd.**	
20. Customs Appraisers Service*	Central, Class II.
21. Assistant Chemical Examiners, Karachi, Madras, and Calcutta Customs Houses	General Central, Class II.
22. Personal Assistant to the Special Chemical Adviser to the Central Board of Revenue	Do.
23. Opium Chemist, Opium Factory, Ghazipur	Do.
24. Mechanical and Electrical Engineer, Sambhar	Do.
25. Mines Manager, Khewra	Do.
26. Clerks in the Reserve Stamp Depot.†	General Central, Subordinate.
V.—FOREIGN AND POLITICAL DEPARTMENT.	
1. Political Department of the Government of India	Central, Class I.
VI.—HOME DEPARTMENT.	
1. Posts of Chief Judge and Puisne Judge in the Chief Court, Oudh, and Additional Judicial Commissioner, N.-W. F. P., when held by a Barrister, Advocate, or Vakil	General Central, Class I.
2. Government Examiner of Questioned Documents, Assistant Government Examiner of Questioned Documents, and Assistant Director, Intelligence Bureau	Do.
3. Deputy Director and Assistant Directors, Intelligence, Peshawar	Not classified yet.
4. Secretary and Assistant Secretary, Public Service Commission	General Central, Class I.
5. Director, Deputy Director, and Additional Deputy Directors, Public Information	Do.
6. Deputy Central Intelligence Officers; Deputy Superintendent, Intelligence, Peshawar; and Deputy Superintendents of Police, Delhi and Coorg	General Central, Class II.
7. Confidential Assistant, Intelligence Bureau	Do.
8. Personal Assistant to the Chief Commissioner, A. & N. Islands; Assistant Commissioner, Nicobars; Extra Assistant Conservators of Forests, and Exploitation Officers, Andamans Forest Department	Do.
9. Photographer, Intelligence Bureau	General Central, Subordinate.
10. Tahsildar and Sub-Inspector of Police under the Deputy Director, Intelligence, Peshawar and Assistant Central Intelligence Officers	Do.
11. Senior Special Assistant and Confidential Assistant, Office of the Public Service Commission	Do.
VII.—IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.	
1. Vice-Chairman, Agricultural Expert, Animal Husbandry Expert, and Secretary	General Central, Class I.
2. Agricultural Marketing Adviser to the Government of India	Do.
VIII.—INDUSTRIES AND LABOUR DEPARTMENT.	
1. Indian Ecclesiastical Establishment	Central, Class I.
2. Indian Meteorological Service	Do.
3. Geological Survey of India	Do.
4. Mines Department	Do.

*Any direct appointments made to this service otherwise than on the basis of special technical qualifications will not be outside the scope of the Resolution of 4th July 1934.

†This staff will come within the scope of the Resolution of 4th July 1934 as soon as the term of the contract of the present Storekeeper expires.

Services and Posts.	Class of Service.
VIII.—INDUSTRIES AND LABOUR DEPARTMENT—*contd.*	
5. Posts in the Indian Stores Department, except the posts of Deputy Director, and Assistant Director, Administration and Intelligence	General Central, Class I.
6. Posts at the Indian School of Mines	Do.
7. Posts in the Civil Aviation Directorate	Do.
8. Patents and Designs Department	Do.
9. Consulting Architect, Architect, Electrical Engineer, and Administrative Officer, Central Public Works Department	Do.
10. Controller of Broadcasting	Do.
11. Station Directors, Station Engineers, and Directors of Programmes, All-India Radio	General Central, Class II.
12. Explosives Department	Do.
13. Posts in the Civil Aviation Directorate, except the posts of Superintendents in the office of the Director of Civil Aviation in India	Do.
14. Patents and Designs Department	Do.
15. Superintendent, and Assistant Superintendent, Horticultural Operations; Works Assistant; Quantity Surveyor; Financial Assistant and Rent Officer; and Assistant Estate Officer, Central Public Works Department	Do.
16. Consulting Engineer to the Government of India	Not yet classified.
17. Assistant to the Consulting Engineer to the Government of India	Do.
18. Storekeeper, Deputy Store Keepers, and Assistants and Clerks, Stationery Stores Section of the Central Stationery Office, Calcutta.*	General Central, Subordinate.
IX.—LEGISLATIVE DEPARTMENT.	
1. Secretary, Joint Secretary and Draftsman, and Deputy Secretary, when held by a non-I. C. S. Officer	General Central, Class I.
2. Solicitors, and Assistant Solicitor to the Government of India	Do.

*These posts will come within the scope of the Resolution of 4th July 1934 as soon as the term of the contract of the present Storekeeper expires.

REMOVAL OF BAN PLACED ON MAULANA OBAIDULLAH SINDHI.

16. **Seth Haji Abdoola Haroon:** (a) Are Government aware of the fact that Maulana Obaidullah Sindhi, who had emigrated about twenty years ago from India to Afghanistan, is at present staying at Mecca?

(b) Is it a fact that a ban has been imposed by Government on his entry into India?

(c) Are Government aware that Maulana Obaidullah desires to come back to his native land—India—as he is seventy years old, and cannot put up with the inconvenience of remaining away from home?

(d) Is it a fact that similar bans put on other emigrants of the same type have recently been removed by Government?

(e) Are Government prepared to remove the ban on the Maulana and allow him to return to India? If not, why not?

The Honourable Sir Henry Craik: (a) to (e). I would invite the attention of the Honourable Member to the reply given by Sir James Crerar to his question No. 347 on the 3rd February, 1931. Maulvi Obeidullah Sindhi has not himself asked for facilities to return to India.

The Honourable Sir Nripendra Sircar (Law Member): Sir, I move for leave to introduce a Bill to consolidate and amend the law relating to the business of insurance.

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

"That leave be granted to introduce a Bill to consolidate and amend the law relating to the business of insurance."

The motion was adopted.

The Honourable Sir Nripendra Sircar: Sir, I introduce the Bill.

RESOLUTION *RE* DRAFT CONVENTION OF THE INTERNATIONAL LABOUR CONFERENCE *RE* MAINTENANCE OF RIGHTS UNDER INVALIDITY, OLD-AGE AND WIDOWS' AND ORPHANS' INSURANCE.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I beg to move:

"That this Assembly having considered the draft Convention concerning the establishment of an international scheme for the maintenance of rights under invalidity, old-age and widows' and orphans' insurance, adopted by the Nineteenth Session of the International Labour Conference, recommends to the Governor General in Council that he do not ratify the Convention."

This Resolution, Sir, if I recollect correctly, has been on the list of business of the House for the last two Sessions. It has been crowded out by more important business. I do not think that I need detain the House by a lengthy exposition. Members who have studied the report presented by our delegates to the 1935 Conference of the International Labour Office, Sir Bhupendra Nath Mitra and Sir Joseph Bhore, will recollect that they hold the view that the Convention is one which has no practical application to India. This Convention arises out of a series of social insurance conventions adopted by the International Labour Conference in 1933, which provided for elaborate systems of invalidity, old-age and widows' and orphans' insurance. The Conventions were considered by this House and also by the Council of State towards the close of 1933. The House agreed with the Government that the Conventions should not be ratified and indeed, if I recollect correctly, not a single Member suggested their ratification.

Now, the present Convention is merely designed to secure international co-ordination of the various systems of social insurance to which it refers. I cannot explain the position better and also more briefly than by citing a short passage from the report of our delegates. I would remind the House that those two delegates, Sir Bhupendra Nath Mitra and Sir Joseph Bhore, had very special knowledge of labour conditions in this country. What they said was:

"In the course of discussion in the Conference, it was pointed out that, in the absence of international arrangements, a worker who is employed and is compulsorily insured successively in two or more countries is often unable to fulfil the qualifying conditions required separately by the national schemes. He loses credit for the contributions paid in respect of him in the first country, because he interrupts his

insurance, and, in the second country, he either does not qualify for a pension, or obtains only a small pension corresponding to the time he has worked there. The problem of the removal of these and similar disabilities had already found a partial solution in many bilateral treaties contracted between countries of emigration and countries of immigration. The Conference held that a complete and satisfactory solution could only be achieved by means of an international convention. The draft convention, therefore, is more or less a generalisation of the characteristic points of the existing bilateral treaties."

It follows from that that the question does not concern this country for three reasons. The first is that we have not the systems to co-ordinate; the second is that it is not practicable to set up the systems and the third is that even if the systems were in existence, their co-ordination for a country like India which is separated by thousands of miles from any other country with a system of this kind would be a matter of no practical importance. It is for this reason that I ask the House to adopt my Resolution. Sir, I move.

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

"That this Assembly having considered the draft Convention concerning the establishment of an international scheme for the maintenance of rights under invalidity, old-age and widows' and orphans' insurance, adopted by the Nineteenth Session of the International Labour Conference, recommends to the Governor General in Council that he do not ratify the Convention."

Mr. N. M. Joshi (Nominated Non-Official): Mr. President, in the course of his remarks, the Honourable Member in charge of the Department of Industries and Labour stated that the discussion on this Resolution was crowded out on account of some more important business as having to be transacted in this House. I feel, Sir, that it is a great pity that the Government of India should not consider the consideration of labour questions of sufficient importance. In any case, it is a great pity that the consideration of these matters should be treated as less important than the consideration of other matters. There are other indications of this fact that the consideration of labour matters is not regarded as very important by the Government of India. I hear that the Government of India have agreed to postpone the consideration of some important measures during the absence of Congressmen from this House. The very fact that they take up this measure in their absence shows that the Government of India do not attach sufficient importance to the consideration of these matters. But, Sir, there are other reasons why I feel that the Government of India do not attach sufficient importance to the work of the International Labour Organisation. For some years, I have been pressing the Government of India to send an adequate delegation for the International Labour Conferences. For some years the Government of India sent one delegate for employers and one delegate for Labour, and they also sent some number of advisers although that number was always very small. Then they stopped the practice of sending advisers on the ground of finance. Well, Sir, in these days, when the Government of India can easily throw away two crores of rupees on what they call "rural uplift" *(Sir Cowasji Jehangir*: "Throw away"?), it should not have been difficult for them to spend a few thousand rupees on this object. Fortunately, the Government changed their policy, and last year they sent one delegate and one adviser on behalf of labour and one delegate and one adviser on behalf of employers also. I would suggest to the Government of India that if they

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give sufficient importance to the work of the International Labour Organisation, they should not object to spending a small amount of additional money for sending an adequate delegation to the International Labour Conferences. (*Sir H. P. Mody*: "I agree".) I am glad my Honourable friend, Sir H. P. Mody, agrees with me. I have no doubt that he will exert his undoubted influence with the Government of India in this matter.

Then, I would like to draw the attention of the House to a statement which the Honourable Member in charge of the Department of Industries and Labour placed yesterday before this House. From that statement you will find that the Government of India propose to follow some new procedure in considering the decisions of the International Labour Organization. In that statement they also mentioned that they do not propose to ratify the Convention regulating certain systems of recruitment and also that they do not propose to take action on the recommendation concerning that subject. Ordinarily the Government of India should have placed a Resolution before this House, if they did not want to take any action or if they did not want to ratify that Convention. I do not know why the Government of India should have changed their procedure, and here I would like to appeal not only to the Government of India, but to the Members of the Legislature and also to you, Sir, personally, who is in charge of the privileges of this House that this House should not be deprived of the power which it has enjoyed for so many years. It has been the accepted practice of the Government of India that if they have to take any action or if they want to refuse to take any action, that decision shall be the decision of the House and not of the Government of India. The Government of India, by issuing this statement and by telling us that they do not propose to ratify the Convention, without placing a Resolution before the House, have deprived the House of the power which it has possessed for more than fifteen years. Sir, I would like the Members of the Legislature to take some interest in the powers and privileges of this House and I would like to protest strongly against the Government of India arrogating to themselves the right to change the established practice in this matter. I strongly protest against the action of the Government depriving this Legislature of the undoubted right which this House has enjoyed for more than fifteen years. This Convention, the Government of India explain, regulating the recruitment of some special classes of workers, is not applicable to India, but I am not so sure about that fact. The Government of India in their statement say this:

"The Convention is designed to regulate the recruiting of indigenous workers in the territories of Members of the International Labour Organization and the term 'indigenous workers' is defined as including 'workers belonging to or assimilated to the indigenous populations of the dependent territories of Members of the Organization and workers belonging to or assimilated to the dependent indigenous populations of the home territories of Members of the Organization'. This definition was carefully drafted by the Committee, so that it would only cover the conditions which the Convention was framed to meet. It is not designed to cover conditions in India, since India has no dependent territories and no workers belonging to or assimilated to the dependent indigenous populations of her home territories."

Sir, I am not quite sure about the accuracy of this last statement. The Government of India say that India has no dependent territories. Surely, what are the Indian States, if they are not dependent territories of the Government of India and of British Government?

The Honourable Sir Frank Noyce: Sir, I must take strong objection to my Honourable friend's statement that Indian States are dependent territories of British India. I think that statement is open to the gravest objection; it is a travesty of the facts.

Mr. N. M. Joshi: I do not know what is open to the gravest objection. Is it open to the gravest objection to say that the British Government controls the destinies of the Indian States?

Mr. President (The Honourable Sir Abdur Rahim): I do not think that is a matter which can be discussed now. As a matter of fact, they are not part of the Government of India or under the Government of India.

Mr. N. M. Joshi: The question, Sir, is not that they are a part of the Government of India; the question is whether they are a part of India.

The Honourable Sir Frank Noyce: I must ask your ruling, Sir, as to whether my Honourable friend is entitled to discuss it at all.

Mr. President (The Honourable Sir Abdur Rahim): The Chair has perhaps given its ruling.

Mr. N. M. Joshi: I would like to be allowed to say this that as great an authority as Lee-Warner has called them Protected Princes.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must not continue that discussion.

Mr. N. M. Joshi: The second point is—"workers belonging to or assimilated to the dependent indigenous populations of her home territories". Now, we have got what we call "Excluded Areas".

The Honourable Sir Frank Noyce: Sir, is my Honourable friend in order in discussing at all a Convention which is not before the House? I have not interrupted him so far, because I realise that he is entitled to state his views on the procedure which the Government of India propose to adopt in respect of Conventions and Recommendations in the future. He has every right to discuss that; and I propose, in reply, to explain why we propose to adopt this procedure; but I do submit that he is not in order in going into details of Conventions in respect of which we do not propose to move Resolutions and details of which are not at present before the House.

Mr. N. M. Joshi: May I say this that I am not going into any details of Conventions at all.

The Honourable Sir Frank Noyce: My Honourable friend has been doing that for the last five or six minutes.

Mr. N. M. Joshi: I am challenging the statement of the Government that in India there is no section of population to which the Convention applies. I am showing the applicability of the Convention to Indian conditions. I realise that I cannot go into the details of this Convention, and I

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shall content myself by saying that the Government are wrong in stating that there are no sections of the population to which the Convention should apply; and I maintain that the population of the Excluded Areas is covered by this Convention. Sir, I shall not say any more on that point. As regards the Convention itself, I can understand the attitude taken up by Government in not ratifying this Convention. This Convention deals with some co-ordination between different countries in the matter of social insurance schemes, protecting people against the incidents of invalidity and old age and certain disabilities. But, Sir, India is not in a position to ratify this Convention on account of the fact that India has not yet established any scheme of social insurance protecting the working classes of this country against invalidity, old age and such disabilities to which they are subject. I feel that time has come when this Legislature should enter an emphatic protest against the failure of Government for establishing a system by which workers will be protected during sickness and during old age. When workers are neglected during sickness, their efficiency is bound to suffer. If a man does not feel some security of maintenance during his old age, his efficiency, during his working period, is bound to suffer. A man who is anxious about his old age and feels that there is no provision about it cannot do his work as satisfactorily as a man whose old age is safeguarded. It is for that reason that the Government of India provide sick leave to their employees: it is for that reason the Government of India provide pensions to their employees: and if it is necessary to protect the well-paid employees of the Government of India, who draw as much as Rs. 2,000 and Rs. 3,000 a month, against the anxiety for the provision of old age, and if they are to be protected during days of sickness, is it not necessary that poor people, who draw Rs. 10, or Rs. 15, or Rs. 25 a month, should be protected during their sickness and during their old age? I am sure, there is nobody in this House who will maintain that the needs of the people who draw Rs. 2,000 and Rs. 3,000 in this matter are greater than the needs of the poor people. I would, therefore, suggest to the Members of this Legislature to support me in demanding from the Government of India that they should not delay the establishment of a system of social insurance protecting the working classes against sickness and during their old age. If they do that, the efficiency of the workers of this country will increase, and from that point of view I would suggest to my Honourable friend, Sir H. P. Mody, to support me in my demand that the Government of India should, without loss of time, take up the question of the establishment of a system of social insurance in this country. Sir, I have done

The Honourable Sir Frank Noyce: Sir, my Honourable friend, Mr. Joshi, following his usual custom, has taken advantage of the opportunity presented to him to cover a much wider field than that covered by the Resolution before the House. In the course of a speech which lasted some 20 minutes, he devoted exactly half a minute to the Resolution which I had moved. He has taken advantage of the opportunity to attack Government on various points.

Mr. N. M. Joshi: Is it wrong?

The Honourable Sir Frank Noyce: I am not entering into the merits of that: I am merely stating the facts. I would repeat that my Honourable friend has taken advantage of the opportunity to attack Government

on various points. He first attacked them on the ground that the postponement of this Resolution from the last two Sessions was evidence of the callous neglect on the part of Government of labour questions. On that point, I should like to remind him that on both occasions I was perfectly willing to move this Resolution. I do not remember exactly why it was crowded out on the first occasion, but I can tell my Honourable friend very definitely that it was not the Government of India who crowded it out on the last occasion. I was perfectly prepared to move it at the end of the last Simla Session, and, I think, also at the end of the last Delhi Session, but on neither occasion did the House wish to go on with it. In any case, what I would like to impress upon the House is that I did no more than assent that this Convention is unimportant as far as India is concerned. In both the Sessions, to which my Honourable friend has referred, this House has devoted a considerable amount of time to labour matters. In the Delhi Session, we had, I think, the Payment of Wages Bill, and, in the last Simla Session, we had the Trade Disputes Bill. I submit that by taking up the Resolution at this stage we have shown no neglect whatever of the importance of labour questions. My Honourable friend in making that accusation is displaying a complete lack of perspective. His second accusation was that this is an important matter—I trust I have proved to the House that it is not—and that Government had no right to bring it forward when they had agreed to postpone more controversial matters till the House is at its full strength. I can only say in that respect—and I have the full authority of the Leader of the House for doing so—that Government have not entered into any agreement to postpone any Government business, because the House is not at present at its normal strength.

Then, Sir, he referred to the inadequacy of the Indian Delegation to the International Labour Conferences. He admitted that we strengthened it last year, but Mr. Joshi is never satisfied and always asks for more. As he knows full well, the strength of our Delegation is determined by two factors, the first of which is financial condition. We have to cut our coat according to our cloth. The second factor is the importance of the agenda to India. His main attack, however, was directed to the procedure which we propose to adopt in regard to placing further draft Conventions and Recommendations adopted by the International Labour Conference before this House. I admit that he is entitled to a full explanation of the reasons which have led us to adopt that course, and I propose, with your permission, Sir, to state very briefly what they are. I indicated some time ago to this House that we were not entirely satisfied with the procedure which is at present in force. That procedure has been ordinarily, though not invariably,—and this is a point which I would like to bring to the special notice of my Honourable friend—to bring before both Houses Resolutions dealing with each Convention and Recommendation that would involve legislation in order to enable it to be put into effect. We have followed this procedure whether we propose to ratify a Convention or to implement a Recommendation or whether we propose to take no action at all. So far as I have been able to ascertain,—and we have made the most careful inquiries on the subject,—this procedure is not followed in any other country in the world and we are satisfied that there is no legislative or treaty obligation to follow it here. It is far from being an ideal practice as, I am sure, this House is already aware. The mere fact that I am bringing forward today a Resolution that ought to have been brought forward a year ago is sufficient evidence of that.

[Sir Frank Noyce.]

Recently, to give another example, it led to a debate on the application of the 40 hours a week to glass bottle works just after the House had rejected the main 40 hour week Convention. It also involved discussing a Convention on Coal Mines which differed, in altogether minor and unimportant respects, from the one previously rejected by the House. The increasing volume of other and—in spite of what my Honourable friend has said I maintain,—frequently more important business renders it desirable that we should not ask the House to enter on debates which can serve no useful purpose. It is appropriate that as in the case of other business, the initiative should ordinarily rest with those who desire action. At the same time looking back over the very numerous debates which have dealt with the recommendations of the International Labour Conference, I feel that in many cases, and I would even include some cases in which no action has been taken, the debates have been of distinct value. When new ideas in the field of labour legislation emerge from the Conference at Geneva, the debate serves the purpose of giving the Government some indication of public opinion on the subject and also helps to stimulate the social conscience in this country on these matters. We are, therefore, anxious to make no alteration in procedure which could be regarded in any way as tending to stifle discussion on subjects which are of any practical importance to India or which are so regarded by a substantial portion of the House. The steps we propose to take are those which have been indicated in the statement which I laid on the table of the House yesterday. In the first place, it is our intention to place all the Conventions and Recommendations on the table of the House ensuring that every Member gets a copy of these. At the same time, we shall place on the table a short statement, as I did yesterday, indicating for each Convention and Recommendation the action which we propose to take. Where that action involves fresh legislation, we shall normally introduce legislation itself instead of proceeding first by Resolutions. If legislation is approved, that will place us in a position to proceed to ratification or such other action as may be agreed upon. If action in other directions than legislation is proposed, we shall normally proceed by Resolution, unless as has happened on some occasions in the past, Government already have the authority to take the action required. Further we shall not feel precluded from moving a Government Resolution even in cases where no action is proposed, if the obvious practical importance of the subject renders this step desirable.

As I have already stated, the House will be informed as soon as they receive the Conventions and Recommendations whether Government propose to proceed by legislation or by Resolution or to bring no proposal before the House. In case where the House is informed that Government do not propose to bring any proposal before it in respect of a Convention or a Recommendation, it will be open to Members who differ from the view taken by Government of the desirability or practicability of taking action to table Resolutions on the subject indicating the action which they consider suitable. Now, Sir, I recognise that all the Resolutions tabled in the House do not find a place in the ballot. But where notices of a Resolution indicate that there is a general desire for the discussion of any such Convention or Recommendation, and the ballot has failed to give the Resolution in question an opportunity of being discussed, all I can say is that we shall be prepared to consider the allotting of Government time to such a Resolution.

I trust, Sir, that the House will agree that this procedure will save a great deal of its time and that is far more practicable and efficient than that we hitherto adopted. I trust that the House will generally approve it. I propose to follow my Honourable friend, Mr. Joshi's example and to make a very brief reference to the motion which is before the House. He has attacked Government for their failure to evolve a scheme of sickness insurance, but that is a very big issue and I do not propose to discuss it today. I am content to leave this motion in the hands of the House.

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

"That this Assembly having considered the draft Convention concerning the establishment of an international scheme for the maintenance of rights under invalidity, old-age and widows' and orphans' insurance, adopted by the Nineteenth Session of the International Labour Conference, recommends to the Governor General in Council that he do not ratify the Convention."

The motion was adopted.

RESOLUTION *RE* DRAFT CONVENTION OF THE INTERNATIONAL LABOUR CONFERENCE *RE* ANNUAL HOLIDAYS WITH PAY.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I move:

"That this Assembly having considered the draft Convention and the Recommendation concerning annual holidays with pay adopted at the Twentieth Session of the International Labour Conference recommends to the Governor General in Council that he do not ratify the Convention or give effect to the Recommendation."

It is, Sir, a matter of regret that I have to move yet another Resolution recommending the non-ratification of a Draft Convention adopted by the International Labour Conference. It has unfortunately been my fate to do that very often in this House and the reason is almost invariably the same. It is that, in drafting their Conventions, the International Labour Conference does not pay sufficient attention to the conditions in this country which differ so completely from those in western countries. It is very unfortunate that that should be so, but it is a fact and we have to recognise it and take action accordingly. I trust, Sir, I shall be able to establish to the satisfaction of the House that that consideration applies with special force to the Convention which is at present before the House. The subject matter of this Convention first came before the International Labour Conference in 1935. The Nineteenth Session of the Conference which was held in that year had before it a preliminary report which is known as a Grey Report which had been prepared by the International Labour Office and which contained a statement of the law and practice in the various countries in the matter of holidays with pay, and set forth, in conclusion, the points on which the Government Members of the Conference might be consulted with a view to the second stage of what is known as table discussion procedure. The Conference decided to place the question of holidays with pay on the agenda of its next Session, the Twentieth Session, and settled the basis on which Government should be consulted in preparation for the second discussion and the final decision to be taken at that Session. An elaborate questionnaire was accordingly drawn up by the Office and it was circulated to the Governments of the

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States Members in July, 1935. When we received that questionnaire, we took the opportunity of making a preliminary reference to the Local Governments with a view to framing instructions to our delegates when the question came up again. After examination of the replies we got from the Local Governments, we replied to the International Labour Office emphasising the difficulties that the Draft Convention would create and impressing a preference for a recommendation. I should like to read to the House exactly what we said. It runs as follows:

"The Government of India believe that the principle is sound but every sound principle of labour welfare is not capable of satisfactory general enforcement by legislative enactment. In the present case, any attempt to enforce a general system in India would meet with grave difficulties. Much of the labour employed in industry is drawn from and maintains contact with villages at long distances from industrial centres and a holiday would be of little value to the workers unless it made it possible for them to revisit their village. But few could afford to make such a journey every year. Again, holidays would lose much of their value for the worker unless they could be taken at a time when, on account of family events or other circumstances, such as harvest work, he desired it, and for a period varying with his needs at the time. The systems in force in State establishments are nearly all elastic, in the sense that holidays can be allowed to accumulate for a period of years, and taken in substantial blocks. A system of this kind can be worked by mutual arrangement between employer and employed, but could hardly be enforced by law in any large number of establishments without extensive administrative machinery whose cost might be disproportionate to the benefits received. Any legal system would have to be of an experimental nature, and could only be applied on a limited scale for some time to come."

We added:

"The Government of India are not in favour of any draft Convention. Any attempt to lay down detailed provisions in a Convention would probably render the Convention largely infructuous. A Convention affirming the principle and accompanied by a Recommendation giving guidance on the details is open to less objection."

That, Sir, is a statement of the position that the Government of India took up on this matter. Unfortunately, although other Governments including, it is important to note, those of Great Britain and Japan expressed opinions against the adoption of a Draft Convention, we found ourselves in a minority; and at the 1936 Conference which was attended by my Honourable friend who sits behind me, Mr. Roy, a Convention of very wide scope was adopted.

Now, Sir, I would ask Honourable Members to examine that Convention with care. If they will refer to Article 1 of it, they will find a tremendous list of classes of establishment to which it is applicable. And unless we are prepared to apply the Convention to every type of undertaking mentioned in that list, we cannot ratify it. That is a point which I should like to emphasise very strongly, and I hope my Honourable friend, Mr. Joshi, will realise it. I am confident that one glance at the list will be sufficient to convince most Members that it renders ratification by this country inconceivable. The list includes, for example, all places of refreshment, all places of public amusement, all trading establishments, that is every shop, big or small, all newspaper establishments,—in fact, every branch of occupation one can think of except agricultural estates and sea-going vessels. I think it would be obvious to the House that it would be absolutely impossible, except at prohibitive cost, to attempt to regulate more than a fraction of the Indian establishments to which we should have to apply this Convention if we ratified it. I would repeat that, unless we are prepared to ratify it in every respect we cannot ratify

it at all. That being the case, it is hardly necessary for me to enter into any detailed discussion of the other provisions. All I would say about them is that they are of a less impracticable character in some ways than is Article 1. Article 2, for example, which deals with the length of the holidays, asks for an annual holiday of six working days for adults and twelve for persons under 16, but adds that the duration should increase with length of service. Actually, as the House is aware, all Governments in this country and a certain number of other employers give holidays to many of their employees on a scale far exceeding a week a year. The other important provisions are mainly of an administrative and practical character.

I have already referred to the main criticism of the provisions that we offered. I stated it at the outset of my speech and it is also implicit in the views of the Government of India which I have read to the House. I can only repeat that, like a number of conclusions of the International Labour Conference, the Draft Convention views the subject much too exclusively in the light of Western conditions. In this country, I doubt if many of our factory workers would greatly appreciate a six or even a ten days' annual holiday, particularly if the pay they got then represented a reduction from their wages throughout the year, as it certainly would in many cases. They will probably tell you that they would prefer longer spells away, to enable them to go back to their villages, even if they did not get pay for the period. And I think many social workers would be prepared to agree that the longer spell in the country, even if it was less frequent, was better for them than a few idle days spent in the city streets because there was not sufficient time to make the long journey to the village possible or, at any rate, worth while. None the less, I adhere to the view that we expressed in our reply, that the principle is a sound one. I myself believe,—though I doubt if I could persuade many workers of this,—that even at the cost of lowering of wage levels, they would gain if they were given and were compelled to take holidays. We are prepared to examine the position and see whether there is any possibility of pursuing the matter further. There may be branches of industry where the idea, which is already familiar in this country through Government practice, could be extended. It is our intention, therefore, if the House adopts this Resolution, to consult Local Governments again, though I would, in conclusion, warn the House that I see little prospect of anything comprehensive being achieved in this direction in present conditions.

Sir, I move.

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

"That this Assembly having considered the draft Convention and the Recommendation concerning annual holidays with pay adopted at the Twentieth Session of the International Labour Conference recommends to the Governor General in Council that he do not ratify the Convention or give effect to the Recommendation."

Mr. N. M. Joshi (Nominated Non-Official): Sir, in view of the fact that this list of business was circulated only last night, I should like to ask for your indulgence in permitting me to move a simple amendment to this Resolution of which I could not give notice. I would also appeal to the Honourable Member in charge of the Department of Industries and Labour not to take objection to my amendment on the ground of want of notice.

Mr. President (The Honourable Sir Abdur Rahim): Could not the Honourable Member send a written notice of the amendment?

Mr. N. M. Joshi: I sent it by post last night, but the Secretary tells me that he did not receive it. So I ask for your indulgence to be allowed to move this amendment. It simply makes positive what Government have said negatively. The Resolution with my amendment would read thus:

"* * * recommends to the Governor General in Council that he should ratify the Convention and give effect to the Recommendation."

Therefore, the amendment would be:

"That for the words 'do not' the word 'should' be substituted, and for the word 'or' the word 'and' be substituted."

Mr. President (The Honourable Sir Abdur Rahim): As the Honourable Member says he posted the letter last night giving notice of the amendment, which has not yet been received by the Secretary, the Chair would waive the Standing Order and allow him to move the amendment.

Mr. N. M. Joshi: Thank you, Sir. I move:

"That for the words 'do not' the word 'should' be substituted, and for the word 'or' the word 'and' be substituted."

12 NOON. While replying to my remarks regarding the change of procedure, the Honourable Member said that the practice of placing the Conventions before the Legislature was nowhere to be found except in India. I am not as close a student of world politics and world Legislatures as my Honourable friend is or might be. But I would like the Honourable Member to remember that there is no member of the International Labour Organization which is in the position in which the Indian Government today is. Every member of the International Labour Organization is a self-governing member. India today is not self-governing. The Indian Government is in no way responsible to the Legislature or to the people of this country. It is for that reason that the wise predecessors of the Honourable Member in charge of the Department of Industries and Labour agreed that whatever may be the decisions of the International Labour Organisations, instead of the action being left to the irresponsible Government of India, the Legislature should have a voice in coming to a decision on these matters. I feel that the predecessors of the Honourable Member were not only more liberal, but wiser. It is a pity that the Honourable Member whom we all like very much should have taken upon himself the responsibility of depriving this Legislature of a much valued prerogative and right. I shall not deal with that question any more except to suggest to the Government of India that in a matter of this kind of great constitutional importance where the Legislature has enjoyed a right for more than fifteen years, the Government of India should at least place a Resolution before the House asking for the approval of the Legislature for the new procedure which they have adopted. If the House itself agrees to part with its prerogative, to part with its rights, let the Government do it. But I think it is wrong for Government to deprive this Legislature of a right which the Legislature has enjoyed for more than fifteen years without seeking the approval of the Legislature, without even giving the

Legislature proper opportunity to discuss this very important constitutional procedure. The Honourable Member, towards the end of this part of his speech, said that the House would approve of the new method or the new procedure which the Government of India have begun. Now, how is the House going to express its approval or its disapproval? The Resolution before the House is not regarding this new procedure. The Resolution is as regards the ratification or non-ratification of the Convention . . . .

Mr. President (The Honourable Sir Abdur Rahim): What is the exact change in the procedure which the Honourable Member is referring to now?

Mr. N. M. Joshi: The exact change in the procedure is this. Up to this time, the Government of India regarded it obligatory upon themselves to place before the Legislature the conventions and recommendations of the International Labour Organization. It was obligatory upon them to do it before . . . . .

The Honourable Sir Frank Noyce: It was not obligatory. They did it, but there was no obligation upon them to do it.

Mr. President (The Honourable Sir Abdur Rahim): They now propose to place them upon the table of the House?

Mr. N. M. Joshi: No; they have placed the Convention before the House by way of Resolution. But they do not regard the procedure as obligatory. The Honourable Member said it was not obligatory, but they followed that practice continuously for fifteen years; and I say that that practice has now the force of established law. Whether it was obligatory or not is a point for constitutional lawyers to decide . . . .

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): How is it that you are moving an amendment on this particular Resolution?

Mr. N. M. Joshi: The difference is this. The Government now state that it is at their discretion and sweet will whether a Resolution will be brought before the Legislature or not . . . .

Sir Cowasji Jehangir: May I ask whether in this particular instance a Resolution is actually before the House on which you are speaking and to which you have moved an amendment?

Mr. N. M. Joshi: I am talking of the general right of the Legislature.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has got a Resolution now before the House, and the House is discussing it. If the Honourable Member wants to raise the general question of procedure, he must find out some other method.

Mr. N. M. Joshi: What I said was this. I know that the proper method will be for me to move a Resolution; but my point was that it was the duty of the Government to place a Resolution before the Legislature if they wanted to make any change in the procedure. Government having done a wrong thing . . . . .

Mr. President (The Honourable Sir Abdur Rahim): Is there any authority for that?

Mr. N. M. Joshi: The authority is the established practice for fifteen years. During the last fifteen years, Government never failed to do it. It is for the first time they initiate this new procedure now. I, therefore, maintain that if Government wanted to initiate a new procedure they should have done that by means of a Resolution; they should have asked the permission of the House for the changed procedure. If the House is not interested in maintaining its own prerogatives, I alone cannot help this House, except to say that I strongly protest against the action of Government in depriving this Legislature of a much valued prerogative.

As regards this Convention itself, I listened very carefully to the speech of the Honourable Member in charge of the Department of Industries and Labour. He and his Government approve of the principle of holidays with pay. We are very grateful to the Government of India even for the acceptance of this principle. But the acceptance of principle does not lead anywhere. It is not a matter of solace to the working classes of this country. I must also very gratefully acknowledge that the Honourable Member has also promised to give further examination to this question in consultation with Local Governments. But I am not quite satisfied with what the Honourable Member has promised. I would suggest to the Honourable Member that the ratification of this Convention is not an impossible thing. He stated that the Convention applies to a large number of industries. That is the first difficulty which he pointed out. I am prepared to admit that the list as given in this Convention is a long one. But, at the same time, one need not be frightened by a long list of words given in a Convention. You can just see what are these industries—railways, tramways, ports, harbours, docks, piers, roads, tunnels, bridges, viaducts, sewers, drains, wells, etc. One can divide industries which are one into ten industries. If I were to make a list, I would say transport industry and municipal services, and the list would have been a very small one. In order to secure precision, the list has been made a long one; but the lengthy list need not frighten us. I feel that it is not a very difficult thing for the Government of India to legislate establishing the principle of holidays with pay. I am glad the Honourable Member did not say that the proposal of the Convention regarding the length of the holiday is an unreasonable one. The Convention has recommended that the holiday should consist of six days minimum. The Honourable Member pointed out certain disadvantages in that course. He first said that there are grave difficulties in the way of establishment of holiday by legislation. I do not know what the grave difficulties are. He mentioned a few: and I cannot say that those difficulties deserve the epithet "grave". He said a short holiday with pay would be practically valueless to the working classes of this country. In his opinion what the working classes needed was a longer holiday, preferably with pay. I think that is the view of the Honourable Member—(*An Honourable Member*: "We all want that"),—but he stated that he would prefer a longer holiday without pay to a shorter holiday with pay. Well, Sir, if the Honourable Member says that a longer holiday is preferable, I entirely agree with him. I feel, Sir, that the working classes of this country work too long without rest or holidays, and if we judge the working classes of this country by the standards which we apply to ourselves, then the need for a longer holiday will be apparent to every one of us. Ask the Members who are sitting on my left as to how many

holidays they receive during a year with pay. Some of them get perhaps one month's holiday, sometimes two months, and some even more. (*An Honourable Member*: "No.") Well, Sir, if that is our need, the need of the working classes, who work much longer than we do, is certainly greater as regards holidays. Imagine the position of people who work in factories for ten hours a day, and the only holidays they get are weekly Sunday holidays. I know that many of these people hanker for a rest day, hanker for a holiday, and I have observed on many occasions when people go on strike that during the strike period, instead of appearing depressed, they appear to be very cheerful, and when I went into the causes of that, I came to this conclusion, that the working classes sometimes welcome a strike in spite of the fact that that strike involves a loss of pay on account of an instinctive desire for a holiday. When people who work without a holiday for a year or two go on strike, they enjoy their life, their freedom, for some time. Sir, the need for a holiday will, therefore, be admitted by all Members of this House.

The difficulties which the Honourable Member has pointed out are, according to him, administrative difficulties . . . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has perhaps exceeded his time limit already.

Mr. N. M. Joshi: I am sorry, Sir. I shall not detain the House longer. The difficulty which my Honourable friend pointed out was that if we made a law, we would find it difficult to supervise the administration of the law. We need not anticipate those difficulties, but let us have a good law. If we think that the principle of holidays with pay is a good one, let us have a law, and even if that law cannot be supervised very thoroughly, the Government of India have got some machinery everywhere in taluks and even in villages by which the supervision of this law can be made thorough and effective. I, therefore, hope that the House will agree with me that there are no insuperable difficulties in the way of Government in accepting my amendment suggesting that the Convention should be ratified and the Recommendation should be acted upon.

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

"That for the words 'do not' the word 'should' be substituted, and for the word 'or' the word 'and' be substituted."

If this amendment is adopted the amended Resolution will read like this:

"That this Assembly having considered the draft Convention and the Recommendation concerning annual holidays with pay adopted at the Twentieth Session of the International Labour Conference recommends to the Governor General in Council that he *should* ratify the Convention *and* give effect to the Recommendation."

Both the Resolution and the Amendment are now under discussion.

Sir H. P. Mody (Bombay Millowners' Association: Indian Commerce): Sir, I desire, as a matter of course, to contradict everything that my friend, Mr. Joshi, has said, in much the same way that he regards it almost as a religious duty to oppose everything emanating from my Honourable friend, the Industries Member . . .

Mr. N. M. Joshi: No, that is not true.

Sir H. P. Mody: Well, I would like to ask my friend to look into the record of his membership during the last ten years and to tell me on what occasion he has supported the Government with regard to labour legislation in spite of having had his way all along the line. My friend, not possessed of a sense of humour . . . .

Mr. N. M. Joshi: I will borrow it.

Sir H. P. Mody: My friend, not possessed of a sense of humour, said that the Government of India were indifferent in matters of labour legislation, but the facts are quite the other way. Very recently I had occasion to publicly refer to my friend, Sir Frank Noyce, and after paying, if I may be allowed to say so, a well deserved tribute to the work he had done during his Membership, I said that the one thing that puzzled me with regard to my Honourable friend was why he was called the Member for Industries at all. He had all along been dealing with matters of labour legislation, year in and year out, and yet my friend, Mr. Joshi, says that the Government of India are indifferent to the interests he represents.

Now, Sir, what is the question before the House? It is about holidays with pay, and on that my friend, Mr. Joshi, had very little to say. I would like to remind him that even the Whitley Commission, with which were associated several members with very radical tendencies, did not go as far as this Convention wants this country to go . . . .

Mr. N. M. Joshi: That Report is out of date.

Sir H. P. Mody: It is so much in advance of the requirements of this country that we fear that it is before date, and not out of date. I would like to remind my friend that not only the Whitley Commission did not go as far as this, but that in spite of such Conventions emanating from the International Labour Office, there are very few countries in the world which have given practical effect to the principle of holidays with pay. Does my friend, Mr. Joshi, want India to fall into line with an International Convention which so many industrially advanced countries have not found it possible or desirable to give effect to? Does he want to make the course of industries even more difficult than it already is, burdened as they are in this country with taxation, with inefficient labour, which is sometimes misnamed cheap labour?

Mr. N. M. Joshi: Do you want a holiday?

Sir H. P. Mody: If a six-day holiday will make Mr. Joshi's labour friends more efficient, we shall be willing to consider it, but it is not a six-day holiday he wants. As a matter of fact, he gave it his blessing, and then he slipped into his usual role. After saying a six-day holiday would be very welcome, he went on to suggest that longer holidays would of course be very desirable. I do not know whether my friend, Mr. Joshi, keeps a cat about him, but he so often lets it out of the bag that I would advise him to be more guarded in future.

About the question of holidays with pay, my friend, Sir Frank Noyce, gave some very valid and substantial reasons why the Government of India do not find it possible to give their blessing to the Convention. I say

ditto to Mr. Burke, and I would like to submit in addition that my Federation, the Employers' Federation of India in the course of their representation to the Government of India on this subject, pointed out the practical difficulties in the way of a great many industries if this Convention was sought to be given effect to. We have pointed out how tea, mining, coal, plantations and other industries would be affected in their day to day working. The obvious and the most forceful argument against it is the one which was employed by the Honourable Sir Frank Noyce, namely, that in the peculiar conditions of India, where labour lives enormous distances away from where it works, a short holiday of six days in the year would mean nothing. The employés would waste all that time going and returning to their work, and it would mean no holiday at all. Then, there is another strong objection and that is that labour is so migratory and that the turnover is so considerable that the additional dislocation which would be caused by a compulsory leave of six days in the year would be unthinkable in the present condition of industries in this country. Again, on account of the habits and customs of the labouring classes, it would be so very difficult to work in this little holiday. Most work-people want to go away during the marriage season. They want to go away for various domestic reasons, funeral, marriages and the like. You cannot tell them that you will give them six days holiday with pay at a particular period of the year, and prevent them at the same time from taking those other unauthorised holidays which they are so much in the habit of taking. Going through the exact recommendations, I also see it is stated that the holidays should be earned after one year's work regardless of whether this period has been spent in the employment of the same or of several employers. That is to say, if my Honourable friend, Mr. Joshi, were working on a loom somewhere, he could put in a couple of months in one mill, then drift on to another, then to a third and join in December the last employer and ask for a holiday with pay of six days. How are those employers who have not had the benefit of the services of a workman continuously for one year—how are they expected to give a holiday with pay, and how are these six days of pay to be distributed between the various employers amongst whom the workman has flitted from time to time?

Mr. N. M. Joshi: Pay out of a common pool.

Sir H. P. Mody: There are going to be common pools, I see! No, Sir. Both on practical and other grounds I do not subscribe to the principle of holidays with pay in the present conditions of this country. There are many occupations in which I certainly grant the necessity of holidays with pay. For instance, there is likely to be on the agenda of the International Labour Conference at some future date the question of holidays with pay for domestic servants. I personally, from a fair amount of experience, am free to admit that domestic servants are very hard used in comparison to labourers in factories, for whom a benign Government and labour leaders have striven their best. If a Convention like that were to come before the International Labour Conference, it might be a different matter, we might think it our duty to support it. But, in the present conditions of India, we do not want to penalise industries which are faced with competition from countries with relatively cheaper labour. Therefore, I am against the amendment of my Honourable friend, Mr. Joshi, and I ask my friends on this side of the House (Laughter) to strongly oppose it.

The Honourable Sir Frank Noyce: Sir, we seem this morning to have followed the procedure which is so frequently referred to in the Reports of the International Labour Conference and is known as the double discussion procedure. My Honourable friend, Mr. Joshi, raised the question of the procedure which we propose to adopt in future with regard to draft Conventions and Recommendations on one of the Resolutions which I moved this morning. I replied to him on that Resolution and he is now replying to me on the second Resolution that I have moved. I do not propose to add much, indeed I am not in a position to add much, to the arguments I have already adduced, showing how convenient that procedure is from the point of view of this House. But what I would once more emphasise is that we are not taking away any prerogatives from the House. If the House really wants to discuss any Convention or Recommendation, the way is open for it to do so, and it is not a difficult way. There are indeed three ways by which it can secure discussion. In the first place, if a draft Convention or Recommendation is of importance to this country, the Government would obviously put it down on the list of Government Business to enable it to be discussed. In the second, if the House should at any time differ from the views of the Government on that matter, then it is open to that section of the House which differs from the Government to table a Resolution on the subject, as the House is aware, if any Resolution has the support of any considerable section of the House, it soon finds a place in the ballot. In the third place, if the result of the ballot is unfavourable to such a Resolution and if there is evidence that the House would wish to discuss the draft Convention or Recommendation, then Government will do their best to find Government time to enable it to be discussed. I submit that those are quite satisfactory safeguards and that their adoption should prevent the waste of time on which I commented when I explained the new procedure. The old procedure has led to anomalous and one might almost say farcical results, results which bring about a position in which, although the House has rejected the main Convention, it proceeds to discuss at some length an entirely subsidiary and unimportant Convention arising out of that Convention. I would ask my Honourable friend, Mr. Joshi, for example in regard to the instance I mentioned, what useful purpose was served, when the House had rejected the 40 hours week Convention generally, by discussing the application of that Convention to glass blowers as this House did on one occasion. It is to avoid that sort of thing that we have suggested the new procedure.

It will be obvious that I am not in a position to accept Mr. Joshi's amendment. Indeed I cannot but wonder whether he was serious in putting it forward. He himself admits the difficulty and indeed the impracticability of applying this Convention if we ratified it. His argument, as it so often is, is that enforcement does not matter in the least, and should not prevent legislation embodying the principle. I would submit that such a course is definitely dishonest.

Mr. N. M. Joshi: We passed the Sarda Act.

Sir H. P. Mody: That did not prevent people from marrying.

The Honourable Sir Frank Noyce: That may be, but I am expressing my personal point of view. I consider that to legislate when you know

you cannot enforce your legislation is definitely dishonest; it is not only definitely dishonest but it brings the law into contempt with serious consequences to the country. My Honourable friend knows that perfectly well. He has admitted that the enforcement of the legislation which he suggests would be impracticable. I submit that that is the best argument I can adduce to the House in support of my motion.

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

"That in the Resolution that has been moved, the following amendment be made: 'That for the words 'do not' the word 'should' be substituted, and that for the word 'or' the word 'and' be substituted'."

The motion was negatived.

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

"That this Assembly having considered the draft Convention and the Recommendation concerning annual holidays with pay adopted at the Twentieth Session of the International Labour Conference recommends to the Governor General in Council that he do not ratify the Convention or give effect to the Recommendation."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 27th January, 1937.

LEGISLATIVE ASSEMBLY.

Wednesday, 27th January, 1937.

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

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 1056 asked by Dr. N. B. Khare, on the 10th October, 1936.

RENT RECOVERED FOR RESIDENTIAL BUILDINGS FROM STATE RAILWAY STAFF AND OUTSIDERS.

Statement showing rent recovered on account of residential buildings during 1935-36.

	North Western Railway.	Great Indian Peninsula Railway.	Eastern Bengal Railway.	Burma Railways.	East Indian Railway.
	Rs.	Rs.	Rs.	Rs.	Rs.
Gazetted staff .	1,61,913	91,078	66,811	70,261	1,63,413
Non-Gazetted staff	4,08,612	4,00,459	2,74,879	1,36,750	5,72,468
Outsiders . .	4,764	2,235	91,937	1,468	2,50,141

Information promised in reply to starred question No. 1401 asked by Mr. Kuladhar Chaliha on the 16th October, 1936.

RAILWAY COLLISION BETWEEN TINSUKIA AND LUMDING DISTRICTS ON THE ASSAM BENGAL RAILWAY.

(a) Five.

(b) No.

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

(e) Yes.

(f) No.

(g) Yes.

(h) No.

(i) There are four inferior servants at Sapekhati station, in addition to the Station Master and the Assistant Station Master, and whichever one of the latter is on duty is responsible for the correct setting and locking of points.

(j) Books described as Train Reception Books are in use at certain stations.

(k) The books normally remain with the Line Clear Assistant Station Master on duty. The Yard Assistant Station Masters on duty are primarily responsible for points at such junctions.

(l) The normal working hours of an Assistant Station Master on the Assam Bengal Railway are eight hours continuous or 12 hours intermittent. Definite information as regards the practice on other railways is not readily available and Government see no reason to call for it.

(m) The hours of duty of Assistant Station Masters at Mariani, Lumding and Tinsukia are 12, 8 and 8 respectively. These do not contravene the provisions of any Act.

Information promised in reply to part (c) of starred question No. 1424 asked by Dr. Ziauddin Ahmad on the 16th October, 1936.

EXTRA-DEPARTMENTAL POST OFFICES.

(c) Extra-Departmental Branch Offices in India on 1st December, 1936.	Permanent	= 17,455
	Temporary	= 355
Extra-Departmental Sub-Offices in India on 1st December, 1936.	Permanent	= 1,040
	Temporary	= 11

Information promised in reply to unstarred question No. 161 asked by Mr. Sham Lal on the 16th October, 1936.

APPLICABILITY OF CERTAIN NOTIFICATIONS OR OFFICIAL MEMORANDA TO THE STAFF ON STATE RAILWAYS.

The Notifications or Memoranda referred to in the question were not by themselves applicable to railway servants. The instructions contained in the Home Department's Notification referred to in item 1 of the question were not made applicable to railway servants on State-managed Railways at all. The principles laid down in the Notifications or Memoranda quoted in items 2 to 7 of the question were applied in their entirety to railway servants employed on State-managed Railways. As regards the warning referred to by the Honourable Member, the necessary general warning was issued in the Finance Department Resolution No. D./4523-Ex. I/31, dated the 9th July, 1931, which was applied to the railway servants in question also. This warning covered all cases except those in which a specific warning was required to have been given at a date prior to the 16th July, 1931. This specific warning may have been given in any suitable manner, *i.e.*, individually, collectively or generally.

Information promised in reply to unstarred question No. 238 asked by Mr. V. V. Giri on the 16th October, 1936.

EXPENDITURE INCURRED ON LEE CONCESSION PASSAGES.

Statement showing the expenditure incurred on Lee Concession Passages during the years 1931-32 to 1935-36.

	1931-32.	1932-33.	1933-34.	1934-35.	1935-36.
	Rs.	Rs.	Rs.	Rs.	Rs.
Civil (Central and Provincial).	17,73,038	15,72,926	14,24,371	13,10,026	12,97,097
Railways . .	8,35,360	6,44,880	5,78,784	5,96,402	5,46,632
Defence Services .	91,950	55,355	62,271	38,687	52,106

DEMANDS FOR SUPPLEMENTARY GRANTS.

INTEREST ON ORDINARY DEBT, AND REDUCTION OR AVOIDANCE OF DEBT.

The Honourable Sir James Grigg (Finance Member): Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 1,79,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Interest on Ordinary Debt, and Reduction or Avoidance of Debt'."

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

"That a supplementary sum not exceeding Rs. 1,79,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Interest on Ordinary Debt, and Reduction or Avoidance of Debt'."

The motion was adopted.

INTEREST ON MISCELLANEOUS OBLIGATIONS.

The Honourable Sir James Grigg: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 2,64,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Interest on Miscellaneous Obligations'."

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

"That a supplementary sum not exceeding Rs. 2,64,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Interest on Miscellaneous Obligations'."

The motion was adopted.

COUNCIL OF STATE.

The Honourable Sir James Grigg: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 9,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Council of State'."

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

"That a supplementary sum not exceeding Rs. 9,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Council of State'."

The motion was adopted.

LEGISLATIVE ASSEMBLY AND LEGISLATIVE ASSEMBLY DEPARTMENT.

The Honourable Sir James Grigg: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 80,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Legislative Assembly and Legislative Assembly Department'."

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

"That a supplementary sum not exceeding Rs. 80,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Legislative Assembly and Legislative Assembly Department'."

The motion was adopted.

FOREIGN AND POLITICAL DEPARTMENT.

The Honourable Sir James Grigg: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 69,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Foreign and Political Department'."

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

"That a supplementary sum not exceeding Rs. 69,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Foreign and Political Department'."

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): What is the meaning of item (d)—"developments on the frontier and the forthcoming constitutional changes"?

The Honourable Sir James Grigg: That means there have been a good many telegrams in connection with the Khaisora operations, and also of course in connection with the forthcoming constitutional changes on the 1st of April, 1937.

Sir Cowasji Jehangir: The amount is as much as Rs. 34,000?

The Honourable Sir James Grigg: Yes; there were pretty considerable operations on the frontier.

Sir Cowasji Jehangir: *That* is a considerable amount for telegrams?

The Honourable Sir James Grigg: I imagine they are external telegrams, and they are very expensive.

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

"That a supplementary sum not exceeding Rs. 29,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Foreign and Political Department'."

The motion was adopted.

HOME DEPARTMENT.

The Honourable Sir James Grigg: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 21,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Home Department'."

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

"That a supplementary sum not exceeding Rs. 21,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Home Department'."

The motion was adopted.

PUBLIC SERVICE COMMISSION.

The Honourable Sir James Grigg: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 7,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Public Service Commission'."

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

"That a supplementary sum not exceeding Rs. 7,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Public Service Commission'."

The motion was adopted.

LEGISLATIVE DEPARTMENT.

The Honourable Sir James Grigg: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 13,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Legislative Department'."

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

"That a supplementary sum not exceeding Rs. 13,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Legislative Department'."

The motion was adopted.

FINANCE DEPARTMENT.

The Honourable Sir James Grigg: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 29,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Finance Department'."

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

"That a supplementary sum not exceeding Rs. 29,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Finance Department'."

The motion was adopted.

COMMERCE DEPARTMENT.

The Honourable Sir James Grigg: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 18,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Commerce Department'."

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

"That a supplementary sum not exceeding Rs. 18,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Commerce Department'."

The motion was adopted.

EDUCATION.

The Honourable Sir James Grigg: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 54,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Education'."

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

"That a supplementary sum not exceeding Rs. 54,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Education'."

The motion was adopted.

EXPENDITURE ON THE DEVELOPMENT OF BROADCASTING MET FROM THE FUND.

The Honourable Sir James Grigg: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 1,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Expenditure on the Development of Broadcasting met from the Fund'."

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

"That a supplementary sum not exceeding Rs. 1,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Expenditure on the Development of Broadcasting met from the Fund'."

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I would like to have some information on this demand. At the meeting of the Standing Advisory Committee for the Industries and Labour Department new stations were created and they had to be established. At that time, I laid a claim for Karachi being given a broadcasting station. It was said that those stations—I believe their number was four—have got to be established first, because their requirements were more urgent than those of Karachi. I then explained the position of Karachi and I was glad to see that the Honourable Member in charge of the Department of Industries and Labour gave an expectation—I will not call it a promise—that the next station, that would be established after these stations had been opened, would be Karachi. I would, therefore, like to know from the Honourable Member whether these stations have actually been established, so that I may request the Honourable Member to hasten up the establishment of the broadcasting station at Karachi. Karachi is an important place now, and it cannot be denied that it should be given a broadcasting station as soon as possible. I would, therefore, like to be enlightened on this point.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, my Honourable friend, Mr. Lalchand Navalrai, is well-known for his provincial patriotism. It is perfectly true, as he says, that he brought this matter up before the Standing Advisory Committee of my Department and that I told him then, as I can only tell him now, that Karachi cannot unfortunately figure in the first stage of the programme for the development of broadcasting. Such funds as we have have been allocated, in accordance with the scheme put before the Standing Finance Committee and which met with their approval, to stations at Delhi, Madras, Calcutta, Bombay, Lahore, Lucknow, Trichinopoly and Dacca and also, as mentioned here, for taking over the small station which already exists at Peshawar. We hope in the course of the next year to get ahead with the first stage of development, namely, the erection of stations at Lahore, Lucknow and Madras (these are medium wave stations) and with the provision of short wave stations for Madras, Calcutta, Bombay and Delhi. I fear that at present there are no funds for Karachi. After next year we shall still have stations to erect and the 40 lakhs which has been set aside as a broadcasting fund will no more than enable us to fulfil our present commitments. I can only hope that the development of broadcasting will be sufficiently rapid to induce my Honourable colleague, the Finance Member, to give further funds when these have been fully utilised—I shall not be here at the time, but, as I have already said, I regard Karachi as entitled to a foremost place, if not the first place, in the further programme of development. My Honourable friend will be able to bring that view up against my successor and possibly also my Honourable colleague's successor.

Sir H. P. Mody (Bombay Millowners' Association: Indian Commerce): Give them a loud speaker in the meantime.

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

"That a supplementary sum not exceeding Rs. 1,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Expenditure on the Development of Broadcasting met from the Fund'."

The motion was adopted.

MINT.

The Honourable Sir James Grigg: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 71,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Mint'."

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

"That a supplementary sum not exceeding Rs. 71,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Mint'."

The motion was adopted.

STATIONERY AND PRINTING.

The Honourable Sir James Grigg: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 2,30,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Stationery and Printing'."

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

"That a supplementary sum not exceeding Rs. 2,30,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Stationery and Printing'."

The motion was adopted.

MISCELLANEOUS.

The Honourable Sir James Grigg: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 27,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Miscellaneous'."

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

"That a supplementary sum not exceeding Rs. 27,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Miscellaneous'."

Mr. N. M. Joshi (Nominated Non-Official): Sir, may I ask a question and get some information from the Honourable Member in charge of Industries and Labour regarding the Coal Mining Committee? The Government of India have appointed a Coal Mining Committee to consider the question of safety in mines. Last year, a Bill regarding the safety of mines was discussed by the Assembly and during those discussions I had suggested to the Government of India that the Coal Mining Committee which they proposed to appoint should contain a representative of labour on it. I saw the names of the Members of this Committee and I do not find among the names any one who could claim to be a representative of the mining community in this coal area. I would like first of all to ask the Government of India why they did not appoint a man who could represent the mining community on this committee. The question of safety of mines is more important to miners than to anybody else. A mine-owner may lose some amount of money if there is any accident in the mine, but the miners lose their lives. From that point of view, I am quite sure the Honourable Member will admit that if any section represented in the mining industry has a right to be represented on a Committee of this kind, it is the miners. Their interests come first more than the interests of anybody else. It may be said that the Government of India did not want a representative Committee, but that they wanted an expert committee. Sometimes, I find it difficult to understand who is an expert.

I do not know whether my claim to be considered an expert will be accepted by all people, although I am prepared to be representative as well as expert. Somehow the Government of India find these experts among their own officers and among the employers. They do not notice any experts among those people who work in the mines throughout their lives. I feel that it is wrong on the part of the Government not to appoint on a Committee of this kind anybody who will represent the interests of the miners. I would also like the Honourable Member to tell the House something about what Government have been doing in the meanwhile for the protection of the miners. Since we discussed the Bill regarding safety in mines, there has been another accident in the mining area, and I would therefore like the Honourable Member to tell us whether he has taken sufficient and adequate steps to prevent these accidents happening again and again and what those steps are. Perhaps the Honourable Member will give me information on the points which I have raised.

The Honourable Sir Frank Noyce: Sir, in appointing an expert Committee to deal with the question of coal conservation and safety in mines, the Government did what I have so often told the House that I have endeavoured to do. The Government held the scales evenly between capital and labour. They decided to appoint an expert Committee instead of a representative Committee as enquiries made on the subject showed that it was perfectly obvious that there were so many differing views among the mine-owners that a representative Committee would serve no useful purpose. I would remind the House of the constitution of the Committee and I think they will agree that it is a very strong Committee which is likely to submit very valuable recommendations. Its Chairman is Mr. Burrows who was till recently the Commissioner of Burdwan Division in which the majority of the mines in Bengal are situated. He has taken a very special interest in this question, he was the Secretary of the Coal Fields Committee in 1920, and it would be difficult to find a Chairman with a greater knowledge on the subject than he possesses. The two non-official mining experts on the Committee are Mr. Mackie and Mr. Nag, both of whom have a very long experience of coal mines in the Bihar and Bengal coalfields. There is a Geologist, Dr. M. S. Krishnan, there is an Economist, Sir Jehangir Coyajee, and there is another expert—there are altogether six members on the Committee—whose name for the moment has escaped me. I submit that in these gentlemen you have an independent Committee and that that is what you want in dealing with this very highly controversial question which has been under consideration for the last twenty years or so. It is perfectly true that there is no labour representative on it, but there is also no representative of the various mining associations. If we had appointed a labour representative, we should have had to give representation to the Indian Mining Association, the Indian Mining Federation and the Indian Colliery Owner's Association and I think, from what I know of the matter, that they would have had very great difficulty in deciding who should represent them. It is much better, therefore, that the issues should be considered from an entirely independent and detached point of view. Labour interests have been given and will be given every facility to represent their case before the Committee.

My Honourable friend, Mr. Joshi, referred to the lamentable accident at the Poidih colliery, and I am glad he did so because it gives me an

[Sir Frank Noyce.]

opportunity of expressing my deep sympathy with the families of those who suffered in what is perhaps the most tragic disaster in the history of coal mining in India. My Honourable friend asked me what we have done about it and what we are doing now? We have yet to discover the cause of this particular accident and until we do so, it is impossible to decide whether the permanent and temporary regulations that we issued last year need strengthening in any respect. It will be perfectly obvious to my Honourable friend that this disaster, in common with other recent disasters, will come under the purview of the Coal Conservation Committee and we can only hope that they will be in a position to make recommendations to prevent similar accidents in future. They are in a special position to do, as by an extraordinary coincidence, the members of the Committee happen to be in the neighbourhood of the colliery in which the disaster occurred and were the first on the spot and Mr. Barraclough, the Inspector of Mines, whose name I forget just now was the first to enter the mine. Unfortunately conditions in the mine were such that they could do very little in the way of rescue work. The disaster was so complete that no one emerged from the mine alive. I can only once more remind my Honourable friend that this question of safety in mines has engaged our most earnest and anxious consideration for a long time past and that it was for that reason that last year we promulgated certain temporary regulations in the hope that they might prove efficacious in preventing further accidents. It is regrettable that they have not done so in this particular instance. He must wait now until we get the report of the Committee, as I hope we shall do in the next two or three months.

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

"That a supplementary sum not exceeding Rs. 27,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Miscellaneous'."

The motion was adopted.

AJMER-MERWARA.

The Honourable Sir James Grigg: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 67,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Ajmer-Merwara'."

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

"That a supplementary sum not exceeding Rs. 67,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Ajmer-Merwara'."

Mr. G. Morgan (Bengal: European): Sir, I should like to ask if any action has been taken with regard to item (c) on page 20 which refers to a defalcation of Rs. 23,000.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): As a matter of fact, this particular individual who was a clerk at the Government school in Ajmer was prosecuted and sentenced to rigorous imprisonment.

Mr. Lalchand Navalrai: Was the money recovered?

Sir Girja Shankar Bajpai: Only Rs. 167, unfortunately.

Sir Cowasji Jehangir: Was he a schoolmaster?

Sir Girja Shankar Bajpai: No, he was the head clerk of the school; he used to get fees from the students, and, instead of remitting the full amount to the treasury, he made short remittances over a period of years.

Sir Cowasji Jehangir: And it was never detected for a number of years?

Sir Girja Shankar Bajpai: Unfortunately, no. They were detected only in the autumn of 1932 when this clerk happened to be away on casual leave.

Sir Cowasji Jehangir: Was there no audit?

Sir Girja Shankar Bajpai: There was, but he did it so cleverly that even the audit people were not able to detect the defalcation.

The Honourable Sir James Grigg: Of course the circumstances of the defalcation are considered by the audit authorities and by the Finance Department, and if the procedure or the regulations require tightening up, that will be done. It is done automatically in connection with every defalcation, and I have no doubt that is being done in this case.

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

"That a supplementary sum not exceeding Rs. 67,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Ajmer-Merwara'."

The motion was adopted.

CAPITAL OUTLAY ON INDIAN POSTS AND TELEGRAPHS.

The Honourable Sir James Grigg: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 6,78,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Capital Outlay on Indian Posts and Telegraphs'."

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

"That a supplementary sum not exceeding Rs. 6,78,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Capital Outlay on Indian Posts and Telegraphs'."

Mr. G. Morgan: Can the Honourable Member give us any information as to why the Reserve Bank subsequently cancelled these negotiations?

Sir Cowasji Jehangir: Sir, there are one or two points that arise out of this demand. The first was that there was an anticipated credit of Rs. 14,09,400 on account of the sale of a certain property in Bombay to the Reserve Bank, and evidently that was taken for capital expenditure.

The Honourable Sir James Grigg: In reduction of capital expenditure.

Sir Cowasji Jehangir: In reduction of capital expenditure of Rs. 41,99,000. What I want to know is this. When real property belonging to departments is sold, how do you credit that? Is it credited to revenue?

The Honourable Sir James Grigg: It depends on the circumstances of each particular case. For instance, in the case of the Bombay military lands there is some special arrangement the details of which I cannot at the moment remember. But in the case of a department which has a separate capital account it would definitely be taken in reduction of the capital programme of expenditure. It is definitely a capital receipt. In the case of military lands, there again I have not refreshed my memory recently, but sales of military property are credited to a special account and used for works of a quasi-capital nature, such as housing and barracks, etc. Those are the departments which mostly deal in land and virtually in those cases it is used as a capital and not a revenue receipt. In the case of the Bombay military lands I am not fully cognisant of the details but I will look them up and inform the Honourable Member.

Sir Cowasji Jehangir: Is that a new order which the Honourable the Finance Member has passed? I have a recollection that at one time when such monies were obtained by Government they were credited to revenue; and if there was any capital expenditure in the department for that year, such monies went to revenue and were spent. That is my recollection and that is why I raised this question. I raised it once before.

The Honourable Sir James Grigg: Both this and the Defence Department are for the purpose of capital receipts treated as commercial departments, and certainly in the case of commercial departments capital receipts are used in a capital way and not credited direct to revenue. If it were not a commercial department, it would be otherwise. I shall have to refresh my memory but I imagine that in the other departments capital receipts are of a very small order. In the case of the New Delhi capital project, capital receipts are credited to the capital project for that too is a quasi-commercial concern.

With regard to the question asked by Mr. Morgan, I am afraid I cannot give the Honourable Member any better information than that the Reserve Bank changed their mind and found it cheaper and more suitable to make other arrangements.

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

"That a supplementary sum not exceeding Rs. 6,78,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Capital Outlay on Indian Posts and Telegraphs'."

The motion was adopted.

CAPITAL OUTLAY ON SCHEMES OF AGRICULTURAL IMPROVEMENT AND RESEACH.

The Honourable Sir James Grigg: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 2,92,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Capital Outlay on Schemes of Agricultural Improvement and Research'."

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

"That a supplementary sum not exceeding Rs. 2,92,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Capital Outlay on Schemes of Agricultural Improvement and Research'."

Mr. Lalchand Navalrai: Sir, as one associated with the question of the Pusa Institute being transferred to Delhi, I feel anxious to know form the Honourable Member, the Secretary in charge of the Education, Health and Lands Department, as to the progress that has been made here, whether the whole thing has been completed, whether the buildings are complete, whether any laboratories have been established, whether training is being given there or not yet, and, lastly, whether the provinces have taken or are likely to take advantage of that institution. I know that the Honourable Sir Girja Shankar Bajpai is an expert in giving all this information briefly, though in his own way very lucidly, and I hope that the House will be interested in knowing something about this institute which, after very great dispute, was transferred from Bihar to Delhi.

Sir Girja Shankar Bajpai: Sir, my brevity on this occasion will be even more than customary. Perhaps my Honourable friend will do the Institute, which is complete, the honour of paying it a visit one afternoon. The unusual leisure of the afternoons might be irksome to my Honourable friend, and one particular afternoon might be relieved by a visit to the Institute.

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

"That a supplementary sum not exceeding Rs. 2,92,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Capital Outlay on Schemes of Agricultural Improvement and Research'."

The motion was adopted.

INTEREST-FREE ADVANCES.

The Honourable Sir James Grigg: Sir, I move:

"That a supplementary sum not exceeding Rs. 6,70,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Interest-free Advances'."

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

"That a supplementary sum not exceeding Rs. 6,70,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Interest-free Advances'."

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): Sir, may I know what is meant by Objection Book Advances?

The Honourable Sir James Grigg: I am afraid I have got to confess to the Honourable Member that I wish I knew: I do not.

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

"That a supplementary sum not exceeding Rs. 6,70,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March 1937, in respect of 'Interest-free Advances'."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 28th January, 1937.

LEGISLATIVE ASSEMBLY.

Thursday, 28th January, 1937.

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

SHORT NOTICE QUESTION AND ANSWER.

Different Dates of Polling for Elections in Different Provinces.

Sir Muhammad Yakub: (a) Has the attention of Government been drawn to the statement issued by Mr. M. Asaf Ali in the *Hindustan Times* of the 23rd January, 1937, complaining of the action of Government in arranging different dates of polling for elections in different provinces?

(b) Were the Government of India consulted by the Local Governments in the matter of selection of dates in the provinces?

(c) Are there any reasons for the dates being different in the different provinces?

(d) What is the total number of Members of the (1) Congress and (2) Nationalist Congress Groups?

(e) How many of such Members belong to provinces in which the elections will be over by the end of January, 1937?

(f) Was there any difficulty in the way of Government in fixing the 23rd February for commencement of the Session, and, if so, what?

(g) In the statement of Mr. M. Asaf Ali, it has been said that elections in Bombay and Madras do not permit Members coming to Delhi before the 20th February. How many Members of the Assembly from those Provinces are seeking election for Provincial Assemblies?

The Honourable Sir Nripendra Sircar: (a) Yes.

(b) As I stated in my replies to Mr. Satyamurti's question No. 27 on the 1st September last and to his question No. 773 on the 1st October last, the Government of India were not consulted and they did not interfere directly or indirectly with the fixing of the dates for election to Provincial Legislatures.

The dates were fixed by Local Governments to suit local conditions, taking into consideration the progress made in each province for preparation of electoral rolls, the establishment of machinery requisite for elections and the allowing of intervals required by rules or otherwise between different stages leading to the final stage of polling for the elections.

(c) Yes. For instance in Bombay, the electoral rolls were published at the earliest possible date, *viz.*, 5th October, 1936. Notices for primary elections were issued on the very next day, that is to say, on the 6th October, 1936, and the 19th October was fixed for nominations as required by electoral rules. Polling for primary elections was fixed for the 10th November, thus allowing minimum necessary time for printing and distribution of ballot papers throughout the Presidency, and votes were counted

on the 16th November, which is also the minimum necessary interval. Notices for general elections were issued on the 5th December, thus allowing necessary time for publication of results and for filing and disposal of election petitions, if any, in respect of primary elections. Nominations for general elections were fixed for the 18th December, allowing interval prescribed in rules, as usual, and polling will take place from the 11th February onwards. This allows about eight weeks between date for nomination and dates for polling for purpose of printing and distribution of ballot papers, which is not more than the time allowed in the past although printing is thrice heavier on this occasion than on previous occasions.

Again, in Madras, in fixing dates, one of the additional matters to be taken into consideration is the fact that the harvesting time in the Presidency is later than that in Northern India. In the United Provinces, as also in some other provinces, one of the matters to be taken into consideration is the recommendation in paragraph 286 of the Hammond Committee's report as to the interval between the declaration of the result of the primary elections and the dates of final elections.

The Provincial Governments had not only to take seasonal conditions into consideration, as also the matters already stated, but also various other matters, *e.g.*, the undesirability of a long period between the declaration of the poll and the announcement of personnel of new Ministries, the difficulty of attendance of *patwaries* and others at polling booths for identification, which, for instance, would have been very difficult in January in the United Provinces. It was also important to allow a reasonable period for canvassing, the electorate having been quadrupled the task of candidates in getting round their constituencies, canvassing and addressing meetings has been far greater than in the past.

(d) Congress 42, Nationalist Congress Group 12.

(e) Congress 10, Nationalist Congress Group 6. This does not include the Punjab where the elections are partly over, and the others will be over very soon. The Punjab elections which will be over on February 3rd affect two Members of the Congress and three of the Nationalist Congress Group.

(f) The difficulties were unsurmountable. It would have involved postponing consideration of all non-official business and all official business other than the Budgets and the Finance Bill till in April. There would have been no possibility of the Finance Bill going through the two Houses by the 31st March, nor would it have been possible to pass in time the Bills which it is absolutely necessary for being passed before separation of Burma on the 31st March, 1937. I would like to draw attention of Honourable Members to a point which has been made in one of the statements to the Press, issued on behalf of the Congress, that by prolonging the Sessions they would lose the services of those Congress M.L.A.'s who have stood for and would be successful in getting elected to Provincial Assemblies.

(g) None from Bombay,—from Madras, three.

Sir Abdul Halim Ghuznavi: Sir, in answer to part (c), it has been stated that the electoral rolls were published at the earliest possible date, namely, 5th October. Were any representations made for publication of the rolls at an earlier date?

The Honourable Sir Nripendra Sircar: No; on the other hand, representations were made from various quarters for postponing the date, and if Government had acceded to those requests, the elections would have taken place later than the dates already fixed.

Sir Abdul Halim Ghuznavi: May I know, Sir, out of members of Congress and Nationalist Groups, how many belong to provinces where the polling is over or will be over this week?

The Honourable Sir Nripendra Sircar: I think, from what I have already said, the number is 21.

Sir Abdul Halim Ghuznavi: Out of the remaining 33 Members, have Government any information if all of them are engaged in election activities?

The Honourable Sir Nripendra Sircar: Will the Honourable Member kindly repeat the question?

Sir Abdul Halim Ghuznavi: Out of the remaining 33 Members, have Government any information if all of them were engaged in election activities?

The Honourable Sir Nripendra Sircar: The information of Government is that some Members were present here on the 23rd or 25th; some are present here today, apart from the sponsors of Bills, while some are attending Courts and to their other activities without being disturbed by the elections.

Sir Abdul Halim Ghuznavi: As regards Members of this Assembly who are standing for elections and whose absence will affect voting strength on divisions in answer to part (g), it has been said that there are none from Bombay and three from Madras. Are Government aware whether any Members of this Assembly who do not belong to the Congress Group, who are standing for elections to the Provincial Assemblies?

The Honourable Sir Nripendra Sircar: I am afraid I have not got full information, but so far as I know, Mr. Rajah, Raja of Amawan, Maharaj Kumar of Vizianagram, Sir Ghulam Hussain Hidayatallah, Mr. Abdul Matin Chaudhury, Mr. Fuzlul Huq, Mr. Anwar-ul-Azim, and Mr. Lahiri Chaudhury have stood for election to different provincial Assemblies.

Sir Muhammad Yakub: Mr. Abdul Matin Chaudhury has already been elected.

Sir Abdul Halim Ghuznavi: Are Government in a position to state to what date the Assembly would have continued on the estimates accepted in fixing dates for the Assembly if the Sessions had commenced on the 23rd February?

The Honourable Sir Nripendra Sircar: Assuming that our estimates for the duration of the Budgets and the Finance Bill are correct, the Assembly would have gone on till the 16th May.

Sardar Sant Singh: In answer to part (b) of the question, I understood the Honourable Member to say that the Government of India were not consulted in the matter of selection of dates in the provinces. May I enquire if the Government of India drew the attention of the Local Governments to the fact that there was a sure probability of a conflict between the Session of the Assembly and the elections if the dates were not fixed earlier?

The Honourable Sir Nripendra Sircar: The Government of India, as a rule, do not draw attention to facts which are apparent to everybody.

Sardar Sant Singh: Did Government realise, in view of the questions put by Mr. Satyamurti in the last Simla Session, that the Congress and the Congress Nationalist Groups were objecting to such a conflict arising between the Session of the Assembly and the elections?

The Honourable Sir Nripendra Sircar: They fully realised that, but they could not solve the difficulty of Members serving two masters or being present at two places at the same time. (Laughter.)

Sardar Sant Singh: If the Government of India did realise, as is clear from the answer of the Honourable gentleman, then did this question form the subject of any consultation among the Members of the Government as to how to solve it?

The Honourable Sir Nripendra Sircar: I do not think I am called upon to disclose what consultations took place between Members of the Government of India.

Sardar Sant Singh: I did not ask what consultations took place, but I only want to know whether there was any consultation to arrive at any solution of this difficulty?

The Honourable Sir Nripendra Sircar: That is really putting the same question in a different form. May I answer it by saying that the Government of India fully applied their mind to the question?

Sardar Sant Singh: Am I to understand that no solution was possible of such a simple question?

The Honourable Sir Nripendra Sircar: Not only was no solution possible but in the dozens of press criticisms that have appeared on behalf of the Congress no solution has been offered. (Laughter.)

THE ARYA MARRIAGE VALIDATION BILL.

Mr. President (The Honourable Sir Abdur Rahim): Legislative Business. The House will now resume consideration of the Bill to recognise and remove doubts as to the validity of inter-marriages current among Arya Samajists, as reported by the Select Committee. The matter under consideration when the debate was actually adjourned was the amendment

of Sir Muhammad Yakub to clause 2 of the Bill. The amendment was in these terms:

"That in clause 2 of the Bill, the words 'or that either or both of the parties at any time belonged to a religion other than Hinduism' be omitted."

There have been already six speakers on this amendment, namely, Sir Muhammad Yakub, Mr. Asaf Ali, Maulvi Syed Murtuza Sahib Bahadur, Syed Ghulam Bhik Nairang, Pandit Krishna Kant Malaviya, and Maulana Shaukat Ali. The discussion will now be resumed.

Dr. N. B. Khare (Nagpur Division: Non-Muhammadan): Sir, I move that the debate on this Bill be adjourned to the first non-official day after the 23rd February, because most of the Members are not present and there is a general desire that this debate should be adjourned.

Mr. President (The Honourable Sir Abdur Rahim). As regards this request, the Chair cannot adjourn the debate on this Bill, because a certain number of Members are not present, but if it be the unanimous desire of the House that the debate should be adjourned, following the precedent on another occasion, the Chair would be prepared to consider the matter.

The Honourable Sir Nripendra Sircar (Leader of the House): We have no objection to postponing it.

Mr. President (The Honourable Sir Abdur Rahim): Is there any objection to postponing the debate?

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Before we agree to the postponement, I would like to know from the Honourable the Leader of the House what would be the attitude of the Government as regards my amendment on the date when this Bill comes up before the House again?

The Honourable Sir Nripendra Sircar: I do not know why my Honourable friend wants an assurance as to our future conduct. The whole question is whether we are agreed to the postponement or not. We are agreed.

Sir Muhammad Yakub: Our decision would depend upon the attitude of the Government.

Mr. President (The Honourable Sir Abdur Rahim): Then there is no agreement, the Chair takes it.

Sir Muhammad Yakub: If the Government would tell us what would be their position, then perhaps we would be able to make up our minds.

The Honourable Sir Nripendra Sircar: If that is going to be a condition of the postponement, I can inform the House that I cannot go into all the reasons, as that will require a regular speech, but our position will be that we shall remain neutral on Sir Muhammad Yakub's motion.

Sir Muhammad Yakub: Then I will have no objection.

Mr. President (The Honourable Sir Abdur Rahim): The Chair takes it that it is the desire of the House that the debate should stand adjourned to the first non-official day for Bills after the 23rd February. The Chair takes it that that is the desire of the House. (After a pause). That being the unanimous desire of the House, the debate on this motion stands adjourned to the first non-official day for Bills after the 23rd February.

The Honourable Sir Henry Craik (Home Member): Will this appear as the first item on that day?

Mr. President (The Honourable Sir Abdur Rahim): If there is no other adjourned Bill like this, then, of course, it will take the first place, but if there are any of that character, then there must be a ballot and the result of the ballot will determine the priority.

The next item is in the name of Rao Bahadur M. C. Rajah.

(Rao Bahadur M. C. Rajah was absent).

Dr. Bhagavan Das.

THE HINDU MARRIAGE VALIDITY BILL.

Dr. Bhagavan Das (Cities of the United Provinces: Non-Muhammadan Urban): Sir, I move:

"That the Bill to validate marriages between different castes of Hindus be referred to a Select Committee, consisting of the Honourable the Law Member, Diwan Bahadur Krishna Aiyar, Pandit Krishna Kant Malaviya, Rao Bahadur M. C. Rajah, Mr. Ghanshiam Singh Gupta, Dr. N. B. Khare, Mr. B. Das, Mr. Sri Prakasa, Babu Baijnath Bajoria, Seth Govind Das, Mr. Amarendra Nath Chattopadhyaya, Raizada Hans Raj, Mr. Sham Lal, Babu Kailash Behari Lal, Mr. N. M. Joshi, and the Mover, with instructions to report on or before the 31st March, 1937, (*I should like to change the date from the 15th February to the 31st March; I had put in 15th February, because I gave a copy of this motion to the Secretary of the Assembly during the last Session at Simla, and I had hopes then that the motion might come up for discussion during that Session, but it is not appropriate now*), and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. President (The Honourable Sir Abdur Rahim): Mr. Krishna Aiyar is no longer a Member of the House.

Dr. Bhagavan Das: Then, I suggest that Mr. Asaf Ali's name be put in.

Sir Abdul Halim Ghuznavi (Dacca *cum* Mymensingh: Muhammadan Rural): I propose that the name of Sir Muhammad Yakub be put in.

Dr. Bhagavan Das: I have no objection, if that is in addition to Mr. Asaf Ali's name.

To make the objects and reasons of a Bill to validate inter-caste marriages clear, it is necessary to say a few words about the real nature and purpose of what is now known as the caste system and about the ancient Indian ideals of marriage.

Five or six views have been put forward by the eastern and western scholars who have investigated the subject. These have been stated and criticised learnedly by Dr. Hutton in the last Census Report for 1931. Incidentally, I am rather sorry to miss him from the official benches on this occasion. He would have helped to correct any mistaken notion that I might be labouring under. At the same time, it has to be said that his own view, as stated in the Report, as well as the others which he discusses,

all endeavour to trace the origin and growth of the caste system from the standpoint of history. So far as I am aware, no one has attempted to unfold the scientific principles, the very practical values, and the great sociological significance and utility which are inherently embodied in its pristine and uncorrupted form, as I understand it.

Sir, with your permission, and the kind indulgence of the House, I wish to state these principles as shortly as I can. Sir, I have been a sort of school-master all my life and have grown into some pedantic habits. If any of that weakness creeps into my speech, I hope the House will graciously forgive it. ' These principles were very briefly, yet perfectly, indicated, many thousands of years ago, in some famous verses of the Rig-Veda, which I had occasion to place before the House, during the preceding Session, in connection with the Arya Marriage Validation Bill.

In its origin, the caste system was a complete Scheme of Social Organisation which consisted of four interlinked organisations; *viz.*, an Educational organisation consisting of the learned class, called Brahmanas, and the student order, called Brahma-charis; a Defensive (Protective, Executive, or Political) organisation, consisting of the chivalrous class, called Kshattriyas, and, generally speaking, the suburban order, called Vana-prasthas; an Economic organisation, consisting of the commercial class, called Vaishyas, and the order of the householders, called Grihasthas; and an Industrial or Labour organisation, consisting of the workman class, called Shudras, as physical servants, and the anchorite order, called Sanyasis, as spiritual servants. This four-fold social organisation was based on a few fundamental, wide-reaching, principles of many sciences. It was devised by the Elders of the Aryan Race in far past times, as a great broad mould into which could be poured and thereby Aryanised, *i.e.*, civilised, more or less, all the multitudinous tribes, not only of India, but of all the Human Race everywhere, which might happen to come within its sphere of influence—with all their innumerable occupations, hobbies, pursuits, creeds, local customs, taboos, ways of living, etc. The oldest living law-book of the human world, *Manu-smriti*, says that whatever, out of these, is not positively harmful, should be permitted:

> *"Desha-dharman, jati-dharman,*
> *Kula-dharmamsh-cha shashvatan,*
> *Pashanda-gana-dharmansh-cha,*
> *Shastre-smin-nuktavan Manuh."*
>
> (*Manu, i, 118; see also ii, 20, and x, 4*).

The *Biological principle* incorporated into the class caste system is that two laws are always at work in the birth of the successive generations of living beings. They are what the modern evolutionist knows as (a) the law of heredity, and (b) the law of spontaneous variation or mutation; that is to say, that (a) children of the same parents tend to be similar to their parents and to each other in body and mind, and that (b) they tend to be dissimilar also, quite often. The old words are *Janma* and *Karma;* also *Yoni* and *Tapas*.

The *Psychological principle* is that the mind has three main functions; that one tends to predominate in every individual; that, accordingly, 'dwi-ja', twice-born, re-generate, *i.e.*, educated and cultured persons, "who have been born a second time, *i.e.*, into the world of introspection and moral self-consciousness"—such persons tend to fall into one or another

[Dr. Bhagavan Das.]

of three broad types or classes, (a) men of knowledge, (b) men of action, (c) men of acquisitive desire; and that there is a residual fourth type, composed of the comparatively uneducable child-minds, who become (d) the men of unskilled or little-skilled labour. Another *Psychological principle* involved is that the man of knowledge finds his greatest heart-satisfaction and best incentive to good work in affectionate honour, *sammana, izzat*, most; the man of action desires executive power and official authority, *ajna-shakti, aishvarya, adhikara, hukumat*, most; the man of acquisitive desire loves wealth, *dhana, daulat*, most; the man of labour wants play and amusement and holidays, *krida, vinoda, tafrih, khel-tamasha*, most. It has to be borne in mind carefully that even four uterine brothers, children of the same parents, may, and quite often do, belong to the four, or to three, or two, different types, by the law of spontaneous mutation; or they may, and often do, all belong to only one of the four types, by the law of heredity:

"Na vishesh-osti varnanam
sarvam Brahmam idam jagat,

Brahmana purva-srishtam hi,
karmabhir-varnatam gatam."

(*Mbh, Shanti, ch. 186*).

"All four classes or types are born from the same Creator's body; hence are brothers; but are differentiated into classes by their different temperaments and occupations".

Another important *Psychological principle* is that carnal, sensual, sex-passion is naturally transmuted and sublimated into spiritual affection and self-denying sense of responsibility and duty, by the birth of children in wed-lock—though, of course, excess as in other matters so of children, beyond the parents' power to bring up healthily, is disastrous; and that if the birth of all children, of even a single child, is deliberately avoided, in order to avoid all self-denying responsibility, and only snatch sense-pleasures, then that carnal passion invariably becomes a lurid fire of ever-increasing selfishness which inevitably destroys all conjugal love and happiness soon rather than late, and leads to vices and crimes and social disturbances of all sorts. Hence the recommendation and eulogy of the "house-holder order" as the best, because it is the nourisher of all others; and at the same time deprecation of excessive progenition. (Manu, iii, 77, 78; vi, 89, 90; ix, 107).

Hence also the insistence that the Family is the unit of Society, and not the Individual—a principle of very far-reaching consequence.

"Etavan eva purushah
Yaj-jaya-tma praj-eti ha." (*Manu, ix. 45*).

"The father, the mother, the child—these three together make up the complete human being; the man is not the man alone, but the man, the woman, and the child."

The modern tendency is to regard the individual as such unit. Individualism at one end, nationalism at the other end, is the modern ideal. Familism at one end, humanism at the other, is the ancient. When the

family is regarded as the unit, and father, mother, and child are regarded as permanently bound together, the natural consequence of paternal and maternal relationships stretching endlessly, in the past and the future, is that the whole of society is seen to be not only psychologically but also biologically bound together and made co-operative, literally flesh of the same flesh and spirit of the same spirit. The bonds of commensality and connubium, 'anna-sambandha' and 'yauna-sambandha', constitute the 'prana-sambandha', the biological vital bonds, between human beings. But when the individual is regarded as a free unit, his connection with the group amidst which he lives becomes only wilful, competitive, and therefore more fragile than cohesive. Hence we see the violent hatreds between individuals, as well as the nations composed of such individuals, which pervade the whole human atmosphere today, conflicts between not only nation and nation, but within each nation, between rich and poor, ruler and ruled, strong and weak, and—climax of discord—between man and woman, parent and child, old and young.

The *Economic principle* is that, to avoid or at least minimise the evils of unregulated frantic competition, human beings should, where the law of heredity is at all clearly manifest in their psycho-physical temperament and constitution, follow the hereditary occupation: but that when the law of spontaneous variation predominantly asserts itself in any individual, he should be allowed to take up the corresponding and appropriate bread-winning profession and vocational class-name, *and not be permitted to take up any other in addition*, for making money. Thus each human being would be able to do the best, of which he is capable, in the way of service of the Social Whole, and would receive from society, an appropriate remuneration and livelihood, and there would be an equitable distribution of work and wealth and leisure, because no person would be allowed to make money by more than one means of livelihood, nor beyond certain limits.

The *Sociological principle* is that, as a single human body consists of head, arms, trunk, and all-supporting legs, as a single human mind is made of stores of knowledge, of desires, of volitions, and of simple vitality, so the Social Organism, *i.e.*, every complete, well evolved, advanced, civilised society, consists of four main broadly distinguishable vocational classes, (a) the learned professions, (b) the executive professions, (c) the business professions, (d) the labouring or industrial professions. Different rights and different corresponding duties, different kinds of work and different kinds of livelihood, different labours and different wages and rewards, different functions and different prizes of life, *viz.*, honour, power, wealth, and play, should be equitably partitioned between the four classes, according to the four temperaments, and none allowed to encroach upon those (especially the means of livelihood) of any other, or to adulterate two or three or all four in any single group or individual. Of course, there are numerous subordinate varieties included under each of the four main types of occupation. The Veda-verses, referred to before, expressly enunciate the correspondence of the vocational or functional classes, which make up the Social Organism, with the members or limbs, discharging separate functions, of the individual organism. The wise Sheikh Sadi, echoing the same thought, though without specification, has said: "Bani Adam azae yak digar and, Ke dar afrinish ze yak Jauhar and," "The children of Adam are all as limbs and organs of each other, since they are all born from the same Spiritual Essence."

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Yet another *Sociological principle* of vital importance is that each individual life should be broadly divided into four stages; the first part to be devoted to study, the second to the household and bread-winning and bringing up of children, the third to unremunerated honorary public service, and the last to spiritual exercises and meditation; and that individualist egoism should be allowed to have regulated play in the first two parts, while socialist altruism should prevail ever more and more in the last two. This principle is the basis of what is known as the Ashrama-dharma, the planning out of the individual life, which is the inseparable complement of the Varna-dharma, the planning out of the social life, even as the warp is the inseparable complement of the woof.

If the third stage, with its order of persons retired from competitive bread-winning, full of mature experience, looking with benevolent and peaceful eyes upon the world generally and the younger generation specially, really honourable and honoured, always available for honorary public work in the elective committees, boards, legislatures—if this stage and order were duly revived, the sordid selfishnesses and corruptions that are to be seen today in the ranks of even the elective and honorary workers would be abolished, and, by the moral influence of their good example, would be minimised in the ranks of the salaried public servants where they are far more rampant.

The *Political principle* is that the four vocational classes should form separate but interdependent guilds; that a balance of power should be maintained between them all; and that Science-power, Military-power, Bread-and-Money-power, and Labour-power must not all become concentrated in any single group or individual; because, from such combination of several powers in the same hands, there inevitably result despotic megalomania and tyrannical misuse of unrestrained power. The Educator, the Protector-Soldier, the Feeder, the Helper, each should keep to his respective sphere, and not wish to get any other under his thumb, much less his heel.

The *Educational principle* is that each and every child, who is at all educable, should be given, together with the elements of general culture, also special training for the vocation for which he possesses special aptitude, which aptitude should be carefully ascertained by his educators.

The *Hygienic and Eugenic and Sexological principle* is that every possible care and caution should be exercised, and all possible cleanness and purity secured, in respect of food and marriage, and that persons with similarity of tastes and habits and parity of temperaments should dine together, and marry together, so that individual and racial health and happiness may be promoted.

On the basis of these principles, which are all inter-dependent, was built up the old Social Structure. In it, every individual would necessarily belong, not by rigid heredity, but by his particular temperament and aptitude, to one or another of the four main vocational classes. Under these four main classes of vocations, all the countless occupations of man can be broadly grouped and classified, and every man can readily find and fit into his proper position in the Social Whole, and make a reasonable living without being a burden on or a danger to society.

Such was the original Varna-Ashrama-Dharma or Varna-Ashrama-Vyavastha. Into it were unceasingly absorbed, and thereby organised and civilised, the thousands of tribes of India, in past ages. It could, and did, in the earlier centuries of the history of India, include, absorb, assimilate, persons of any race, nation, country, creed, without disturbing their creed or nationality or mother-tongue. Even today, as a patent fact, we have Punjabi, Marwari, Awadhi, Madhya-deshi, Bengali, Madrasi, Maratha, Gujrati, and Balinese (in the Bali Island), Brahmanas, Kshattriyas, Vaishyas, Shudras; and each of these groups includes persons who belong to the Vaishnava or the Shakta or the Shaiva or any one of scores of other faiths and sects, and speaking all sorts of languages.

In the fundamental principles of the original system there is to be found no reason against, and every reason for, classifying each of the many peoples of the earth, Chinese, Japanese, Irani, Arabian, French, Russian, German, British, as well as Indian, and whether Hindu or Parsi or Christian or Muslim or Jew or other, into the same four vocational groups or professions. And in fact, every civilised people actually does possess these four main broad classes or professions, though they are not so deliberately recognised and so systematically organised, with careful partitioning of functions and remunerations, as seems to have been done in ancient India.

Even the Russian Soviet has instinctively named itself the Peasants', Soldiers', and Workers', *i.e.*, Intellectual Workers' and Manual Workers', Soviet Republic. Even in Britain the four estates of the realm are the Clergy, the Nobility, the Commons, the Laborites. Even the Quran speaks of the men of *Ilm*, the men of *Amr*, and the *Zurra*, with the fourth type of *Mazdur* understood.

It has been remarked by outside observers that it is impossible to say what exactly Hinduism is. Indeed, there is not one single belief, and not one single custom, which can be said to be the invariable, distinctive, differentiating characteristic of Hinduism and the Hindu. No doubt, Hinduism includes the Essentials of Universal Religion in common with all the other great religions of man; but, besides these, almost every one of all the customs and practices, the beliefs and philosophies, lowest to highest, crudest to most refined, that can be found in any part of the world, will be found prevailing in some section or another of the Hindus. Christianity has hundreds of sects, but the belief in Christ seems to be indispensable to all, though there is much dispute between the sects as to the nature and the status of Christ. Islam has scores of sects, but the belief in Muhammad seems necessary for all, though, I am told, some sects do not consider the second part of the *kalema* of faith as essential and indispensable, and regard Muhammad as one of many prophets sent by God to help humanity on earth.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): There is no Muslim who believes in this.

Dr. Bhagavan Das: I have been told so. I am not an Arabic scholar, and I cannot read the Quran in the original.

Sir Muhammad Yamin Khan: It is essential for a Muslim to believe in both the parts of the *kalema*, namely, *La ilaha illallah* and *Muhammad-ur-Rasulullah*.

Dr. Bhagavan Das: I have heard what I have said, from a Muslim Sufi friend, and have not invented it from my own imagination.

Sir Muhammad Yamin Khan: Those who do not believe in the second part of the *kalema* cannot be called Muslims.

Dr. Bhagavan Das: For the Hindu, belief in no one such person and no one form or name of Deity is absolutely necessary. But acknowledgment, conscious or unconscious, implicit or explicit, vague or clear, of being included, however lightly or loosely, within the pale of the Varn-Ashrama Scheme of Social Organisation, and willingness to be designated as Hindu, may be regarded, if anything can be, as the characteristic of the Hindu. Indeed, the word Hindu is not to be found in the old books at all. The Dharma-shastra words are Manushya, Manava, Nara, which all mean simply "man". The first two words are indeed etymologically the same as "man". It is true that the words Arya, on the one hand, and the contrasted words An-arya, Vrishala, Mlechha, Dasyu, on the other, also appear in the Shastra; but they only mean 'civilised', on the one hand, and 'uncivilised, de-civilised, barbarous, savage', on the other, respectively. The appearance of the word 'Hindu', in its present sense, is cœval with the beginning, towards the close of the seventh century A.C., of the disease of excessive sub-division and mutual exclusiveness, which has been slowly, and is now more and more rapidly, sapping the life of that Society which it now names.

The word really should mean, and originally did mean, Hind-i, *i.e.*, inhabitant of Hind or India, which two names were given to this land by the ancient Persians and Greeks, respectively, because of the river and the province named Sindhu. Indian Musalmans, travelling in the near west, are called Hind-i there, quite rightly.

Such a view of the caste system reconciles and illuminates all the five or six views, tribal, religious, occupational, etc., which have been propounded so far, as to the origin of the system, and at the same time gives to it a great scientific and practical value, by distinguishing between psychological-vocational *varnas* and biological *jatis*, and by grouping individuals, whatever their *jati*, into *varnas*, according to their vocational temperament and actual occupation.

After this brief sketch of the nature, the purpose, and the fundamental principles of the so-called caste-system, I hope that what more I have to say, with regard to this Bill, may not be so obscure as it may otherwise have been.

The partitioning of the means of livelihood deserves special notice. As every individual was assigned to one or another of the four great guilds, of Educators, Protectors, Tradesmen, and Workmen, so every individual was expected to earn his living by only those means of livelihood which were assigned to his class; he was not allowed to make money by the ways and means set apart for any other class, and even the businessman, who was permitted to gather wealth, was not allowed to accumulate it beyond certain limits, and was moreover induced by social pressure to hold and use it as a trustee for social good. Equitable distribution of wealth was secured in this way, as well as scope for play of individual tastes, by the old Social Organisation. In all other respects also, under the constant guidance of the few vital fundamental principles stated

before, it made the best possible reconciliations between the egoistic and the altruistic tendencies of the human being, the wisest compromises between the rival claims of individualism and socialism, the most practical solutions of all the problems that perpetually beset Humanity.

Combining *varna-dharma* and *ashrama-dharma* organisation of the social and of the individual life, it reconciled all 'isms', by avoiding the one *ism* of extremism; it made the best possible adjustments between all the pairs of the opposed needs of man, by giving to each its due and not more than due; it provided sufficiently, and not more than sufficiently, for healthy wholesome recreation as well as procreation, within the family life; it gave reasonable opportunity and scope for all sorts of temperaments. It made practicable the noble ideal of the Federation of the World and the Parliament of Man.

This ancient class system of India seems, in known history, to be the first attempt made by the Human Race, and the only complete one, until the as yet very imperfect Russian effort, (with the possible exception of the Peruvian state-socialism of the twelfth to the fifteenth centuries A.C.), to plan out individual and social life deliberately and systematically, in accordance with the laws and facts of human nature, some of which the Russian effort is ignoring perilously, as said before.

Further exposition of this large subject is not possible here. But this, all too insufficient, outline of it was unavoidable. It is the neglect of the fundamental principles underlying Varna-Vyavastha, the distortion and misinterpretation of them, the excessive exaggeration of the principle of heredity, the grabbing of all rights and shirking of all duties by the strong and the cunning, which has brought about the degeneration of the vocational class-system into the current caricature of it, in the shape of some 3,000 mutually repellent castes and sub-castes, and, among many other evils, has given rise to those difficulties regarding marriage, which force us to feel the necessity for new legislation, in the form of this Bill.

The Bill is a purely permissive measure, based on the sound and simple maxim, "Live and let live". If passed into Law, it will help to check the internal corruptive and disruptive decay that has set in in the Hindu community. It will soften that spirit of hard internal and external exclusiveness which is the most prominent and most dangerous disease-symptom of that community today. It will promote friendly relations with sister-communities also, by sweetening the whole spirit of Hinduism. It will make unnecessary, and thereby prevent, a considerable amount of hypocrisy and fraud in marriage negotiations, and kidnapping and sale of marriageable girls and women, which, as is well-known, are being practised in several parts of the country, for the purpose of supplying wives to various sub-castes which are short of women for various reasons. One of these reasons has been, in the recent past, the well-known infanticide of girl babies, among some sub-castes. This infanticide has diminished apparently; but, from the nature of the crime and the ease with which it may be committed without detection, it is by no means possible to say that it has been extinguished. The present Bill will indirectly help to make such crime unnecessary, also. It will help to shift marriage-conventions from the basis, on which they now stand, of superstition, which is belief *without* reason (*dharm-abhasa, mithya-dharma, mutha-graha*, in this case, belief in the potency of the mere hereditary caste-name) to the basis

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of science, which is belief *with* reason (*veda-dharma*, in this case, psycho-physical eugenic science). As the old books say, "He only can understand and work the law rightly who studies it in the light of its objects and reasons":

"Hetubhir dharmam-anvichchen
na lokam virasam charet." (*Mbh., Shanti, ch. 268*).
"Yas tarken-anusandhatte
sa dharmam veda n-etarah." (*Manu, xii, 106*).

It will compel no one to contract a marriage outside his caste or sub-caste, but it will save any one who may make such a marriage from being hounded out of caste publicly. It will bind no one against his or her will to enter into or keep up any social relations with any one who has contracted such a marriage, but it will prevent any one, on pain of being held guilty of defamation, from making any public proclamation that such a person has lost caste and is not worthy to be associated with, because he or she has contracted such a marriage.

Some other important advantages that would accrue are, (a) that the method of co-education, which is growing steadily in the country under the pressure of the new conditions, would lead to many happy marriages instead of acts of error and shame, and soiling of mind and body, and, now and then, life-long nervous disorders, (b) that the suicides of girls, and other evils, now often caused by the growing practice of demanding very large cash-dowries—a practice born of economic distress, on the one hand, and, on the other, of the mammonist spirit fostered by the new civilisation—such evils would also be checked by the growth of free choice of each other by educated youth and maid, without irrational limitation to the same caste-name. It will make clear and firm the legal status, now doubtful, of hundreds of persons who have entered into inter-caste marriages, by the usual Hindu rites and ceremonies, and not under the Special Marriage Acts. It will bring great relief to many small sections of Hindus which are experiencing very serious difficulties in arranging marriages within caste or sub-caste; and also to those who wish to contract such marriages without being bound by the conditions of the Special Marriage Acts.

Finally, I am profoundly convinced, far from *infringing* any essential principle of Dharma and any fundamental commandments of Dharma-shastra, it will help greatly to *restore* to what is now called "Hindu Society", but should be called "Manava Samaj" or "Human Society", those most valuable principles of social life and organisation, which that society has gradually forgotten and lost in the course of the centuries.

12 NOON.

For those who attach great value to the word of the Dharma-Shastra—and so do I, most reverently, provided the writing be genuinely ancient, belonging to the times when the Indians were a self-governing people, and provided its word be rightly interpreted in accordance with the rules of that Science of Exegesis (Nirukta and Mimamsa) which is essential part of the Dharma-Shastra—for such persons, sufficient support can be found even in those Scriptures, especially the Puranas, for such inter-caste marriages. It would probably tire my Honourable colleagues if I

read out many Sanskrit texts. Therefore, I do not. But I have had a large sheet of Sanskrit texts, with translation in Hindustani, printed, and I shall be happy to supply copies to any Members who may desire them. For those who rely more on reason and common sense, scarcely any argument is needed.

It should be noted particularly that the Bill does not force any person to enter into such a marriage. It only preserves intact to those, who may enter into it, all their former social status and religious and legal rights and duties as Hindus, saves them from being more or less completely cut off from such of their kith and kin as may be desirous of keeping up social relations with them, and retains for the community their services, which may, in some cases, be very valuable.

It should also be borne in mind that, in any case, there would not be many such marriages. In far the large majority of cases, persons and families would continue to seek alliances within their respective familiar and accustomed groups. The inter-caste marriages, to be validated by this Bill, would only be, comparatively, the exceptions which prove the rule; but very useful and desirable exceptions they would be.

The word 'caste' in the Bill includes also, *ipso facto*, what in English are called sub-castes. The Hindustani words "*zat, jat, jati*", include both castes and sub-castes. To the current orthodox view, marriages between person belonging to two different castes or two different sub-castes are, equally, *a-savarna-vivaha*, or 'intercaste' marriage, and, by custom, both kinds are invalid, with some exceptions. Yet the Pandit, learned in Sanskrit lore, would find it impossible to say, on the strength of the letter of the Dharma-shastra, that the marriage of persons of two different sub-castes of the same main caste was invalid. Indeed he would find it impossible to justify the existence of most of these sub-castes, whose names are not to be found at all in the old books. In practice, what may be regarded technically as sub-castes, are regarded by the Hindu public as independent castes. Indeed, the sub-castes of the three twice-born castes, taken all together, do not number more than a few scores, by the census tables. But the two thousand and more other castes of the census, which may be regarded as sub-castes of the fourth main caste, the once-born, all regard each other, not as such sub-castes, but as independent castes. As regards the twice-born castes, the Privy Council has recently decided also, expressly on the 28th April, 1936, that inter-sub-caste marriages are valid, among them (Gopi Krishna *vs.* Sri Krishna).

I have, on a previous occasion, put before the House, the view, that *varna* means occupation, which view is held by a class of orientalists, both Eastern and Western, which is steadily increasing in numbers daily.

But there are those who continue to believe that *varna* is a thing inherently hereditary, like *gotra*. *Gotra* is much the same as the Roman *gens* or the Scottish *clan*, or the Arab *Qabila*, or the Afghan *Khel* or *Zai*. The families of men supposed to be descended from a legendary common male ancestor constitute a *gotra*. *Gotra* is thus patently biological, and matter of heredity. But, by a legal or theological fiction, the girl changes her *gotra* for that of her husband at marriage. Now, if indisputably hereditary *gotra* can be thus changed by the bride, why may not the *varna*, the heredity of which is not at all so patent, be similarly changed? There is also the fact that some of the *gotras* are common

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to all the three 'twice-born' *varnas*, which means that the descendants of the same male ancestor could and did diverge into different *varnas*, in ancient theory and practice. I submit these facts, for reflection, to those who believe that *varna* is hereditary, over and above the fact that the Vedas and the Puranas expressly mention cases of members of the same family being of different *varnas*, and also of individuals and whole groups changing from one *varna* to another. This process is taking place even today. Many small groups, which were formerly regarded as Shudras, are now beginning to call themselves Brahmanas, or Kshattriyas, or Vaishyas. The phenomenon is the same in essence as, in western words, would be called 'rising in the social scale'. The latest Census Report, for 1931, mentions also other sorts of amalgamations of and changes in the minor castes or sub-castes, which are going on, and because of which the work of exact enumeration of sub-castes has become so perplexing that the Census authorities had to give it up altogether.

I may mention here a case which I suppose most of us have read about, in the papers the other day. It is the case of Dr. James Cousins, a good friend of mine, a very learned man, a poet of very high quality in the English language, and Principal of the Madanapalle College in the Madras Presidency, who formally embraced Hinduism in Travancore; and the *ex*-Shankaracharya of Karwir Muth, or Karwir Peeth, Dr. Kurtkoti, in his presidential address which he delivered in October last at Lahore. . . . .

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): He is not Shankaracharya.

Dr. Bhagavan Das: I said *ex*-Shankaracharya. He is not now. He was for some time Shankaracharya, but he has been unseated and he is now living in Nasik as Dr. Kurtkoti. He was made the President of the Hindu Sabha Conference at Lahore notwithstanding the fact that he had been ousted from the *Gaddi* . . . . . .

Babu Baijnath Bajoria: Karwir Muth is not a seat for Shankaracharya at all.

Dr. Bhagavan Das: I may be mistaken; I am willing to be corrected. But I believe that it is not I, but Babu Baijnath Bajoria who is mistaken in this matter. The new Shankaracharya of Sankeshwar-Karwir Peeth has sent an opinion against my Bill and containing personal attacks on me and other supporters and sympathisers. Anyway, this was in the papers that in the address which Dr. Kurtkoti gave at Lahore he mentioned the fact that he had converted to Hinduism a number of persons who were not even Indians. Among them, if I remember rightly, he mentioned the name of Miss Miller, who was married to the *ex*-Maharaja of Indore, and she is now named Sharmistha Devi after being Hinduised. The simple solution of all such difficulties and perplexities is that, since *jati* is ethnical and *varna* professional, every person should give himself, individually, only that *varna*-name which corresponds with his profession.

This is the way in which Hindu Society can shift the basis of caste-class from hereditary caste-name to actual occupation and means of living, and reconstruct itself scientifically.

In the meanwhile, a 'practical' question may be answered 'practically'. Persons ask, "What will be the caste of the woman, born in one caste, who married a man of another caste, and what will be the caste of her children?" The obvious answer is that "As she will change her *gotra*, so will she change her caste also, for that of her husband, and the children of the two will belong to the caste of the father, for all purposes of Hindu rites and ceremonies and Hindu personal law."

Human especially feminine instinct-intuition, as much as masculine pedestrian reason, requires this. As in the west, the wife of a king automatically becomes a queen, an emperor an empress, a duke a duchess, etc., though she may be a peasant's or a clergyman's or a soldier's daughter; and as Miss Carter on marrying Mr. Porter automatically becomes Mrs. Porter and ceases to be Miss Carter, and Miss Tyler becomes Mrs. Stoker; even so, the women, at least in the United Provinces, call the wife of a tahsildar as tahsildarin, a kotwal as kotwalin, a seth as sethani, a raja as rani, a pandit as panditani, a thakur as thakurani, a panda as pandain, a doctor as daktarni, a subadar as subadarin, a risaldar as risaldarin, a jamadar as jamadarin, a hira-tarash as hira-tarashin, a churi-hara as churi-harin, and so forth. "What the husband is, that same is the wife"—such is the injunction of the primal Law-giver of India, Manu. Whatever, then, the *varna* of the man, that same must become the *varna* of the woman whom he marries and who marries him.

I have purposely mentioned words which are not the names of recognised and fixed castes or sub-castes having already well-known feminine as well as masculine forms. The words that I have mentioned help to confirm the view that many of the older caste-names were also occupational names originally, while some were formed from the name of the locality which was the first habitat of the tribe, and others from the name of the legendary primal ancestor. I understand that in the French language, a practising lady-doctor is called a doctresse. I do not know if they have barristresses also, but I believe they have prosecutrixes. Any way, all the really ancient traditions and the genius of the Indian people require that the woman whom a man marries should take on his *varna* in the same way as she takes on his *gotra*.

In bringing forward this Bill, I am indeed not suggesting any new-fangled innovation, but am proposing what I sincerely believe to have been the custom and practice in the ancient, happier, more lifeful, and more vigorous days of the Indian people, before the seventh century A. C.

Always, in all departments of human life, the one and only problem is how to adjust and reconcile opposites, egoism and altruism, the wishes of each individual and the requirements of all other individuals, *laissez faire* and regulative interference, King Log and King Stork, mob-rule anarchy and autocratic, despotic, dictatorial monarchy, the law of the jungle and military regimentation. In the department of sex-love and marriage, the tremendous output of literature on the subject, in the west, within the last two or three decades, all seems to ring endless changes on, and to advocate the one or the other of the two opposed answers to, but this one single problem, *viz.*, how to reconcile self-seeking carnal passion and wilful self-indulgence and changing personal likes and dislikes, on the one hand, with, on the other hand, the other-seeking, unselfish, permament, spiritual affections that are meant by the words 'home' and 'family',

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the needs of the new generation, and the requirements of social organisation and stability; how to reconcile self-seeking recreation and duty, involving procreation, in short, as is the latest phrasing for the oldest ideas: *viz., dampati-rati* and *santati-priti.*

Wise statesmanship consists in regulating the swing of the pendulum between the two extremes, in every department of national life—and all are inter-related, and the family-life is the centre of them all, ultimately—in such a way that that pendulum may not run so very far from the middle-point, on any one side, as to over-balance and overturn the whole clock.

The institution of marriage is undergoing, in the west, what is described as a sexual and moral revolution. This is proceeding side by side with corresponding and closely connected revolutionary changes in the other institutions of society, so far regarded as fundamental, *viz.*, economic and industrial, political, religious and educational; for politics is rooted in economics, that in 'domestics' and psycho-physics, those in pedagogics; and the pros and cons of the same two eternally opposed sets of extreme views are being threshed to pieces in endless pages of print, in the case of each. There is much straining to discover original terms and phrases, much variety of angles of vision, much fine speaking and writing, but the essential pairs of opposed views are the same as ever.

Even Soviet Russia, which has made the greatest of revolutions known to history so far, with immense agony and bloodshed, is coming back, by all available report, (I have no first hand knowledge of Russia, never having gone there), after less than two decades of brave experimenting, and more brave admission of mistakes, to the possession of private property, but regulated and equitable; to the toleration of religion, but not the tyranny of priestcraft; to the permanent union of husband and wife, but not the enslaving of either by the other.

Rigidity in the matter of banning all inter-caste marriage has gone much too far in India, and is provoking a rebellion in the educated and therefore more influential, active, and effective sections. If this rebellion is not allayed by wise and gentle handling and timely concession, it will create great confusion in Hindu society shortly and hasten its disruption. 'The string o'er-stretched breaks.' Inter-caste marriages are multiplying under the pressure of the conditions of education, travel, bread-winning; and persons often wander far and work for long periods at long distances from their original homes, and the married pairs are being more or less cut off from their kith and kin and their old normal and natural relationships. They are bound to produce, in the body politic, the baneful effect which is always produced by unassimilated and therefore antagonistic foreign bodies in a diseased and devitalised organism, unless effective means are devised, such as this Bill proposes, to integrate them back into their proper place in the Social Whole.

Some persons think that if inter-caste marriages are allowed, "purity of race" will be lost. I would respectfully submit to such persons, that "purity of race", is evidenced only by characteristic typical physical, mental, and moral features. Now, at the present time, all sorts of physical, mental, moral features, characters, complexions, good and bad, dark and brown and yellow and red and pink and white, are patently to be seen in

every so-called "caste". The unavoidable inference is that "purity of race" has become wholly imaginary. I venture to submit that discriminate, wise, well-matched inter-caste marriages, of the physically, morally, and mentally refined and cultured with the similarly cultured, marriages between persons of similar tastes and temperaments, will help to re-establish the lost "purity of race", and gradually re-create a really good and true *varna-vyavastha*, or class-caste system, in which each family will inherit and carry forward traditions which would be socially as well as individually good and useful.

That there are four main psycho-physical temperaments and four main broad corresponding classes of vocations, is borne out by western, and is expressly asserted by eastern, psychological science; that all persons bearing the same caste-name, or that even all uterine brothers and sisters have necessarily the same temperament and vocational aptitude, is a superstition which is exploded by the slightest touch of observation.

When two persons, young man and young woman, have been born and brought up in two families of similar personal habits, ways of living, and breadwinning occupations, the indication is, and the presumption may well be, that their psycho-physical temperaments will not be disparate, will not conflict, this is the element of science in the sentiment for caste-endogamy or *sa-varna-vivaha*. To insist that because two persons have been born in two families bearing different caste-names, therefore there cannot be parity of temperament between them—this is the element of superstition, in the present conditions, when caste-name is no more any index at all to personal habits, ways of living, and occupation.

Indeed, *sa-varna-vivaha* means marriage of persons having compatible dispositions and personal habits and similar occupational, intellectual, and emotional interests and tastes. It does not mean mere sameness of caste-name. By a too common error of the human mind, Hindus have been placing the cart before the horse, the form before the spirit, mistaking cause for effect, and effect for cause. The natural sequence is: congenital vocational temperament, thence appropriate education and occupation, thence class-designation; in the words of that world-famous scripture, the *Gita*, *sva-bhava*, thence *guna*, thence *karma*.

"Chatur-varnyam Maya srishtam
Guna-karma-vibhagashah;
Karmani pravibhaktani
Swa-bhava-prabhavair gunaih." (*Gita.*)

"The four varnas, classes, have been created by division of temperaments and vocations; and vocations have been divided according to congenital temperaments".

We have inverted this order into: hereditary caste-name, thence occupation, thence temperament; that is to say, because a person has a hereditary caste-name, therefore he has capacity for the occupation indicated by it, and because he has taken up the occupation therefore he has the appropriate temperament. The necessary consequence of this inversion of the natural order of things is endless misfits and divergences between temperaments and occupations and caste-names, the *reductio ad absurdum* of the caste-system to mere avoidance of inter-caste dining and inter-caste

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marriage, the contraction of very many marriages which are nominally *sa-varna* but really and scientifically quite *a-sa-varna*, and that general confusion of occupations and dis-organisation of society which is the real meaning of the Sanskrit word *varna-sankara*.

Closely allied, or rather integrally connected, with this question of inter-caste marriage is the problem of untouchability. It should be borne in mind that there are some two thousand 'castes' of Harijans, that these cannot inter-dine or inter-marry, even amongst themselves, what to say with the so-called higher castes; and that my Bill, if passed into law, would help them also greatly. Untouchability obviously attaches to dirt, and not to any human being as such. That persons in an unclean condition, or suffering from contagious or infectious diseases, should not be touched, except when necessary to do so in order to help them—this is clearly the element of science in the orthodox sentiment on the subject. That a person, however clean and healthy, is untouchable simply because he hears the caste-designation (in Britain, the family-name) of Skinner or Tanner or Fowler or Fisher or Hunter or Butcher (Chamar, Bahelia, Machhua, Byadha)—this is the element of superstition.

But, indeed, no one should bear a name which indicates an occupation which he does not follow. The problem of the depressed classes or Harijans, which is now agitating the country so greatly, would be solved in a moment if they would only resolve to give up the thousands of petty caste-names to which they are now clinging, and call themselves by the name of one or another of the four main occupational caste-names, under which their particular occupations may fall as sub-varieties; also such of them as pursue occupations involving contact with dirt must learn, and must be taught and given opportunities, to wash themselves clean, after their day's work. Such is the simple solution of the whole problem, but because the spirit, the will, the clear realisation of the method, are lacking, therefore the simple has become exceedingly difficult.

It is a weakness in human nature, all over the world, and in all departments of life, to forget the spirit which giveth life and hold fast to the letter which killeth, to cling to the chaff and fling away the grain. This weakness has to be struggled against with perpetual vigilance.

I have heard from an English friend, that when the fact of the transmission of contagious disease through germs clinging to unwashed human hands was first discovered, many decades ago, scientific men suggested that the flour and other material, for bread and other foods, should not be kneaded, or otherwise touched, by human hands, and it became the fashion for makers of bread and tinned foods, to advertise their goods with the label, "Untouched by hand". This English friend, out of curiosity to find out in what other ways the requisite processes were performed, looked in a factory, and saw men kneading the dough with their *feet*! The doctors had advised that it should not be touched by *hand*; they had said nothing against the *feet*!

Where there is lack of intelligence, or self-righteousness instead of righteousness, or wish to evade and deceive, or to grasp rights and shirk duties, there such grievous perverseness of interpretation and of conduct always appears.

The fate of the caste-system has been such. All the fundamental principles of the vocational class system have been forgotten. The clever man seeks today to grab all the honour, also all the official power and authority, also all the money, and also all the amusement, that may be available; in short, he tries, and succeeds, to grasp all rights and shirk all corresponding duties as far as possible; and from this general grab and scramble and *varna-sankara*, this dis-organisation and confusion of vocations and remunerations, there results the universal turmoil in the human world, and the special degeneracy of the Indian people, and of the Hindus particularly. That which was intended to be a force for integration and union, has become the source of disintegration and division. The blessing has turned into a curse.

The unregulated spirit of individualism is the root-cause of political, self-determinist, nationalist, provincialist, fissiparousness, as much as it is of caste-fissiparousness. When the spirit goes wrong, everything goes wrong. If we could restore to the so-called caste-system its true old occupational basis, and if we could attach and confine honour and power firmly to only wisdom and self-denial and public spirit, and separate them from luxury and the hoarding of wealth, as the old social organisation or *varna-dharma* does, then indeed the spirit of excessive individualism and mammonism and all other related wrong *isms*, which are perverting the glories of the new scientific civilisation into the horrors of scientific hate and oppression and butchery, would be converted and transmuted into humanism, and all our problems would be solved of themselves; for when the spirit is right, as it would be, if we separate honour and power from luxury and wealth, then everything comes right.

The heads of caste and sub-caste *Panchayats* today have forgotten their duties of helping and serving their caste-men, within their respective ranges, and have been trying only to taste power, by excommunicating persons who go against their notions of what is right in matters of dining and marrying and touching, and by 'selling indulgences' like medieval priests. Power has come to mean everywhere power to hurt and not to help.

But good signs are not lacking altogether. The superstition, in respect of inter-dining, has largely disappeared, except perhaps in Southern India, among those who have received the new education, and is further disappearing under the pressure of the changing conditions of life, particularly of travel for the sake of business and pleasure. The superstition in respect of untouchability is also crumbling, but its dissolution requires to be facilitated by legislation, because of various sorts of alleged vested rights; and by the widespread inculcation of the fact that untouchability attaches to uncleanness and not to any human being as such. The superstition against inter-caste marriage is the strongest, and since legal rights and questions of personal law are involved, the help of special legislation, such as this Bill proposes, is indispensable to replace it by that wisdom, which is science *plus* philanthropy, and which should be the parent of law.

If we were to seek for one comprehensive principle of common sense as well as science, which would dissolve all these three superstitions simultaneously, and solve all the innumerable difficulties caused by them, we would find it ready given to us in one brief well-known Sanskrit maxim:

"Samana-shila-vyasaneshu sakhyam."

"Companionship is best and most successful among those who have similar or compatible temperaments and habits."

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I will now refer to some criticisms and suggestions. It has been said that this Bill is not needed because the Special Marriage Act of 1923 meets all requirements.

But that law imposes various conditions, which are not acceptable to many persons who are desirous of contracting inter-caste marriages. Under that law, they would become automatically severed from the joint family to which they may belong, even though the other members may not desire such severence; they would perforce come under the Indian Succession Act and lose their personal Hindu law;

Mr. Lalchand Navalrai: (Sind: Non-Muhammadan Rural): Dr. Deshmukh does not want the Hindu joint family to live.

Dr. Bhagavan Das: Then he will be at liberty to take advantage of the Special Marriage Act. I do not think he is desirous of contracting another marriage.

They would lose the right of adoption; their children would lose certain rights of inheritance; the Divorce law would apply to them. Those who feel no objection to the acceptance of such conditions, may and will certainly utilise those laws. But in the interests of those who feel conscientious objections to acting under them, the simple Bill which I have presented to the Assembly, deserves to be passed into law. It harms no one, in any way; it helps many, in many ways. If the leaders of the various sections of the Hindus give their support to it, it will initiate the restoration to health, of the Hindus directly, and of the rest of the Indian people indirectly, by the purification and strengthening of the biological and psychological bonds between all.

One positive suggestion which has been made, is important. All the Women's Associations of the country, including such very influential ones as the All-India Women's Conference, and the Women's Indian Association of which the Maharani of Travancore is the President, have given public support to this Bill, but have all pressed for the addition of a provision that all such inter-caste marriages must be monogamous. Some Governors of Provinces, and some High Court Judges, and many non-official men's associations and prominent individual men also have pointed out the need for such a provision. I trust that the necessary addition will be made by the Select Committee.

From the Opinions collected by the Central Government, I am very happy to see that seven of the Provincial Governments have expressed themselves in favour of the Bill, seven advise that the Central Government should remain neutral and leave the Hindus to decide, one or two are doubtful, and only one, that of Bengal, has expressed itself against it. Of the High Courts, those of Bengal and Burma are neutral; of the others, 21 Judges are definitely in favour of it, 6 are against. Of the executive District officers and the District and Sessions Judges and the Bar Associations and individual leading lawyers who were consulted, and who are in intimate touch with the public and in a very good position to judge of such matters, far the larger number are in favour of the Bill; as also are many other public associations, among which may be prominently mentioned the United Provinces Liberal Association. Heads of particular religious sects, and several associations like Sanatana Dharma Sabhas, and Dharma Mandals and Varnashrama Swarajya Sanghas, have of course, expressed themselves against the Bill. To these opponents of

the Bill I can only most humbly and respectfully repeat that the Bill, if enacted, will not compel them in the very least to change the tenor of their lives against their will, by a single iota; but will only prevent them from interfering unjustly with the lives of others.

If there is any special provision needed to make this perfectly clear and certain, it can be added by the Select Committee. Consequential provisions will presumably have to be added by the Select Committee, to the effect that for purposes of inheritance and succession and any others that there may be, the varna or caste of the wife and the children in the case of such marriages shall be regarded as the same as that of the husband and the father, and his personal Hindu law will govern such cases: also that marriages under this law must be monogamous; and that any one who proclaims excommunication of persons making inter-caste marriages under this law, shall be liable to pay damages for defamation, on suit in a civil Court.

It should be particularly noted that the State of Baroda, with a population of two and a half millions, of which fully four-fifths or two millions are Hindus, has already got a Hindu Marriage Act, and a Caste Tyranny Removal Act, and a number of other Acts, which validate intercaste marriages, and punish with fine and even imprisonment, any excommunication of the parties thereto, and make other provisions much beyond the modest purview of this Bill.

When two millions of Hindus in Baroda are finding their life ameliorated, instead of being disturbed, by such laws, there is good precedent and much reason for believing that the two hundred millions in British India will also find their lives made easier, and not more difficult, if this Bill is enacted into law.

The masses of the people are naturally conservative, in all countries. They are especially so in India, for various reasons which need not be detailed now. But when a change has been definitely introduced, they take to it with equal fervour and tenacity and begin to wonder how they could have gone on so far without it. Sixty years ago, in my boy-hood, shortly after the Railway had been introduced, my venerated elders, having occasion to go to Calcutta and being compelled to make the journey by train, for obvious reasons of convenience, performed ceremonial expiation for the sin incurred, on return. Today, the train is purer than the bullock-drawn ratha. In 1891, nearly half-a-century ago, there was a miniature rebellion in Benares, the home of orthodoxy, whence I come, against the Water Works then being installed. Today Benares has the largest number of house-connections, in the U. P., and there is a constant cry for more, and perpetual complaint against the insufficiency of the water-supply, and the family worship cannot be performed in thousands of homes without the plentiful use of the pipe-water, where formerly it was anathema. We also know that superstitions have extraordinary vitality, so long as they are feared; but crumble at a single bold push. The Chinese women tortured their feet, and the Chinese men wore vast pig-tails, for centuries upon centuries. The custom suddenly disappeared with the great Revolution of 1912. So European women squeezed and tortured and positively distorted their waists and consequently suffered large mortality in child-birth for some centuries. The custom disappeared at the touch of some hygienic science and aesthetic art, a few decades ago.

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I trust the case of the conservatism and the superstition regarding avoidance of nominal intercaste marriage is and will be the same. Thousands of such marriages have been and are being entered into. This Bill, if passed, will only make the transition to the new state easier, and will save much travail. The change is sure to come, is coming, in any case; under the unavoidable, inescapable, pressure of the changing times. If the purely permissive legislation that alone is needed, gives the needed and due help, that change will come less painfully, without internal quarrels.

Law does not make history. History is made by the heart and the head of Society. Law only registers public opinion and facilitates the march of history, of which it is a consequence. Society makes laws, as it makes other implements and instruments, for making its life run more smoothly and richly. Let us make this law, to make the life of the Hindu community and also of the Indian people as a whole, run more smoothly and richly. There is quite sufficient public opinion now behind it, in favour of it, desiring it. Law is intended to help in stabilising social life, to prevent too rapid and upsetting changes; but neither can it ever stand stock still, because Human Life never stands stock still. Let us make this law to stabilise, by mere permission, the movement of Hindu life towards a greater freedom in marriage, as has been actually done in the State of Baroda, one of the 4 or 5 premier States of India. There is abundant authority in the ancient Hindu law-books for such needed changes in law and custom, as also for inter-caste marriage.

Desha-kala-nimittanam bhedair Dharmo vibhidyate.

"Law, Right-Duty, changes with change of time, place circumstance."

One more point remains to be considered. Some of my honoured colleagues here have told me that they are in entire agreement with the principle of the Bill, but do not like that the matter should be dealt with by the present Legislature. I can understand the sentiment. They feel that what they regard as a matter of religious sacrament, should not be handled by what seems only a secular body. But I would entreat them to consider that if they do not help the principle of the Bill, which they so wholly approve of, to be embodied in an Act of Legislation, the consequence will be that many young men and women, despite their deep and reverent desire to enter into a sacramental marriage, will be compelled to contract a secular or a disadvantageous marriage under the other laws. I would also beg them to reflect that the old Hindu jurisprudence does not make the hard and fast division that has grown up between religious and secular; and that it is a division which cannot be sustained, if we trace down deep enough, unless we believe that a human being is not an organic unity of body and mind, physique and psyche, but only a casual bundle of separate parts, like a bundle of sticks. The ancient Indian law-books deal with all sorts of human affairs, including those now regarded as religious as well as those looked on as secular. That ancient-most living law-book, the Code of Manu, is a Code of Socio-individual Life, which lays down the principles, and also the minimum of necessary details, of law, for regulating all the main departments of human life, educational and cultural, domestic and conjugal, economic and industrial, protective and administrative and political, this-worldly and other-wordly, relating to the life here and also the life hereafter; and it treats them all, and calls them

all, as Dharma, *i.e.*, the Duty of Man, Duty more than Right, Achara-dharma, Vyavahara-dharma, Prayash-chitta-Dharma, Sanskara-Dharma, Shiksha-Dharma, Raksha-Dharma, Varta-dharma, Seva-dharma, Deva-Pitri-Shraddha-dharma, Maha-yajna-dharma, and so on, Varna-dharma, and Ashrama-dharma above all, while Raja-dharma is expressly said to include all.

Sarve dharmah Raja-dharme pravishtah: (Mbh.)

Varnanam ashramanam, cha, Raja srishto-bhi-rakshita. (Manu).

The Statute Book of a civilised people cannot indeed help touching all departments of their life, directly or indirectly; only it should touch them all benevolently, and some very gently, always to help the good and hinder the evil. Even the very 'practical', matter-of-'hard'-fact, money-minded, Government of India, has, nevertheless, an Ecclesiastical Department (which unfortunately does not do at all the work it should). The *Upanayana* or *Yajnopavita samskara*, (the Parsi *Zunnar* or *Navjote* ceremony), the modern correspondent of which is the formal record of a new pupil's name in the admission register of the school by the Head Master—this ceremony, with which education and the student-life began, was, and should be, regarded, as an even more sacred ceremony than the *Vivaha-samskara*, the marriage-ceremony, with which the household and family-life began. The omission of the former entailed de-grad-action, loss of grade, loss of caste, but remaining unmarried did not. Obviously, lack of education of the right sort and of true culture must bring about loss of social status; not so celibacy, if virtuous and continent. Yet these highly respected friends of mine do not and cannot have any objection to matters of education being taken up by the existing legislatures, and measures being enacted by them, whereby what may be called 'inter-caste' education, *i.e.*, the education of children of all castes in the same educational institutions, would be promoted.

Also, we find that the legislatures and the law-courts of the country are actually dealing already with many matters of personal law, and various other matters, which ultra-orthodox sentiment regards as exclusively religious, and therefore as deserving to be dealt with only by what may be called "Ecclesiastical Courts", the Sabhas or Panchayats of Dharma-adhikaris or of heads of castes and subcastes. And this current state of things is not possible, nor desirable, to change, in the present conditions of the human world.

Yet more. Hinduism has been changing itself considerably in many respects, either by slow and imperceptible gradual change, or, now and then, palpably by means of *responsa prudentum*, *shastr-artha*, *vyavastha*, *tika*, *bhashya*, corresponding to modern case-law or judge-made law, *i.e.*, fresh and convenient interpretation, suited to new needs, by respected men of learning, who have acted as law-interpreters by the tacit consent of the people. After the passing away of the age of the *Smriti-karas*, the law-making Rishis and Puro-hita-s, the laws of Hinduism were not made by the method of direct repeal and enactment by formally constituted legislatures. Now, under any and every system of legal administration, the quality of the decision depends necessarily and obviously upon the quality of the judge. If the judge is wise, the case-law will be wise; if he is foolish, or ill-tempered, or hasty, or dishonest, or malicious, or otherwise interested, or biassed, or even only insufficiently informed and lacking in

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broad outlook and grasp of changed needs, the case-law made by him will be, and has been, correspondingly michievous. The misfortune is that the hereditary *dharma-shastris* and *dharma-adhikaris*, theologians and jurists, of the Hindu community, generally confine themselves to the study of Samskrit lore only, and though profoundly learned along their own lines, generally keep out of touch with the new thoughts and conditions of the larger world and the requirements of the busy work-a-day folk; hence they have made themselves incapable of giving to the people the help they need in the concerns of daily life, by means of new and livingly useful interpretations of the old texts. Such interpretations have therefore to be made by those who are not hereditary *dharm-adhikaris*, but happen to be more or less in touch with the old as well as the new needs, ideas, conditions and movements; and the help of the available legislative power has to be sought to give such interpretations the force of law and make them apply to the daily life of the people.

It has also to be remembered that decision as to the validity or otherwise of a Hindu marriage now rests in the hands of only the law Courts. A new interpretation, even if made by the *dharma-shastris*, would have no authority to validate a marriage, if questioned on the ground of existing custom, by interested parties. Therefore the help of the Legislature is indeed indispensable.

It seems to me that we should miss no opportunity of getting really good and wise laws, calculated to benefit the people, passed by the available Legislature, while we endeavour steadily and diligently, in every way open to us, to oppose and repeal, as is our sworn duty, all the bad and unwise laws that are calculated to harm the just interests of the people. The old Smirtis themselves advise us to "gather and accept good laws, useful scientific discoveries, helpful rules of hygiene and sanitation, wise maxims, new arts and crafts, and other such good things, good brides especially, from anywhere and everywhere".

Striyo ratnany-atho vidyah,
Dharmah, shaucham, su-bhashitam,
Vividhani cha shilpani,
Sam-adeyani sarvatah. (*Manu.*)

For such reasons, I would earnestly and respectfully beg these friends to re-examine their sentiment on the subject.

Indeed, I would pray all my kind colleagues here to take another reason into consideration and therefore a larger view of the whole subject. Of all the Legislatures of the world, the Indian Legislature is uniquely composed of members representing all the great living religions of the world, Muslim, Christian, Parsi, Hindu, Buddhist, Sikh, Jain. Perhaps we have also some who, not wholly without cause, are disgusted with all denominational, sectarian, religion, and think that it should be wholly abolished from the world, because it has degenerated into priestcraft everywhere, and become the source of vast misery and conflict, instead of happiness and peace, to mankind. Yet these Socialist colleagues, are at heart, subconsciously if not consciously, truly spiritual-minded, because they desire a more equitable sharing of necessaries and comforts, as all the greatest Teachers of Mankind have taught that human beings should desire and bring about.

The Prophet Muhammad has said:

Afzal-ul-imāniun-tohibbo linnase
ma tohibbo le nafsekā

"This is the highest religion that you love for others what you love for yourself".

The Prophet Zoroaster has said:

Ushtā yahmāi kahmāi chit,
ushtā ahmāi chit.

"What I hold good and right for myself, that I should hold good and right for all others".

The Messiah Jesus has said:

"Do unto others as you would be done by; this is the whole of the Law, and the prophets".

The Avataras of India have said:

Shruyatām Dharma-sarvasvam
Shrutvā cha-iv-āvadhāryatām,
Atmanah prati-kulāni pareshām na samā-charet,
Yad-yad atmani ch-échhéta tat parasy-api chintayét.

"The whole of Religion and Duty is that ye do not do to others what ye do not wish done to yourself; and that ye do unto others as ye wish should be done to you."

We have followers of all these in this House. Instead of being secular, the House is indeed a very religious body, and has the possibility of acting as a truly Spiritual League of All Religions, inspired by the Spirit of that Universal Religion which has been proclaimed by all the Great Lovers and Teachers of Humanity. We have all only to rise to the height of our great opportunity. We would then be able to achieve the purpose for which, I reverently believe, the Mystery which has created and runs the Universe and which is at work equally in the atoms as well as the solar systems, has brought all these Religions together on this land, *viz.*, the purpose of understanding each other, and dwelling together, not only in peace but also in active friendship and mutual helpfulness, and thus of being all saved together from internecine destruction, and making ever greater advance, side by side, on the path of true civilisation and happiness. I am profoundly convinced that the measure which I have presented to the House will initiate the beginning of that reformation and regeneration of Hinduism and Hindu Society which alone can enable them to live in peace within themselves and with all other religions and communities. And I fervently hope that what I have said will incline all my kind colleagues here to take a favourable view of the Bill.

I move, Sir, that it be referred to a Select Committee composed of the Honourable Members I have named at the beginning.

Mr. President (The Honourable Sir Abdur Rahim): It ought to be mentioned that, on enquiry from the office, the Chair finds that the Honourable Member, Dr. Bhagavan Das, had sent in a list of names for the

[Mr. President.]

Select Committee, but then, in a later notice, he said that he would give the names of Members of the Select Committee at the time of moving the motion. The motion moved is:

"That the Bill to validate marriages between different castes of Hindus be referred to a Select Committee, consisting of the Honourable the Law Member, Mr. M. Asaf Ali, Pandit Krishna Kant Malaviya, Rao Bahadur M. C. Rajah, Mr. Ghanshiam Singh Gupta, Dr. N. B. Khare, Mr. B. Das, Mr. Sri Prakasa, Babu Baijnath Bajoria, Seth Govind Das, Mr. Amarendra Nath Chattopadhyaya, Raizada Hans Raj, Mr. Sham Lal, Babu Kailash Behari Lal, Mr. N. M. Joshi, Sir Muhammad Yakub and the Mover, with instructions to report on or before the 31st March, 1937, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The Honourable Sir Nripendra Sircar (Law Member): I rise to oppose this motion. Neither from a perusal of the Bill, nor from the Statement of Objects and Reasons, nor from most of the opinions which have been received is it clear what the Honourable Dr. Bhagavan Das is really after. Does he want merely a declaration that a marriage between Hindus of two different castes should be valid? If that is so, then this Bill is not wanted, because we have got the Act of 1923. Or does he want to carry out his idea to its logical conclusion involving changes in the law of partition, succession, adoption, and so on? If that is wanted, all of them are absent from the Bill. The Honourable the Mover simply said: "Well, all that can be done in the Select Committee." That is to say, what he really wants is—as that is his object—that the law of succession should be changed, the law of adoption should be changed, and the law of partition should be changed. He has really presented half an anna of his Bill and he wants the remaining 15½ annas to be added by the Select Committee. I have heard it so often that this is a permissive Bill. But is it so?

1 P.M.

Dr. Bhagavan Das: Yes, it is.

The Honourable Sir Nripendra Sircar: My Honourable friend has said "Yes", and I equally emphatically say "No". What is meant by a permissive Bill? If it is meant by a permissive Bill that we are not compelling two persons to marry who do not belong to the same caste then in that sense it is permissive. Of course, no one can by law compel anybody to marry anybody else, but from the point of view of persons other than those marrying, there will be compulsion in many spheres. I am assuming for one moment that what has been brushed aside by being described as prejudices and superstitions are really cherished notions and firm convictions of a large section of the Hindu community. Now, bearing in mind this point of view, consider the case of the daughter of a Mochi marrying in a Brahmin family. It is the idea of Dr. Bhagavan Das that this couple will have the right of succession and adoption and the Mochi-Brahmin combination will lead to an issue whom the other coparceners will be bound to recognise for purposes of partition and succession. The couple and their issue will have rights in the family temple. Is not that compulsion? Under the present law, they are not bound to do this; they are not bound to give them any share, or to allow them not to enter the family temple. So it is no good merely repeating the parrot cry that this is permissive. It is coercive, it is compelling other people to give up their rights; it is compelling other people to give up their religious convictions which have been described as superstition.

Then, Sir, let us see whether it is a measure of reform or whether it is a retrograde measure? Undoubtedly, it is a retrograde measure, because, as I have informed the House, there is nothing today to prevent a Hindu of one caste from marrying the Hindu of another caste or sub-caste. That is permitted by what is called Dr. Gour's Special Act. If that is so, what is really at the bottom of this Bill? It is not helping two persons, who belong to different castes and who find it impossible to marry under the present law, to marry, because that law exists today. In fact, it has existed from 1923. Then, what is it that the Honourable Mover is after? What is at the back of his mind? It is not the permission to marry which is at the back of his mind, because this permission already exists for a valid marriage. What he is after is that, although they will marry according to rules which are not acceptable to a very large section of Hindus, yet they must continue to be recognised as remaining in the Hindu fold against the wishes of the other members of that community. That is where the compulsion comes in. Now, Sir, under the Act of 1923 what is the position? If a man marries outside his caste and if that marriage is not regarded valid under the Hindu law, then it affects the severance of the joint family. I should say it is very reasonable. The man who is free from the prejudices and the superstitions of the Hindus, let him marry outside his caste, but he should clear out of the family. That in one sense may be called permissive. But what is wanted now by this Bill is that there should be no severance of the family and whomsoever might have been married she or he must continue to be regarded by people as members of the same family, for all purposes. That is the object of this Bill. I say it is a retrograde measure, because if Dr. Bhagavan Das is after reforms, then let him bring forward measures which are "reforms" according to the reforming party who believe in modern ideas. As he himself pointed out, whereas Dr. Gour's Act of 1923 insists on a monogamous marriage, his Bill does not. But he has one answer for all that and that is: "All that can be done in the Select Committee". So, I say that the Bill, as drafted, permitting as it does polygamous marriages is a retrograde measure. Again, those, who believe in reforms, would give women the right to divorce. Of course, I am not discussing the question as to whether the right should be given or not. But surely the right to divorce is a step in advance so far as the reformers are concerned and that Dr. Bhagavan Das is not willing to do unless it is covered by the general formula: "All that can be done in the Select Committee". It is not merely a question as to the uncertainty of the scope of the Bill which by itself, as I have pointed out, creates a great difficulty, but the object of having a Bill which, in so far as it differs from the Special Act, is not an advance in the direction of reforms. From the point of view of those who call themselves reformers this is a retrograde measure. That is the reason why the Women's Associations will not support this Bill. They say it is nothing. They want full reforms. They want the right to divorce, and that is not to be found in Dr. Bhagavan Das' Bill. It does not even insist on a monogamous marriage which has been provided by the Special Act. If the Bill had been merely useless, possibly, I would not have spoken even for these five minutes, but it is an absolutely mischievous Bill, because its real object does not appear from it. It is not suggested in the Bill what its consequences will be, and it is my point before this House that the consequences will be not what can be described as a permissive measure, but would amount to compulsion so far as other members of the family and the community are con-

[Sir Nripendra Sircar.]

cerned. If we follow the principle of Dr. Gour's Bill, then there is less question of compulsion. A man can marry whomsoever he likes, but then he clears out of the family: he has nothing further to do with it. But that is not the position under this Bill. He will disobey injunctions which are still regarded as valid under the Hindu law by other members of the family and the community; but having disobeyed all that, he does not want to get out of that family or lose his rights in the family, in the family property and in the family worship. I submit that is a position which ought not to be seriously considered by this House for one moment. The Bill is an unnecessary and retrograde measure, and I oppose the Bill.

Sir Muhammad Yakub (Rohilkund and Kumaon Division: Muhammadan Rural): Sir, I was rather surprised to hear the speech of the Honourable the Law Member this morning. I thought that he was a great social reformer, because, the other day, when he was speaking on the Arya Marriage Bill, he gave the House an impression that he would not come in the way of social reform, or in the way of raising the status of the so-called depressed classes. Sir, Government have on several occasions said that they are in favour of raising the status of depressed classes. They say that they are doing all that is possible to remove the disabilities under which the so-called depressed classes are suffering, and yet we find that when the time comes to take some action they do just the reverse. I welcome the Bill which has been moved by my Honourable friend, Dr. Bhagavan Das, and I am really very glad that a measure like this has been moved in this House. It shows that the more the civilization advances, and the more the ideas of toleration are gaining ground in the minds of the people of this country, the more India advances towards Islam, and the more India is accepting the principles which were laid down by the great law giver of Islam 1,300 years ago, and it is a matter, not only of pleasure, but pride for all Mussalmans. I think a time will come when civilization will be perfected on sound principles of Islam which were enunciated by the great law giver of Arabia and Islam will be accepted not only in India, but by all the countries in the world. So far as Mussalmans are concerned, we have got no depressed classes. Islam, of course, is the religion which first brought the principles of equality to all human beings. According to Islam, a really respectable man is one whose actions towards God and towards his creatures are good and pure. Says the Holy Koran:

"Inna Akramakum Indullahe Atqakum."

"The most respectable man amongst you mankind is one whose actions are good and who behaves properly towards people, notwithstanding that he is the son of low born person or belongs to highly born parentage."

Among the Mussalmans even a sweeper can stand shoulder to shoulder in the mosque with the biggest of Muslims and offer his prayers. If only the ex-King Edward VIII had been a Mussalman, I think he would not have been forced to abdicate this great Empire in order to marry the lady of his choice. I submit this measure is really a move towards Islam, and, therefore, it is quite welcome, and I approve of it.

However, there are one or two observations which I would like to make. In a country like India, where a foreign Government have rightly

made a declaration that they will not interfere with the religion or the religious customs of any community or sect, and no measure which is considered to interfere with the religious rights of any sect will be adopted, as a legislative measure, until and unless the Government are satisfied that all the members of that community, or that an overwhelming majority of the people of that community, want that measure and that they are sanguine to have it. In the same way, no measure should be introduced, or passed, by this mixed Assembly which encroaches upon the religious rights of different religions until and unless the followers of the religions, which are affected by the measure, have, unanimously, agreed that that measure is required and that they want it. In fact, this was the undertaking which, more than once, was given on the floor of the House, on behalf of the Government. Sir Brojendra Mitter, when he was speaking on the Bill introduced by Sir Hari Singh Gour, enunciated this principle that in this Assembly no measure in which any encroachment is made upon the religious rights of any other people will be supported by Government unless it is ascertained that all the members of that community want it, and that there is no difference of opinion among the members of that community. Sir, so far as we are concerned, we welcome the Bill and we would support it. In fact, I consider this is a half hearted measure like another half hearted measure which was brought forward, the other day, by my Honourable friend, Dr. Deshmukh, in which they have given a share to the widow in her deceased husband's property, as a life interest; for this reason it was a half-hearted measure. I think, however, that something is better than nothing, and if even through half hearted measures we can raise the status of the so-called depressed classes, or we can improve the position and the status of women among the Hindus, I think we ought to welcome the measure. The Government should make themselves clear on this point that this measure will not create any heart burning among the Hindus, that is to say the Government must make sure that all those who are affected by this measure, or that a great majority of them, are in favour of this Bill and that they do not object to it. We, in this House, should not pass any measure which will be considered as an interference in religion by any caste or community or people of any religion. With these remarks, I support the motion of my Honourable friend, Dr. Bhagavan Das.

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

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

Sir Muhammad Yamin Khan: Sir, it was a great treat to listen to the learned and lucid speech of the Honourable the Mover of this motion and to the many points which he brought forward, and for any lawyer it was a great lesson. Sir, as a Mussalman and having been brought up under those traditions which Islam teaches, to me anything in the shape of caste system is repugnant. The caste system has been a great drawback on the improvement and progress of India, and, so far as my personal feelings go, the sooner it is done away with, the better for India, and I will really be very pleased to see that. But here we are not to be guided by our personal feelings. We are here as legislators safeguarding the interests of, and being guided by the notions of, people whom

[Sir Muhammad Yamin Khan.]

this Bill is going to affect. Whatever may be my feelings as a Muslim, I have to look to the feelings of the people whom it affects. It is an established principle of Hindu law that a man of a higher caste can marry a woman of a lower caste in which case the issues take the caste of the mother. Therefore, if a Brahmin marries a Vaishya woman, the issues will not be Brahmins, but will be Vaishyas. If a Kshatriya marries a Sudra woman, the issues become Sudras and not Kshatriyas. This Bill, however, wants that if a Brahmin marries a Sudra woman, the issues should be classed as Brahmins. And the learned speaker brought this point out very lucidly in his speech. He wants that the children so born shall take the caste of the father. This really goes against the settled principles of Hindu law.

Then, his Bill destroys another point of Hindu law, and that is that no man of a lower caste can marry a woman of a higher caste. That marriage is null and void from the very beginning; but the Honourable the Mover wants that this marriage should be recognised. That is to say, that if a sweeper marriages a Brahmin woman, that marriage must be quite good and the issues must be treated as legitimate. This is really destroying the Hindu law altogether; and here we have to see whether the Hindu society as a whole is prepared to accept this change for themselves. Although I was elected here by the votes of Muslims alone, I come from a constituency where Hindu zamindars and tenants have got as much votes as the Muslim zamindars have got under their influence, and I find that my Hindu friends in my constituency are absolutely opposed to this Bill. They think it is an undesirable change and will destroy the fabric of their society. It may be said that their ideas are wrong and the learned Mover said that they are misguided people who do not understand the principles of Hindu law. But I am not concerned with that. I say that they are the best people to understand their own religion, and I have no right to tell them that they must understand their religion or their customs in a particular manner. And if my friend wants to make any change, his first attempt should be to bring in a change in the minds of the Hindu public as a whole. And once that is done, there will be no difficulty for him and there will be a demand from all corners for a change.

Now, the people rightly or wrongly take their custom as a part of their religion, and in India one has to be very careful in interefering with another person's religion. We as Muslims have no right to interfere with the established notions of another community. I quite agree with my Honourable friend that Hinduism is not really any caste or religion. The word "Hindu" did not apply to any particular class of people although it is now so understood. He is quite right in saying that "Indus" is the real origin of the word "Hindu". The Indus which was called Sindhu divided the country into two parts,—the people on one side being called Sindhis and people on the eastern side of the Indus being called Hindus. He is right when he says that the Persians gave this name, and so the Muslims when they came to India began to distinguish the people of this country from themselves. At that time the Arabs who came to this country came as conquerors. They called themselves Arabs, and the rest of the people as Hindus. It is a peculiarity of the Arabic language that they call one thing by one name and all the other things by another name, just like Arab and Ajam. When they call themselves

Arabs, they distinguish all the non-Arabs as Ajam. In this manner, they gave the name "Hindus", just as the Europeans now make a distinction between European or English and Indian. The word "Indian" includes Hindus, Muslims, Parsis, Sikhs, Jains—all people living in India. In the same way, when the Muslims used the word "Hindu", they meant all people who lived in India, whatever their religion or traditions may be. Before the Muslims came, there were the Aryans, the Dravidians, the aborigines, Parthians, Persians and some remnants of the Greek Army and some Indo-Chinese who came from all parts of the world and settled down in India and mixed with the population: they had different customs and manners and ideas and culture which all mixed and brought forth a new civilisation. Similarly, when the Mussalmans settled down in India and no longer considered themselves to be foreigners, they became part and parcel of India and evolved a new civilisation which was really the Indo-Saracenic civilisation. The quotations my friend has given might be authentic to the Aryan race, but I wonder if the Dravidians will accept his quotations as binding on them or not. The present idea of the Hindus is that their religion is as evolved by Manu—that is really followed by the great bulk of the Hindus: and unless and until the Hindu society as a whole wishes to bring about a change, we have got no right, as not being part and parcel of that community, to impose our own will upon them. I felt it to be my duty to explain my position as a Muslim, so that I may not be misunderstood when I cast my vote against this motion. I whole-heartedly agree with him on principle, but my duty as a legislator is absolutely different from my personal views. The Honourable the Law Member has clearly shown that this really affects Hindu society and Hindu law to a very large extent. With these words, I oppose the motion for Select Committee, and agree with the views of the Honourable the Law Member.

Mr. Umar Aly Shah (North Madras: Muhammadan): Sir, I rise to oppose this Bill of Dr. Bhagavan Das. This is a purely Hindu religious Bill which we have no right to decide here. This Bill is an inter-national marriage Bill, which means that there is no meaning in Hinduism. Hinduism depends on the caste system—there is no other life in Hinduism. The Vedas tells us in the beginning:

"Yedhe mam vacham kalyani ma vadani janebhyaha
Bramha Rajanebhya Sudra yecha Arya yecha sweeyacha arnaya.
Yedha imam vacham kalyanim advadanim janebhyaha.
Jana nama sayanacharyana vidyaranya bhashyena Bramhanaparam utchayethe
Hathayeva veeramoolena Bramhana, Kshatriya, Visya, Sudra stree utchyathe
yadhavarthathe Vedaha."

That is the Rig Vedic verse. Brahma says:

"Oh, my people, I put these four Vedas before you for salvation which you will follow, and whatever difficulties you have, you will not feel them, you are four different sects—Brahmana, Kshatriya, Vaisya and Sudra."

There are some differences of customs and rights and those rights have been explained by Manu who is the greatest writer on Hinduism. There is also the Parasara Smriti. Manu Smriti is not an ordinary book: it contains nearly 57,000 verses: the Parasara Smriti contains some 65,000 verses with commentaries: these two books. . . . .

Dr. Bhagavan Das: The current printed editions of Manu contain only about 27,000 verses—even less than that.

Mr. Umar Aly Shah: There are so many different texts: the one I saw contained 57,000 verses. "Kalau Parasarah Smritihi"—this law is for the Ka'i Yuga; but Dr. Bhagavan Das did not give a single authority from that Smriti, which is the most important law book for present day Hindus. They tell us there are some eight kinds of *vivahas* or marriages —Brahma, Rakshasa, Daiva, Pisacha, Arsha, Prajapatya, Asura and Gandharva. But there are differences in the marriages among Brahmanas, Kshatriyas and among Sudras. If a marriage takes place among Sudras, they do not do it with Vedic resources—they may have some Puranic resources: that is the law of Manu:

"Vedokta vivahe Brahma, Kshatriya jayathe yadha;
Sudra vivahikam yacheth Tatha pauranikam.
Jatyamtara vivahina Jayathe varna-shankarah
Nothadhikara karmanani Pitranam narakam vrajet."

It means: "Through international marriages caste will be corrupted. They have no right to perform karma without which the parents must go to hell."

That is Parasara's authority. There are so many authorities and so many theories in Urdha Parasara, Mahabharata, etc. But this is not the place to explain those points and go into those interpretations. My friend, Dr. Bhagavan Das, gave us a few authorities in support of his Bill, but I submit they were all wrong authorities and wrong interpretations. He referred to the word "Dwija". It means twice born, but does it mean that a man is born twice, which is against nature? That is not the correct meaning. The real meaning of "Dwija" is "*Karma samaskararupina dwija ithuthyate budhyhi*"—reformed by Karma. Another meaning of Chaturvarnyam is: "*Mayasushtam guna karma vibhaga saha*". This is not a code verse, but a Gita verse. Gita is not a law book, but a philosophical book. How can you take the Gita for marriage law matters? Therefore, *varnyam* in this verse means colour—not sect. If Gita says for sects, *varnani* could have been written by Vyasa through the Grammar of Panini. Gita's authority says against the meaning *Rangath vishaiya* which means not creed and caste (different colours). How can we ignore "*Brahmanasya makhamaseeth bahu rajanya*"—Purusha Sukta. There are four castes. How can we deny the existence of these four castes when even the Gita mentions those four castes. Thus, my friend, Dr. Bhagavan Das, has given entirely incorrect interpretations. There are many Sanskrit, Persian and English scholars in this House, but we have no right to give incorrect and misleading interpretations.

Now, Sir, if we pass this Bill, Hinduism will be ruined. There will be no life left in Hinduism. Hinduism depends on four castes and the caste system. If we ruin the caste system, then what will there be left in Hinduism? There are so many points which could be made against the introduction of this Bill, but I have no time to go into all the details. If any public meeting were held, I should be prepared to challenge before the public and prove to the world that the passing of a Bill of this nature will sap the very foundation of Hindu religion and Hindu society. Hinduism is a very great and pious religion. Hindus must have performed a some important Karma to be born in that religion. Karma means a holy creed; they must have performed some important Yajna. Now,

these six customs, namely, yajna, yahjana, adhyayana, adhyapana, dana and pratigraha were made for Brahmanas—then Yajna, adhyayana and dana were made for Kshatriyas. There is no authority for a Vaishya or Sudra to do that. . . . .

Dr. Bhagavan Das: If I heard my friend aright, he said there is no mention of Vaishyas. It is distinctly stated in Manu that charity, self-denying public service, and study are common to all the three re-generate classes, as lawful duties. *Dànam, adhyayanam, Yajih.* But: shastr-astra-bhrit-tvam Kshattraya; vanik-pashu-krishir vishah; shudrasya cha-iva seva-eka; "Executive and military and police work for the Kshattriya farming and cattle rearing and trade for the Vaishya; the helping of the three in various ways for the Shudra". Such is the partition of the different means of livelihood between the three regenerate, twice-born and the fourth 'once-born' castes.

Mr. Umar Aly Shah: I can quote from Manu Smriti to prove my point. What my friend, Dr. Bhagavan Das, has said refers to Varna Vishaya, but I want to know where is that authority. Some four hundred years ago, Muhammadans also wanted to introduce inter-caste marriages. It is well known that Akbar and Shahjehan had married Hindu ladies, and for that Muhammadanism has some authority, but Hinduism cannot quote any authority for such marriages. A few reformers might cite some authorities in support of their actions, but they will spoil Hinduism, because they have no Sanskrit authorities to cite. They do not know what Hinduism really means; they do not know what purity of religion is, what Gotra is. Gotra indicates heredity. There is also a second name for Gotra, and that is *Kula* and *pravara*. If we pass this Bill, how can we expect to continue to keep up heredity in future? This land of ours is called Karma Bhoomi. On the last occasion, I mentioned that the word Hindu had a bad meaning. Our friend Sir Muhammad Yamin Khan said the term Hindu was derived from the word "Sindhu". That is not so. The real meaning of Hindu means slaves; there can be no other meaning for it; but we are not slaves; we don't want to be called by that insulting name. But I may say that Hindus also called Muhammadans and other foreigners Mlechchas. Mlechcha means impure one, and not untouchable. Muslims are Bharatiyas, because we are born in Bharata Varsha. It is a good and beautiful name. What I submit is that there are not only four castes, there are eighteen castes. In those days of Mauryas, hundred years ago, when some Rishis or some leaders wanted to join some particular persons, they put some kind of interpretation, but those authorities we cannot accept today. With these few words, I strongly protest against this Bill.

Babu Baijnath Bajoria: Sir, I rise to oppose this Bill lock, stock and barrel. This Bill, ever since the time of its introduction, has been causing a great panic among the Hindu society. With due deference to Dr. Bhagavan Das, in spite of the learned speech which he has made today, I must say that I am still unconvinced, and there I am on sure grounds. His Bill wants to do away with the caste system altogether. He wants to do away with the Hindu joint family system and several other things. Sir, history is replete with innumerable instances of ceaseless arrogant efforts which have been carried on with a view to brush aside the very existence of Hinduism from Hindustan.

3 P.M.

[Babu Baijnath Bajoria.]

The tremendous onrush of Buddhism, the proselytizing zeal of the Moslem rulers and the continued propaganda of ultra-reformists may be mentioned as only a few amongst others. Dr. Bhagavan Das's Bill is only another effort of the same kind, but he differs from them in this, that, while the others possessed faith and conviction of their own, and courted suffering and sacrifice for asserting them on others, Dr. Bhagavan Das tries to oust Hinduism by this one-clause Bill. We may remember that Dr. Bhagavan Das's son, Mr. Sri Prakasa,—he is not here today—also gave us a one-clause Bill as regards the Company law. I need not go into details, but he wanted to devour the companies altogether, and this one-clause Bill of Dr. Bhagavan Das wants to devour the Hindu society altogether. The Bill is permissive in form, but as has been rightly pointed out by the Honourable the Law Member, it is practically compelling with all its complications and seeks to popularise marriage between Hindus belonging to different castes and to give a status to children born out of such marriage. It is surreptitiously surrounded by a vague incompleteness which itself defeats its own purpose, reducing it to a mere trash fit for total rejection. The unquestionable talents of Dr. Bhagavan Das have led him astray. I used to know that a little knowledge is a dangerous thing, but I now find that too much knowledge is even more dangerous.

According to Hindu law, marriage is a sacrament just like the *Annaprasana* or the *Upanayana* of the Dwija castes and not a social contract. *Vivaha* or marriage, as it is understood by the Hindus, conveys a completely different idea, so much so that it has no synonym in any language of the world. Manu, who is undoubtedly the authority on matters like these, states:

"After finishing celibacy a twice-born, coming to a householder's stage with the permission of his preceptor, should, according to Shastric injunctions, take a spouse of his own caste who possesses all the good signs."

While introducing the Bill, the author gives the world a very novel and curious interpretation to the word "savarna". According to him, it means,—"to wed a wife having parity of temperament, equal profession or education, etc.". My Honourable friend says that a person should marry a wife of his own temperament. Sir, a man's temperament changes in the course of 24 hours. Sometimes he is in an angry mood, sometimes he is courteous and polite. When a man changes his temperament several times in 24 hours, how can he, for one whole life, choose a wife having the same temperament? Does it mean that when he changes his temperament the wife also must simultaneously change her temperament in the same way?

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Then both of them may get angry together.

Babu Baijnath Bajoria: They may get angry together and there will be a quarrel and they would come to blows. Manu has left no room for misunderstanding as regards the interpretation of "savarna"; why then this overlapping tendency on the part of Dr. Bhagavan Das? Is it always possible for a bridegroom to judge for himself whether a bride is

on a par with him? While disparity is the rule of nature, is it also possible in this world to have equality in temperament and all that, between a man and a woman belonging to different castes? If equality of temperament is not possible in one caste, I submit that it is even more impossible in different castes. My Honourable friend's idea about "Varnavyavastha" is absolutely wrong and mysterious. He has got no authority whatever from the Shastras. He says, Varna according to Karma in the same life. It is not so at all. Varna is from birth, and birth according to our Hindu religion means that according to our Karma we get our birth. According to our Karma in the past life we get our birth in this life. If we do good in this life we can hope to have a better life, to be born in a better family, in the next life; otherwise God will be accused of partiality. God has made one rich, another a pauper, one a King and another a poor man. Shall we blame God for that? According to our Hindu religion, certainly not. What we have done in this life, we reap in the next. But my friend says that what we do here we reap here. This is not so at all. My Honourable friend expects that there should be no such nuisance as restraint in marriage. I think he would like complete, unbridled freedom to move, behave and mix as one likes irrespective of caste, colour or creed. Perhaps, he would like that there should be perfect licence to make courtship or to enjoy sweet honeymoon before the marriage so that the couple may know each other's temperaments. It is absolutely absurd.

Sir, the entire Hindu society is based on the sound basis of caste system—a system which, through ages, has been so much implanted in our inner nature that despite its much advertised drawbacks, it is undoubtedly the essential and indispensable part of Hinduism. Hinduism rests on the four pillars of the four castes, Brahman, Kshatriya, Vaishya and Sudra. Take away the caste system and Hinduism falls. Then you may be Hindus by name. According to the present day practice, everybody wants to make another person a Hindu, simply to swell the figures but they are not true Hindus according to our Shastras. Sir, the existing institution of caste, according to Dr. Vincent Smith, is peculiar to India. It is at least three thousand years old. It is the most vital principle of Hinduism, dominating Indian social life, manners, morals and thought. It is an integral part of Hinduism, being intimately connected with the Hindu philosophical ideas of Karma, re-birth and the theory of the three "gunas"—"satwa", "raja" and "tama". Hindu society without caste system is inconceivable. Society aptly resembles a cobweb, so artistically interwoven or a musical instrument so perfectly tuned that a mere touch will make the whole thing vibrate or resound. And caste system to Hindu society is more a filament to a cobweb or a string to an instrument. It constitutes the very nucleus of this huge organism. But the present Bill seeks to introduce a form of marriage which will invariably bring about a dissolution of this age worn system and thereby strikes at the root of Hinduism. It seeks to violate one sacred rule and as a corollary brings about havoc upon the whole social body. I therefore feel it necessary to state emphatically that law should never allow a man to do away with caste by contracting inter-caste marriage and at the same time style himself a Hindu competent to enjoy all the privileges such as rights of coparcenary, adoption, etc., provided for by the Hindu law. Union between persons belonging to the same caste only

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is marriage; therefore, the term inter-caste marriage is unknown, self-contradictory and illegal. That being so, my considered opinion is that if this Bill is enacted into law, the Hindu marriage, instead of being a sacrament, will degenerate into a vicious form of legalised concubinage with the result that promiscuity and intemperance will be the masters of the situation and disruption of social bond will inevitably follow.

The Bill states that marriages, between Hindus of different castes, shall 'not be invalid'. It may appear to a casual reader to be purely permissive in its character but a bit of careful observation will make it clear as to how this simple statement involves far-reaching consequences. True, nobody is hereby compelled to marry a girl belonging to a different caste. It only declares such marriage to be not invalid. As the Honourable the Law Member pointed out, nobody has got the right to force anybody to marry a certain girl. But then, when one marries, what will be the status of the couple as to themselves as well as in relation to others. What will be the rituals of such a marriage.

Mr. N. M. Joshi (Nominated Non-Official): As you are against it, you need not bother about it.

Babu Baijnath Bajoria: Why not? If you don't bother about it, then why not marry under the Special Marriage Act? According to us, a Hindu marriage cannot be performed until the proper rituals are performed. How will you determine the castes of the issues of such marriage? Let us take an instance. Suppose a Brahmin marries a chamari girl and she comes into the family. The Brahmin has got his other brothers. They all constitute a joint family. Will the other members of the family be bound to accept that chamari into their family?

Dr. Bhagavan Das: The other members of the family can apply for a partition, as they can do now?

Babu Baijnath Bajoria: Why should the others take the trouble of going to Court and having a partition? It is for the man who marries to get the marriage done under the Special Marriage Act. Why should he pollute the family?

Dr. Bhagavan Das: Under that Act, there would be automatic severence of such a man from the family. My Bill wants to avoid it.

Babu Baijnath Bajoria: Now, what will happen. Immediately that chamari girl comes into the family, there will be a hue and cry. (*Mr. N. M. Joshi*: "Why") If you ask "Why, that cannot be answered. If you don't want to understand, then nobody can make you understand. Then, partition will follow and litigation will follow. The family will be disrupted and all sorts of evil consequences will come. Take another instance. Suppose the family has got a private temple. They have a private temple built from the joint property of the family. That man will say "My wife has got every right to enter that temple". It brings in the question of temple entry. Then the other brothers will say "No". What will happen I do not know. There will be serious disturbance and breach of the peace. I have given you a few instances of far-reaching consequences. There are numerous other matters. It is found that the

moment such a marriage takes place, law compels the parties concerned to submit to the anomalous conditions created thereof. Complicated questions over inheritance and various other rights and privileges will make their appearance, different coparceners will find themselves fighting like Kilkenny cats amongst themselves, civil and criminal litigations will follow one after another, with the result that unforeseen cataclysm will bring about disintegration and disaster to a peaceful community. The strong exception that should be taken over this Bill is that while it seeks to legalise what is illegal, it remains mischievously silent over vital issues. Law must always be definite so that all may clearly follow its implications and expect even-handed justice under all circumstances. But the present Bill only creates difficulties without solving them. So, I hope that none will attach any importance whatsoever to it. There is another aspect which I forgot to mention. What will be the status of the son born of such inter-caste marriage? Will the son born of a Brahmin father and a chamari girl be a Dwija or a Sudra, because there is a different law for the Dwija and a different law for the Sudra. Nothing is mentioned here about it and we do not know what will be the position. So this Bill creates all sorts of complications about temple entry, disruption of the property and the joint family, the status of the offspring and so on. The object of the Bill is to validate marriages between different castes. Where, then, is the occasion for introducing it, when there is ample provision already made by the existing law, *viz.*, the Special Marriage Act (Act III of 1872) as amended by Act XXX of 1923, which allows everybody to marry as he likes and at the same time he is allowed to remain a Hindu? Moreover, the existing law has the merit of being precise in all respects. Therefore, the present Bill is superfluous and nothing but an uncalled-for attack on the sincere feelings of the Hindus. Further, if the purpose of the Bill is to give a status to the children born out of such marriages, the aforesaid Act sufficiently serves that purpose too. It lays down definite rules for succession and leaves no room for ambiguity. Even the existing Hindu law recognizes certain rights of the issues of continuous concubines over the properties of their parents. Sir, analysing all the intents and purposes of the Bill, either expressed or implied, I have so far tried to show that it contains nothing substantial to add to or to improve upon the existing law. There is no constructive idea behind it: its only end in view is to destroy the spirit of Hinduism. The Bill, as it has been introduced, can serve nothing of its own purposes; it simply makes the matter from bad to worse. Those who will marry according to this Bill, if passed, will have to suffer from generation to generation, as the Bill extends no protection to them when they will be completely outcasted. In conclusion, Sir, I repeat my considered opinion that this Bill frustrates the fundamental principles of Hinduism, as a Vedic marriage aims at retaining the continuity of succession through pure blood by marriage between persons belonging to the same caste, procuring thereby spiritual salvation for the deceased ancestors through *sradh*. In the Gita, it is mentioned that a "Varna-shankar" cannot offer Pindas to the deceased souls; and, according to the Hindu Shastras, *sradh* is a very important function for the benefit of the spiritual salvation of the departed soul. So, if this Bill is passed, the parents will not get Pindas and thus they will not get their "*mukti*". The author of the Bill assumes the role of the second Kalapahar by unnecessarily wounding the feelings of millions of

[Babu Baijnath Bajoria.]

his co-religionists. But I am sure that every effort to degenerate Hinduism will fail completely; Hinduism—the "Sanatan Dharma" as it is called—will retain its supremacy against all odds, as it has done before. India, the dream-land of spirituality, heredity and moral philosophy, will always defy the vile attacks of materialism; heretics can never desecrate her precincts of sanctity. In spite of the sneering and jeering of a few renegades whose heads have been turned turtle (Laughter) by the glamour of the West, the Sanatanists will always believe in the foresight of the ancient sages to whom the Will of God was revealed. Our knowledge being too inadequate for enabling us to enter into the tanglewood of spiritual experiments, it is only meet and proper that we should follow the Shastric injunctions with a heart of sincere devotion. Sir, I will conclude with one sloka from the Gita:

Tasmātshāstram pramānam te karyākarya wyavasthitau
Dynātvā shāstra vidhānoktvā karmkartu mihāharshi.

"We should act according to what is enjoined upon us in the Shastras. We should read what is written in the Shastras and act accordingly. We should not go beyond what is written there." (Hear, hear.)

Sir, this Bill is a great onslaught on Hinduism; and it deserves the severest condemnation and must be thrown out immediately by this House.

Mr. Lalchand Navalrai: Sir, I will make some observations on this Bill though I will not enter into the religious controversy which has gone on in the House. In fact, I had no intention to speak on this Bill, but after I saw that my friend, Sir Muhammad Yakub, intervened in this affair and showed very enthusiastically an attitude of a reformist, that fact has induced me to speak on this Bill. Sir, this question of reformation is a contested question—there can be no doubt. I, therefore, thought that it would be much better to hear the two extremes that there were in this House today. My friend, Dr. Bhagavan Das, gave his view of the Vedas and the Shastras, and on the other side there is the very extreme spokesman, my friend, Babu Baijnath Bajoria, and I have heard them both. Now I was very much delighted to hear my friend, Mr. Umar Aly Shah, on the Shastras. It was really delightful to see a Muhammadan having acquired so much knowledge of the Vedas, of the Puranas and of the Shastras which even I, a Hindu, have not been able to attain. It is really a credit to him that he gave us not only his own views but views based upon the Vedas and the Shastras that he has read. That of course is apart from the question at issue today. However, what I mean to say is this, that we should really at this time see as to how the times are progressive. Nobody wants that there should be stagnation, and, therefore, to say that old ideas and old dicta should remain for ever is a point for consideration,—because we are within a world where a certain wave, an alien wave has come in, and especially after easy communications and the introduction of air-flying we find that the changes are coming very speedily. But that does not show at all that we should go forward at once and rise to the top by an aeroplane. Now this question whether all castes amongst the Hindus should be allowed to inter-marry is a very big question. It will be recognized that at present in the country there is already

that question of untouchability, and there is the question of the Harijans. Now these questions have been taken up and they are progressing; and it is a great delight for us to hear and to see that they are progressing. Let us by all means see that the Harijans are allowed to follow whatever avocations they like and to perform whatever functions they like; and also in the matter of their temple-entry; they will come to a certain stage when they can themselves claim and say, "we want to inter-marry, and now everything has else been attained". However, in reality that time is yet I think far away. If I may tell my friend, Dr. Bhagavan Das, I do not want to take up the attitude that Sir Muhammad Yakub took up. I am sorry my friend, Sir Muhammad Yakub, is not in his seat just now, but he was so very enthusiastic about this Bill while supporting Dr. Bhagavan Das that I could not help wondering why he has suddenly become a reformist and a non-communalist, because I think it was not only once, but twice or thrice that he said "I certainly support this Bill". I think it was only to please my friend, Dr. Bhagavan Das. Now, I ask—would he have taken up that attitude if this question was not exclusively for Hindus? Now, the Bill aims at making marriages between different castes of Hindus valid. I would put a pertinent question to my Honourable friend, Sir Muhammad Yakub, and I think he would not have been able to answer it or he would have answered it in the negative. Supposing Dr. Bhagavan Das had taken up this Bill not for the Hindus alone, but had provided it like this: "No marriage among the Hindus shall be invalid by reason that the parties thereto not belonging to the same caste" and then he would have also added "and religion". In other words, if he had said that if a marriage takes place amongst the Hindus of different castes and also amongst people of different religions, then my Honourable friend, Sir Muhammad Yakub, would at once have got up to oppose it. He would have opposed it more than he did the Arya Samaj Marriage Bill.

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

If he is asked whether he is in favour of a Hindu marrying a Muslim girl, he would say "No". Therefore, I say that his enthusiasm this morning in support of this Bill was due to the fact that his community was not going to be affected at all. Why did he not say that he was going to please Dr. Bhagavan Das by supporting him because in the case of the Arya Marriage Bill he went so far as to even oppose the postponement of it unless he got the assurance from the Leader of the House that the Government would remain neutral hereafter? That is the mentality of Sir Muhammad Yakub. Therefore, I say we should not be deceived by his opinion. We should decide this question ourselves because only those persons alone are competent to decide it whom it affects. Here I would like to tell my Honourable friend, Dr. Bhagavan Das, one thing and he should not think that I am against the object which underlies his Bill. But I must tell him that the Bill is not properly framed.

Dr. Bhagavan Das: That is why I have put you on the Select Committee.

Mr. Lalchand Navalrai: The Select Committee cannot do anything to remodel it. This point has been fully explained by the Honourable the Leader of the House and I need not repeat it. I hope the Doctor has

[Mr. Lalchand Navalrai.]

understood what the Leader of the House has said and I think we must agree on the point that legally this Bill cannot go to the Select Committee when there has been only a declaration asked for its validity. May I ask what will be the consequences of it? In the case of the Arya Samaj Marriage Bill there was a clause as to how the question of succession will be dealt with and so on. But this Bill does not show what would be the effect of that declaration. Any declaration without consequential relief is generally not good. So, what I want to tell the Doctor is that consequential relief ought to be asked. Unless that consequential relief is asked, my Honourable friend cannot with justification say: "Let this Bill be taken to the Select Committee and there we shall discuss all the points; we shall open all the doors and the whole of the Hindu law, Manu's Puranas and all other Shastras will be considered by the Select Committee."

Dr. Bhagavan Das: Will it not be possible for the Select Committee to add these consequential amendments?

Mr. Lalchand Navalrai: No, because in that case they will go beyond your declaration. But if they do that, then they will take up first the Hindu law and there bring out the consequential question of the adoption. Then they will take up the question of the guardianship, the question of a joint family and next decide other questions of the consequential relief. In that case you will be modifying the whole of the Hindu law but the public opinions have not been elicited on that subject. Therefore, I say that this Bill in its present form cannot go to the Select Committee. I am sorry that the members of the Congress Party and others are not in the House. Had they been here, we would have heard more not only on the question of validity but also on the question whether a Select Committee could do anything more and whether they could revise the whole of the Hindu law. At present we have got the opinion of the Leader of the House and it appeals to me also that the rules do not permit that this Bill can go to the Select Committee. My friend, Dr. Bhagavan Das, should not misunderstand me; I am not supporting him on the motion owing to its technicality.

Bhai Parma Nand (West Punjab: Non-Muhammadan): Sir, I congratulate Dr. Bhagavan Das on his very learned and scholarly speech. He has placed before us very admirably the views that are found in the old Shastras according to the Vedic teachings. At the same time, I was surprised to hear my Honourable friend, Sir Muhammad Yakub, who, I am sorry, is not here, intervening in this debate and in a spirit indicating that he could not really understand the position of the Hindus on this question. He began by saying that he did not expect the attitude which the Honourable the Law Member had taken on this Bill. He considered him to be a great social reformer, and, therefore, he thought that full support would be given by him to this Bill as he had seen him give that support to the Arya Marriage Validation Bill.

I wish to clear one misunderstanding in this matter. The position of the Arya Marriage Bill and that of Dr. Bhagavan Das' Bill are quite different from each other. The Arya Marriage Bill was brought because the Arya Samajists as a community wanted the validation of the marriages which they perform according to their own Vedic rites, but in this case the question concerns the whole Hindu people. The Honourable the Law

Member was perfectly right when he expressed his views on this subject which concerns the Hindus as a whole and not any particular portion of them. Therefore, while it was quite proper and legitimate for the Honourable the Law Member to support the Arya Marriage Bill, he could not lend his support to a Bill which concerned the community as a whole and for which he thought the community was not prepared at all. The question in this case is much more serious.

Personally, I belong to a school which not only wants reform in the Hindu society but much more, I am a social revolutionary.

An Honourable Member: Not a political revolutionary?

Bhai Parma Nand: Yes, once I was much more than a political revolutionary. That thing apart, it is now about 15 years that I founded a society for the abolition of the caste system among Hindus. Having such views of the caste system, it is not possible for me to argue against the Bill that has been brought here by Dr. Bhagavan Das. But looking at the legal aspect, as has been explained by the Honourable the Law Member, I am really in a fix as to what to do. I cannot say whether it should be supported and passed by this House or otherwise. The question is somewhat serious, and as the debate has been introduced in a controversial spirit, I have first to express my views on this subject.

There are people in this country who are advanced reformers. Their views may be taken in two lights as those of religious reformers or those of pure and simple nationalists. From a nationalist point of view it is thought that the Hindus cannot be united as one nation as long as they are divided by these caste distinctions and differences. On that ground, therefore, the nationalists naturally oppose these caste distinctions On the other hand, our Sanatanist brethren say that they want to stick to the customs of their forefathers. They do not want to have any change. But their real trouble comes in when it is realised that we cannot keep ourselves in the same position in which we are for all time to come. Conditions around us are changing fast and the law is that if any society or people want to live, they must adapt themselves to their environments. If a society or people cannot adapt themselves to the surroundings, it is not possible for them to live. They must either change or they must perish. We are placed under foreign western influences. We have new things introduced in this country by this new democratic system of government. We cannot help noticing that caste distinctions and our differences, to which we attach so much importance in days gone by, are now gradually disappearing of their own accord without any effort on our part. The Sanatanists know it alright that things which they never dreamt of, have been happening. All classes of people, the high caste Brahman and the low class Shudra can now travel in the same train with each other sitting side by side on the same benches. The Sanatanists could never have imagined that their children would go and attend the same school and the same Universities and sit in the same class rooms along with the depressed class boys. The Sanatanist could never have dreamt of the day when he would have to drink at the same well or from the same water tap from which the depressed class people did. But all these things have happened. Yet in the face of all these if the Sanatanists want to stick to their old customs, they must either relax the rigidity of their views about religion or they shall have to accept a change and some kind of reform in their religious views.

[Bhai Parma Nand.]

A serious trouble arose after the announcement by Dr. Ambedkar of his intention to renounce the Hindu religion. That was the time when the question of allowing the depressed classes entry into temples was agitating the public mind and several organizations were interesting themselves in this matter. When Mahatma Gandhi took the trouble of getting a Bill on Temple Entry introduced in the last Assembly, this question took a very acute form. After the lapse of some time there was Dr. Ambedkar making that startling announcement that he did not care to enter into temples and he did not want any such privileges as a favour, but that as long as the depressed classes were looked down upon in the Hindu society, he could not tolerate to remain in that Hindu fold and that he was determined to renounce his Hindu faith and go to some other religion. This announcement gave a rude shock to Mahatma Gandhi and other Hindu organizations and they began to find out some way to pacify him. This question was taken up by the Hindu Mahasabha and was hotly discussed. Finally we came to the conclusion that we could not keep on the old distinctions as far as social and political matters were concerned, but at the same time we had no right to make any interference in the religious views of people. We decided that we must treat the so-called depressed classes as our equal brethren as far as social and political rights were concerned. This decision was the one important step which practically changed the views of many of us on this question of depressed classes. As I said, Dr. Ambedkar wanted equality and he affirmed that as long as caste-Hindus were not prepared to inter-marry with the depressed classes, the depressed classes would never take themselves to be Hindus and that in that case they would have to give up the Hindu fold some day or other. This seems to me one great reason which makes it necessary for Hindu leaders to support such a Bill that no restriction should be placed any more between inter-marriage among the various castes of Hindus. Both the nationalistic point of view and the point of view of reformers coincided on this question. The leader of the depressed classes, Dr. Ambedkar, wanted his people to renounce Hindu religion because the Hindu society did not treat the depressed classes as equals so far as marriage relationship was concerned. So far as religious freedom was concerned, he said that his people did not care to go into temples. Temple entry had no meaning for him. We wanted to live in Hindu society with self-respect and if this self-respect was not to be had, he advised his community to leave the Hindu fold. To put it more bluntly, the question before the Sanatanists is what do they want? Do they want that all these depressed class people should go out of Hindu society or remain as Hindus? I remember once there was a great discussion on this point among the Sanatanists themselves on the occasion of an anniversary. One great Swami, a leader of the Sanatanist group, held that the depressed classes should not be allowed to take water from the wells from which the higher class Hindus took it. One of his followers, a Pandit and an M.A., said that if that rule was followed strictly, all these depressed class people would go over to some other religion. The Swamiji argued that he wanted to preserve the purity of Sanatan Dharma just like the purity of a tank of water which becomes impure as soon as a particle of dirt is thrown into it. So if such a privilege was allowed to these people, Sanatan Dharma would become impure just like that tank. The follower very rightly said that if the whole population goes out of Hinduism there will be no body left to look after the purity of these wells and tanks. I think

the question has to be settled in that light for ever, whether you want to allow these people these privileges or not. These privileges are of three different kinds. The first is that untouchability should be abolished. It was considered some years ago that by the touch of a man of low class you were polluted, but now that seems to be almost gone. Then there is the question of interdining. Nobody would like to eat at the same table with the lower classes.

Babu Baijnath Bajoria: Sir, on a point of order, the question before the House is inter-caste marriages and not interdining or untouchability or other things.

Bhai Parma Nand: I am pointing out that there were three kinds of distinctions,—untouchability, interdining and inter-marriage. The first has disappeared, the second is also disappearing, but the bar to inter-marriage remains, although efforts are being made by people to do away with these restrictions on intermarriage. The reformers want to keep the solidarity of the nation and so they want to keep the depressed classes within the Hindu fold. The Sanatanists do not care whether the number of people in the society is reduced or whether a large number of people leave the Hindu society. They want to stick to their own views and keep up their old customs not minding the great harm which might result. There are other people, call them reformers or by any other name, who think that this view is not right and they must change with the times and revise their customs and usages.

Turning to the religious side, the Sanatanists think that these social customs and usages are the fundamentals of religion, and if they are changed, their religion will go to pieces. But the other people believe the fundamentals to be entirely different. They believe in certain eternal principles which make up the religion of the Hindus or of the ancient Aryas. Those principles they want to preserve, but they think that these customs and usages have always been changing. Similarly they would say that the Vedas are eternal but the Smritis (law books) have been made by the Rishis and have been changing with the times. At one time one Rishi made one Smriti and at another time another Rishi made another Smriti. The Smritis which give us customs and usages have been changed by different Rishis at different times. The main point, therefore, is whether this question of inter-marriage is really a social one or a fundamental religious question. The Sanatanists may hold their own views but other Hindus have a right to hold different views as to whether it is a custom or a fundamental principle of religion.

Another point of importance in this connection is whether this division of society into four Varnas depends upon birth or whether it depends upon the temperament, actions or merits of a man. This is a debatable point and somewhat controversial. One can give quotations from the Shastras to prove that it depends upon the actions of a man and not upon his birth. Even Manu says that everybody is born a Sudra and he gets his Varna according to the profession that he adopts in his life. The Bhagvad Gita also says the same thing: "I have created these four Varnas according to the actions and merits of different persons". So if you once admit that this division depends upon birth and that there can be no change from one class to another, naturally there can be no inter-marriage among different Varnas, the purity of blood and efficiency of class should be maintained. But if you find instances in which persons were raised from a low class to a high class, so much that better Shudras were elevated,

[Bhai Parma Nand.]

Brahmans became Rishis, one cannot say that this division into Varnas depends solely on birth. There is the well known case of the illustrious Rishi Vyas who was of low birth, but became the greatest Rishi and the author of various Puranas. So you have got to decide this point. If you find that there have been changes and persons of one Varna have gone up to a higher Varna, then the restrictions on inter-marriages cannot stand as essential part of religion.

4 P.M. Coming to the real point in the Bill the position laid down by Dr. Bhagavan Das is an ideal one, for national unity, for religious reform, for reform of the society and for removing all dissensions and troubles created in the Hindu society on account of differences of high and low caste. Inter-marriage is the normal condition in all societies everywhere on earth. It may be that to a certain extent the constitution of the Hindu society is based on the fabric of caste system or rather it used to be so at one time: it was not so in the Vedic age: it was not so in the Buddhistic times for over a thousand years. Buddistic society was entirely opposed to caste and the caste system did not prevail consistent with the teachings of Budha. It was only that during the age when the Puranas exercised supreme authority, the caste system was introduced. It might have come into existence in different ways. But the original Varnas were four; and even supposing that these four Varnas were based on birth, how can we imagine that the 7,000 and so many castes which we now have are based on birth? One thing is quite clear: even if the original division of society into four Varnas might have been based on birth; it is impossible to trace the origin of these castes limitless in number and find out any reasonable bases for them. The Kshatriyas are divided into a vast number of sub-castes: the Vaisyas are divided into a number of sub-castes and so on. We now find that changes are taking place and these subcastes among the Kshatriyas, Vaisyas are disappearing gradually: the sub-castes among the Brahmins also will soon disappear. It is natural to hope that time may also come when the division into these four Varnas will not depend on birth but upon the temperament, actions and qualities of persons.

As I said before, the position in the Bill is an ideal one, but I do not think that it is very easy to attain that ideal by one simple legislation. I would rather agree with the position taken up by the Honourable the Law Member that if the Hindu society is not prepared for it and they do not want it, it would not be right for this Assembly to pass this legislation. The proper way would be to create a desire among the people first: otherwise, this legislation would amount to forcing a reform on the people and would mean putting the cart before the horse. I believe that the caste system is not good for Hindu society: it is a great obstacle in the way of our progress and if we do not change according to the circumstances, we can never progress: progress means change and if we want to progress, we must have a change in our society. But it is the people who should be changed. If we cannot change the people and they do not want any change, simply thrusting a law upon them would not serve any good or useful purpose. I think therefore that if Dr. Bhagavan Das and his friends wish to reform the Hindu society, their field of work is out among the people and not here in this Assembly. We must first create a desire in the minds of the people. If there are a few individual cases of love marriages, as my friend, Captain Sher Muhammad Khan, said, there is a

way open for them: there is the Special Marriage Act: they can get married civilly. Such cases however do not indicate a general desire among the Hindus for a reform of this system. It is only when such a desire is created that this House can take the matter into consideration. While therefore fully sympathising with the principle of this Bill—I am not objecting to take it to the Select Committee if he wants it—I do not think it will be a right step for this House to take.

Sir Abdul Halim Ghuznavi: Sir, at this late hour I am only intervening to express my point of view so far as this Bill is concerned. This House has to see whether they agree to the principle of this Bill. If they agree to the principle of the Bill, then I think they should vote for sending it to Select Committee. But if they do not agree with the principle of this Bill, then the Bill automatically comes to an end here. The Statement of Objects and Reasons says:

> "Under the Hindu law as interpreted, marriages between Hindus of different castes are held illegal. This interpretation, besides being open to question, has caused serious hardship in individual cases and is calculated to retard the progress of the community. The Bill, therefore, seeks to provide that such marriages shall not be invalid."

As the Honourable the Leader of the House said, there is an Act existing on the Statute-book that these marriages will be held valid and therefore another Bill of this kind is not at all necessary. Any one who wants to marry between different castes can have those marriages which will be valid under the present Act. He also pointed out that the Mover of the Bill, Dr. Bhagavan Das, must have had something else in his mind other than merely legalising inter-caste marriages; and his not saying so openly in the Statement of Objects and Reasons surely makes it very difficult for him to get this House to agree to the principle of his Bill.

It is entirely for the Hindu community to say whether they agree to this Bill or not. It is for them to say whether they support Dr. Bhagavan Das in the principle of the Bill he has brought up From the various speeches to which we have listened today, we find that the Hindu community is unanimous in not supporting my friend, Dr. Bhagavan Das, and, therefore, as my friend, Bhai Parma Nand, said, it would be far better for our friend, Dr. Bhagavan Das, if he wants to proceed with this Bill, to come to this House again with the Hindu opinion behind him. With these observations, Sir, I leave it to the House to decide what they should do with regard to this Bill.

Dr. Bhagavan Das: Sir, my very highly esteemed friend, the Honourable the Leader of the House, has credited me with far greater subtlety than I possess. If there is anything lacking in the Bill—the Honourable the Leader of the House said that there is very much lacking, indeed he said that 15½ annas is lacking and only half an anna is there—if there is this great lack, it is due to my lack of intelligence rather than to a superfluity of subtlety. During the whole of the recess period, I have been carefully trying to examine myself to find out the difference between "the back of my mind"—the Law Member said I had some things "at the back of my mind"—and the front of my mind, and I have not been able to discover any such two divisions in my mind at all. If there is anything implicit, and wanting explicit statement, in the Bill, I have tried to explain it all in the lengthy speech which the House very graciously

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permitted me to read out to it despite its dullness. Sir, I think I said, at the time I introduced this Bill with the kind permission of the House, that it was nothing new. I was simply repeating the words of our late illustrious President Vithalbhai Patel. He had brought in a Bill in exactly the same words, and I, not having any legal training worth mentioning, and certainly not such an immense training in law and legal fictions as my very esteemed friend, the Honourable the Leader of the House, has had, contented myself with copying the Bill brought in by the late Mr. Vithalbhai Patel word for word, out of faith in his legal acumen as well as patriotism. But it is felt that I have brought it forward in a very imperfect shape. I admit that I also feel that it needs additions. It is because of this that, in guileless simplicity of mind, I have requested the House to appoint a Select Committee for which I have suggested names of Members holding all sorts of different kinds of views, in just this hope that they would help to perfect the Bill from different viewpoints. The Leader of the House will of course be there, and as Leader and Chairman too, and not merely as an ordinary Member. I have suggested the name of my kind friend, Mr. Baijnath Bajoria, who, I have known all along, is opposed to the measure; also the names of Mr. Lalchand Navalrai, Bhai Parmanand, and of Sir Muhammad Yakub who, to my very agreeable surprise, has supported my motion. After having said this, I shall try to the best of my very poor and feeble ability to meet the arguments that have been put forward by the speakers who have opposed my simple motion that the Bill be referred to a Select Committee.

Sir, I will try to take the opposing speakers in order. I will begin with the Honourable the Law Member's objections. If I understood him rightly, he said that my Bill did not contain such provisions as Gour's Act contains, and that such provisions were wanted in order to make the Bill fit to refer to a Select Committee. It seems to me that if I were to put into this Bill all the provisions that already exist on the Statute-book in the shape of Gour's Act, there would be no necessity for this Bill at all. It is just because I want to give to the Hindu community a chance, which Dr. Gour's Act does not give them, that I have brought forward this Bill. As I have tried to explain in my opening speech, and as has been pointed out by one of the District Judges, whose opinion forms one of the opinions that have been collected by the Government, there is a radical difference between this Bill and that Act. Gour's Special Marriage Act of 1923, automatically effects the severence of a pair who have contracted an intercaste marriage, from their joint family if they happen to belong to one. There are, to my knowledge, some joint families which do not wish that any members of theirs who contract such an intercaste marriage should be automatically severed from them; Gour's Act would prevent them from having their wish. Then again, the right of adoption is lost by such a marriage, under that Act. I do not see sufficient reason why that right should be taken away from them. Also, they have, under Gour's Act, to register their marriage before a Registrar; but many young people do not wish to do that, and wish to have their marriages performed according to the usual Hindu rites. Also, Gour's Act takes away from such a pair the right to hold any religious office or to manage any religious or charitable trust. I do not see why, if the other trustees of such a trust or the persons concerned in the

proper performance of such a religious office, are not antagonistic to this pair, that pair should be excluded from the performance of that religious office or from sharing in the charge of that trust. It will be for the Select Committee to add provisions regarding such matters; they will have to make consequential amendments to the effect that, unless any member of the joint family wishes otherwise, the pair will be allowed to remain joint with them, or that, unless the founder of the trust or any existing member of the trust expresses unwillingness that such a pair should be allowed to participate in that trust as a trustee, they will be allowed to do so. All these things are matter for consequential amendments which the Select Committee can make. I do not see why that opportunity should not be given to this Bill. The Honourable the Leader of the House said that the Bill is not permissive, and that it compels people to accept such pairs into a joint family. I do not see at all how it compels them. Even today, in the case of joint families where all the members are Sanatanists, differences of opinion and quarrels of all kinds are constantly occurring between members of the joint family, between brothers, between wives of brothers, between cousins, and they have to separate and partition off. If they have the needed common sense, and if benevolent elders are there to advise them, such a partition is made amicably and peacefully without resort to ruinous law Courts. Some such provisions should be made in cases contemplated by this Bill also. If an inter-caste-marriage pair is unacceptable to any members of the joint family to which they may happen to belong, then by some simple process they might insist on the new pair partitioning off with their property. For such reasons I think that we do want a Bill which will be distinct from Dr. Gour's Act.

As I have tried to show, Hinduism is an immense synthesis. Let us have provision for all kinds of tastes and temperaments. Those who are fully modernised can take advantage of Dr. Gour's and other such Acts. Those who are not so fully modernised, but are in the course of transition, and want to retain some of the old religious spirit and true spirituality which is inseparable from a sacramental marriage—for them I think there should be sufficient opportunity made by this Legislature. If I remember rightly, the Honourable the Law Member said that the Hindus are against this Bill. But, as I said before, in the opinions collected by the Central Government itself, if the Honourable the Law Member will very kindly look through those opinions, he will find that the majority of the opinions are in favour of this Bill. And opinions given by whom? By Governors of provinces, by their Councillors, by High Court Judges, by District and Sessions Judges, by Bar Associations, people who are always in intimate touch with the common people, constantly having to deal with litigants of all sorts, and who, therefore, are in a very good position to give reliable opinions on this matter. I am at a loss to understand why the Honourable the Leader of the House thinks that the Hindu people as a whole are against this Bill. I do not think so. In my own knowledge there are very many actual cases of inter-caste-marriage. In this Assembly itself there are Members whose children have contracted inter-caste marriages. Some of my friends have said that the mover of such a Bill should come with the support of the whole Hindu community behind him. If he had the support of the whole Hindu community behind him, it would be perfectly unnecessary for him to come to the Legislature at all. The need to seek the help of the Legislature arises only during

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transition periods. When the transition has been completely made, the aid of the Legislature is not wanted.

As regards my Honourable friend, Sir Muhammad Yakub's remarks, I have nothing but admiration for them. I do think that my kind friend, Mr. Lalchand Navalrai, misunderstood him greatly. He challenged him in respect of one or two things. He said, if I had come forward with a Bill for validating not only inter-caste but inter-creed marriages, Sir Muhammad Yakub would have spoken very differently. Well, I do not hold that position. As I have tried to explain in my opening speech, Hinduism, properly understood, has no need to proselytize, because the whole Human Race is already included in its pale. The old Dharma Shastra is known as the Manava Dharma Shastra. Manava is man; indeed the two words, Sanskrit and English, respectively, are the same, etymologically. It is "human" right and duty, it is "human" Shastra, Science. Shastra, again, etymologically means the same thing as Science. Shas, to know, Shams, to inform, are the same as the latin word scire, to know. Sound knowledge, true knowledge, is Shastra as well as Science. The Manava-Dharma-Shastra does not insist upon any change of religion. As is surely known to everybody here, Hinduism includes all sorts of beliefs of all sorts of sects, Vaishnavas, Shaktas, and Saivas, and so forth. Buddhism, Jainism, and Sikhism are only the more important reform movements within the pale of Hinduism. If our Pandits had only the necessary largeness of heart and far-sightedness of vision—not to speak of largeness of head, for I am sure many of them are far abler in head than I am, but I am afraid I cannot help saying that they have no longer the large heart that they should have—if they had only that large heart, they would be able to include human beings of all races and of all creeds under the name of Hindus, that is to say, Manava, man. Islam is one of the many ways to God. The Prophet has said that there are as many ways to God as there are souls, and very rightly. Just as every human being has a face different from all other faces, although some features are common to all faces—we all of us have eyes, nose and ears, and yet no two faces are exactly alike—so every soul has a way to God which is more or less different from the ways of all others, though the goal of all is the same. Hinduism recognises this fully. It is a great synthesis of all kinds of human beings and their ways. My very kind friend, Mr. Umar Ali Shah, learned in Sanskrit, referred to eight kinds of marriage. That is only a proof of the synthesising and reconciling nature of Hinduism. I am afraid my very dear young friend, Mr. Bajoria, has rather mixed up the two words, temper and temperament. The two words mean two very different things. We are changing temper, every one of us, from time to time, unless we have been duly disciplined and become self-controlled, when we are able to maintain an equable temper for at least a great length of time until very grievously provoked. Dwija-ta or twice-bornness, re-generation, leads to such self-control. Human beings are clearly not born physically twice on this earth, in the same life. The second birth must obviously be taken in a metaphorical sense and not in a literal sense. What is that metaphorical sense? It cannot be anything else than is meant by the plain simple English words, twice-born, regenerate. The word regenerate is a very common and well known and well recognised English word. It is absolutely a literal translation of the Sanskrit word Dwi-ja, re-born, regenerate, and, as Christ said

"Unless ye be born again ye cannot enter the Kingdom of Heaven". This means in plain simple ordinary language, unless you attain to due self-control, that second birth which makes a man regenerate, which brings to him true civilisation, not a mere veneer of civilisation, fashionable clothes, flashy talk, affectations in language and manners, but real regeneration of the whole inner nature, civilisation of heart—unless you do that, you cannot enter the Kingdom of Heaven. If all human beings, or at least if a majority of human beings, attain to that true civilisation and true regeneration, then the Kingdom of Heaven would indeed descend on earth, would be seen on earth in the actions of men. That is just what the old great prophets and teachers and messiahs have meant. Well, now, Sir Muhammad Yakub, I think, meant nothing else than this, that the fundamental principles of Islam are the same as the fundamental principles which I have humbly and most feebly and most inadequately tried to expound in the speech which I inflicted upon the House this morning: and if my interpretation of what he said is correct, then I see no reason why my dear friend, Mr. Lalchand Navalrai, should take any objection to that. There is no occasion for any challenge. Rather, there is occasion for congratulation and welcoming. If Sir Muhammad Yakub calls those principles by the name of Muslim and Mr. Lalchand Navalrai calls them by the name of Arya, it is only a difference of language, not of spirit, not of heart or principle. Why should we insist upon our own favourite wording only?

Mr. Lalchand Navalrai: I thought he was only enthusiastic about it.

Dr. Bhagavan Das: Let us give credit, and we shall create good reason for giving that credit; the person tries to become worthy of the credit. If we give debit, the person becomes debitable. If you trust, you breed trust. Hate and you breed hate. Give love and you will evoke love. Therefore, let us trust and not challenge. If we challenge, it will be answered by a counter-challenge, and only blows will result. That is not true civilisation. That is not true Dwija-ta, not true regeneration.

Mr. Lalchand Navalrai: We have yet to see his view hereafter.

Dr. Bhagavan Das: As he has supported me today, he will continue to support me afterwards, I believe; and, in any case, even if his views change, my views will remain the same, I hope.

Sir Muhammad Yamin Khan endeavoured to speak on behalf of his electorate and his zamindari tenants. I know something about that also. I also happen to hold a few pieces of villages and I have some dealings with the tenants in them. I know the great trouble that many of these small sub-castes are in because they cannot find suitable matches. Two Kanya-kubja friends have told me that, by process of ex-communication, either because of having touched an untouchable, or dined with an untouchable, or having crossed the black water, or such other reasonless reasons, the members of one sub-sub-sub-caste among them, the *pankti-pawanas*, had become very greatly reduced; and for purposes of marriage they had to make alliances now within the prohibited degrees of consanguinity. Another friend from Bengal told me that amongst the so-called untouchable classes there was very great difficulty felt, owing to reduction of numbers, in finding suitable matches, and, because of this, many small sub-castes were becoming amalgamated. Those of us Hindus who live in

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certain closed circles, and do not look about us, feel, as I am afraid my friend Babu Baijnath Bajoria, feels, that our way of living is the only way of living for the whole of Hindudom. That is not so. All sorts of customs are prevailing. Divorce is allowed in Manu and Parashara. The speech of my friend, Mr. Umar Ali Shah, delighted me by its knowledge of Sanskrit but greatly distressed me at the same time because of his clinging to old and harmful interpretations. I feel that those interpretations are at the back of our communal troubles. Mr. Umar Aly Shah proclaimed himself a stronger Sanatanist than even my friend, Babu Baijnath Bajoria. He spoke of Manu-Smriti as having 57,000 shlokas. I do not happen to have seen such a huge version of the work. The current edition, with which I have had to content myself, consists of between 2,600 and 2,700, and not 57,000 shlokas. There are eight commentaries current on Manu. The eight commentaries, taken together, may perhaps amount to 57,000 shlokas. Most of them have been translated into English by my friend, Mahamahopadhyaya Ganganath Jha. I have not seen all the commentaries. I have confined myself to the text, and preferred to make simple interpretations, in the light of the Nirukta and the Kosha rather than in the light of the often very involved and forced, strained and obscure, interpretations of many of these commentators. Mr. Umar Aly Shah laid great stress on the fact that I have not made any reference to Parashara Smriti, and he said that Parashara Smriti amounted to 75 thousand slokas. I am afraid I have not so carefully studied Parashara Smriti as I have tried to study Manu Smriti. It is a very much smaller book than even Manu's. He said that the laws of Parashara are to be followed in the Kali Yuga, implying that those of Manu are not to be followed. Kaliyuga means the present age of competition, struggle, and discord. I do not know whether Mr. Umar Aly Shah would accept that interpretation of the 'Kali' age. The word Kali actually means kalaha, *i.e.*, discord, and struggle for existence rather than alliance for existence; and we are all feeling acutely how very true that description is of the present age, in the East as well as the West. This is the age of conflict and of struggle for existence par excellence. Nations are ready to cut each other's throats, and to exterminate each other, with immense armaments. Well, so far as Parashara is concerned, I am able to say that, indisputably, Manu is the accepted basis of all the subsequent Smritis. There are twenty-eight or twenty-nine of them current now; many have been lost; but none of them ventures to dispute the authority of Manu, who is the basis, the foundation, the root, of the socio-religious polity which is now known as the Hindu polity. The difference between Manu and Parashara is not one of antagonism at all, but one of slight modifications. What the current shloka "*Kalau Prasharah Smritah*" means, is this: that certain modifications have been made in the laws of Manu, here and there, in accordance with the needs of the Kali-yuga times, by Parashara; which, indeed, is proof that Hindu society is not a hide-bound society, nor Hindu laws made up once for all, and unchanging, like the so-called laws of the Medes and the Persians. I am sure that those too were also changing, when the Medes and the Persians were living races. The mere fact that there have been 28 Smriti-Karas since Manu, means that the principle of living legislation has been amply recognized by the Hindu people; and in Manu-smriti itself this principle has been clearly laid down. If the subsequent law-makers,

the Smriti-Karas, have ventured to make any modifications in Manu's laws in accordance with the changing circumstances, that too has been made under the express authority of Manu himself.

"An-amnateshu dharmeshu katham syad iti ched bhavet,
Yam shishta brahmanah bruyuh, sadharmah syad ashankitah;
Dharmen-adhigato yais-tu Vedah sa-pari brimhanah,
Te shishtah brahmanah jnyéyah, Shruti-pratyaksha-hetawah."

"In those cases where the existing law is silent, or if new conditions should arise which are not covered by the existing law, or a change of *désha* and *kala* and *nimitta* should necessitate a change in the law, then, the law that is made newly by the Shishta Brahmanas shall be the law. The Shishta Brahamanas are those who have been duly instructed in the Vedas, *i.e.*, sciences, and the upa-brimhanas, *i.e.*, history, human and cosmic, and can demonstrate the truths of the Ved.-sciences. Such only are Shishta Brahmanas."

Modern western laws lay down qualifications for the electors; they do not lay down qualifications for the electees. Manu, instead, lays down qualifications for the electees, who are going to make the law, and none at all for the electors. A French writer on politics, in whose time there were only 27 millions of people in France, has said that foolishness divided by 27 millions and multiplied again by 27 millions at the polling-booths—does not make wisdom. (Laughter.) Therefore, the electors ought to be guided by laws which will lay down the moral and intellectual qualifications of those who have to be elected by their votes, so that the electees may be good and wise law-makers. If that is done, then only can we have good and wise laws. Otherwise, by haphazard, temporising, patch-work, palliatives, they would try to cure one evil, which seems to be prominent at the time, but, not being able to see sufficiently far ahead, they would create ten new evils which are worse than the original evil. This has been recognized by such a great thinker and writer as Herbert Spencer. He has, in his "Principles of Sociology", discussed these things, and said that the majority of modern legislators are unable to follow the reverberations and repercussions and consequences of the laws that they advocate and bring to the anvil of legislation, in all the departments of life; and, I believe, he or somebody else has provided an illustration.

Babu Baijnath Bajoria: Sir, are these references relevant to the debate just now?

Dr. Bhagavan Das: If the President thinks it is irrelevant, I shall submit my explanation of the relevancy most humbly. I am showing how in this matter of the interpretation of the laws of Manu, it has been modified from time to time by Parashara, and I was only giving some illustrations from English law.

Babu Baijnath Bajoria: How is that relevant?

Dr. Bhagavan Das: Well, Sir, Charles Darwin has somewhere explained how the killing of cats, by a local board, in a certain district, brought about the failure of a crop of clover. Those who had advocated the killing of cats had forgotten the intermediate steps between cats and clover. Cats used to destroy the field-mice which used to destroy a certain kind of bees which made hives underneath the surface of the earth and were instrumental in fertilizing the flowers of that crop. Now the killing of these cats led to the multiplication of the field-mice, thence to the destruction of the bees,

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thence to the non-fertilisation of the flowers, thence to the failure of the crop. Well, legislators ought to be able to look far-sightedly in order to be able to make laws which will not create more evil than good. Now unfortunately our law-makers have obviously degenerated. (Laughter.) Sir, I do not mean the present company. I have the very greatest respect for the present law-makers. I am referring to the old Pandit law-makers, the successors of the Smriti-karas. They lost confidence in themselves, for various historical reasons. Shastra and shastra, science and military Power, Church and State, Brahmana and Kshattriya, Altar and Throne, were interdependent formerly, for purposes of helping and serving the people. The king was "the chief servant of the people". *"Prajanam ranjanad Raja"*; "the Raja is called Raja because he propitiates and pleases and serves the people in every way." That is the literal meaning of the word "Raja", not "govern-or" or "rul-er", or "emperor", *i.e.*, 'orderer-about', and so forth, but "the chief servant of the people". Such was the relationship between the Old Church and State, Brahmana and Kshattriya, helping one another in the service of the people. The word "Kshattriya" means "he who protects the weak from being hurt by the strong". That is the etymological meaning. So the word "Brahmana" means "a man of knowledge, of science, of Brahma". What do we see today? What happened in India has been happening in the West. The man of science has prostituted his science to the service of the greedy, grasping capitalist, and of the bounding, jumping, imperialist militarist. That is the reason why we have this immense trouble and unrest over the whole face of the earth, when nations are trying to cut each other's throats and to exterminate each other, and when they are arming themselves to the teeth, organising for war and not organising for peace, which is very much easier and far more beneficent than organising for war. That happened to our Brahmanas and Kshattriyas also. The Kshattriyas took away the power of legislation from the Brahmanas and the Brahmanas became time-servers, court poets, flatterers and bards, instead of the supervisors and inspectors of kings. Hence, we have this degeneration. I am only trying to explain how the difference between Manu and Parashara, and again between the Smriti-karas and the Nibandhakaras arose. Here I will quote a shloka from one of the Smritis:

"Ashwa-lambham gawa-lambham, sanyasam, pala-paitrikam,

Dévarat cha sut-otpattim, Kalau pancha vivarjayét."

"The horse-sacrifice, the cow-sacrifice, the anchorite-stage, the use of flesh in oblations to the ancestors, and marriage with a brother's widow—these five things, which were lawful in the earlier ages, shall not be lawful in the age of Kali."

This is an instance of how little modifications here and there were permissible, and were made; but the principles of the caste-class system remained untouched, always. For another instance, there is a Devala Smriti which is expressly said to have been written in Sind, and the whole purpose of it is to justify re-conversion and re-admission into the fold of Hinduism of such persons as were not themselves willing and desirous to go into other religions, but had been converted to them forcibly. Those who willingly desire to embrace other religions were at liberty to do so; but forcible conversion has been forbidden by all great reformers of religion. I believe Islam also does not permit forcible conversion. *"La ikraha fid din"* says the Holy Prophet.

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): These are not the words of the Holy Prophet. They are the words of the Holy Quran.

Dr. Bhagavan Das: I stand corrected. As Maulana Rum has said:

"Gar che Quran az labé paighambar ast,

Har ke goyad, Haq na gufta, Kafir ast."

"Although the Quran was spoken by the lips of the Prophet, yet whosoever says that it was not spoken by Allah shall be regarded as a Kafir."

It is a Quranic text, and, therefore all the more binding. So, these later Smrities and others have been making small changes; but when their age came to an end, *i.e.*, the age of the Smriti-karas, the legislators who had sufficient confidence in themselves to be able to say that this shall be the law in modification of the older law; and when the smaller race of the commentators and the writers of digests, the Nibandha-karas, came in they did not have the same confidence in themselves, but were desirous of ministering to the baser motives of the kings to whose courts they were attached. So they used to make modifications in the older texts by means of interpretation. As I tried to say in my opening speech, they used to interpret those older laws somewhat in this way: "We do not dare to say that this shall be the law, but we do venture to say that this was what the old law-giver meant." From one point of view, it may be said that it does show respect for the old law-makers if we do not say: "Oh, your law is wrong and we shall repeal it and make a new one." They were more respectful to the older generation and the Indian tradition is that respect should be shown to the old generation. Therefore, they used to say: "This is what the old law-maker meant." That is one way of doing things and that is what our learned Judges do today, when they have to deal with laws made by legislators which they feel are not quite right. We all know that law really means the discretion of the law-applier and interpreter. If that discretion is wise, the law will be interpreted wisely, but if that discretion is unwise, the law will be interpreted unwisely.

Babu Baijnath Bajoria: May I know how all this is relevant to the question before the House?

Dr. Bhagavan Das: It is relevant in the way of commentary on Mr. Umar Aly Shah's remarks. I am sorry he is not in his seat, otherwise I am sure he would have appreciated what I am saying. There were one or two other points in the speech of Mr. Umar Aly Shah. He spoke about Gotra being unchangeable. But, as I said, every Hindu here knows that the Gotra of a bride changes as soon as the marriage ceremony is completed. Although, by association, the word has come to mean the descendants of a common ancestor, etymologically it means a joint family of dairy-farmers and cowherds; gawah trayante anena kulena iti. In the pastoral and rural age, wealth meant flourishing cornfields and healthy cattle; dhanam dhanyam, uttamam go-dhanam dhanam; and even today, although we all believe in aeroplanes, submarines, and streamlined railways, and such other bravery of civilisation, if the cows disappear, all the babies would disappear, and the new generation would not live at all. So, underneath all the trappings of this modern civilisation,

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the fundamental truths of the primitive civilisation still last. The cows, the cattle, the milk, the corn-fields, are still the only real wealth of human beings. What we ought to do is to maintain the health which is the true wealth of the race. My Honourable friend, Mr. Umar Aly Shah, said that while the occupations of Brahmanas and Kshattriyas have been laid down by Manu and the other Smriti-karas, they have said nothing about the means of livelihood of Vaishyas and Shudras. I tried to say in my opening remarks that that is one of the very special and distinctive features of the old social organization, the socio-individual organization of the whole human race, which is of the utmost consequence. The means of livelihood of the four castes have been partitioned most clearly and definitely by Manu. He has said that the man of the learned professions shall derive his livelihood from teaching, from priestly functions and the giving of expert advice in pious and charitable public works, and from gifts and presents: that the man of the executive professions shall receive remuneration for protecting the people in various ways; that the tradesman shall earn his livelihood by agriculture, cattle-rearing, and trade; and the man of the labouring professions, by helping the others in return for adequate wages. Brahmanasya Adhyapanam, yajanam cha, vishuddhat cha pratigrahah; Shastrastra-bhrittvam kshattrasya; vanik-pashu-krishir vishah (Manu). In those old days the teachers were not allowed to receive fixed salaries. That was regarded as *infra dig*. They had to receive honoraria. I have never been a Barrister myself, but I have heard that as regards the Barristers in England, the legal fiction is that they do not receive fees from the clients but only honoraria, which the barristers take good care to see are duly paid in good time beforehand.

Mr. President (The Honourable Sir Abdur Rahim): Will the Honourable Member conclude now?

Dr. Bhagavan Das: I have got much more to say. I have to meet the points raised by four more speakers.

Mr. President (The Honourable Sir Abdur Rahim): Then, the House will adjourn now.

The Assembly then adjourned till Eleven of the Clock on Friday, the 29th January, 1937.

LEGISLATIVE ASSEMBLY.

Friday, 29th January, 1937.

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

SHORT NOTICE QUESTION AND ANSWER.

INADEQUATE PROGRAMME OF WORK IN THE LEGISLATIVE ASSEMBLY.

Sir Muhammad Yamin Khan: (a) Are Government aware that a feeling of dissatisfaction exists among the Members of this Assembly at the inadequate programme of work set down for the first three days of the Session?

(b) What steps do Government propose to take in order to ensure that the House is adequately occupied from now onwards?

The Honourable Sir Nripendra Sircar: (a) Yes. Government share in that feeling. The business set down should in all circumstances have kept the House fully occupied for the days concerned.

(b) Government propose to set down for each working day more business than could normally be disposed of in one day. Government must, however, point out the difficulty of forecasting the rate of progress of business in circumstances so abnormal.

Mr. N. M. Joshi: May I ask whether Government are aware that some Members of the Assembly are quite pleased with the rate of business here at present?

The Honourable Sir Nripendra Sircar: I know that is Mr. Joshi's feeling.

GOVERNOR GENERAL'S ASSENT TO BILLS.

Secretary of the Assembly: Sir, information has been received that the following Bills, which were passed by both Chambers of the Indian Legislature during the Simla Session, 1936, 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 Tea Cess (Amendment) Act, 1936,

(2) The Geneva Convention Implementing Act, 1936,

(3) The Indian Rubber Control (Amendment) Act, 1936,

(4) The Bangalore Marriages Validating Act, 1936,

(5) The Indian Tea Control (Amendment) Act, 1936,

(6) The Red Cross Society (Allocation of Property) Act, 1936,
(7) The General Clauses (Amendment) Act, 1936,
(8) The Chittagong Port (Amendment) Act, 1936,
(9) The Code of Civil Procedure (Amendment) Act, 1936,
(10) The Indian Companies (Amendment) Act, 1936,
(11) The Durgah Khawaja Saheb Act, 1936, and
(12) The Cantonments (Amendment) Act, 1936.

THE CODE OF CIVIL PROCEDURE (SECOND AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Nripendra Sircar (Law Member): Sir, I present the Report of the Second Select Committee on the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes (*Insertion of new section 44-A*).

THE ARBITRATION (PROTOCOL AND CONVENTION) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Nripendra Sircar (Law Member): Sir, I also present the Report of the Select Committee on the Bill to make certain further provisions respecting the law of arbitration in British India.

RESOLUTION *RE* INTERFERENCE FROM PUBLIC SERVANTS IN THE ENSUING ELECTIONS.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume discussion of the Resolution moved by Dr. Khan Sahib on the 24th September, 1936, and the amendment moved thereto by Sir Muhammad Yakub on the 1st October, 1936. The Resolution moved by Dr. Khan Sahib was as follows:

"That this Assembly recommends to the Governor General in Council to take immediate steps to secure that public servants do not interfere directly or indirectly in the ensuing elections to the Reformed Legislatures."

To that an amendment was moved by Sir Muhammad Yakub as follows:

"That at the end of the Resolution, the following be added :

'But unruly conduct, demonstrations which are likely to cause the breach of peace, the singing of provocative songs and slogans and pronouncing religious ban against any candidate or persuading voters to vote or not to vote in the name of religion should be stopped by the local authorities with strong measures.' "

Both the Resolution and the amendment are before the House.

There is another amendment in the name of Maulana Shaukat Ali, but as he has already spoken, he is not entitled to move this amendment.

The question is:

"That at the end of the Resolution, the following be added:

'But unruly conduct, demonstrations which are likely to cause the breach of peace, the singing of provocative songs and slogans and pronouncing religious ban against any candidate or persuading voters to vote or not to vote in the name of religion should be stopped by the local authorities with strong measures.' "

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I will now put the Resolution as amended.

The question is:

"That this Assembly recommends to the Governor General in Council to take immediate steps to secure that Public Servants do not interfere directly or indirectly in the ensuing elections to the Reformed Legislatures. But unruly conduct, demonstrations which are likely to cause the breach of peace, the singing of provocative songs and slogans and pronouncing religious ban against any candidate or persuading voters to vote or not to vote in the name of religion should be stopped by the local authorities with strong measures."

The motion was adopted.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, on a point of order. A Member of this House makes allegations against certain individuals who hold official positions, and, after making those allegations in writing, he does not come here to substantiate them. He poisons the minds of all people who will see this agenda and then absents himself. I should like to know if it is a right and proper thing to do.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): And I will also draw attention, Sir, to what you have just said that the Maulana could not have moved it even if he were here because he has already spoken.

Mr. President (The Honourable Sir Abdur Rahim): The amendment calls in question the official conduct of two gentlemen named there. I think there is force in the point raised by Sir Yamin Khan that when an allegation of that character is made against officials by name or even otherwise, it is the duty of the Honourable Member who has given notice of such a motion,—and that motion has already been circulated,—to be present here to move it or withdraw it and make proper amends if those allegations are unfounded.

STATEMENT OF BUSINESS.

The Honourable Sir Nripendra Sircar (Leader of the House): Sir, will you permit me to make the usual statement of business?

For Monday and Tuesday next, the business will be, first, a motion for the election of the Standing Committee of the Department of Education, Health and Lands. Leave will then be asked to introduce (1) a Bill to amend the Contempt of Courts Act, and (2), if ready, a Bill to amend the Indian Income-tax Act. Thereafter, the House will be asked to take into

[Sir Nripendra Sircar.]

consideration and pass the Land Customs (Amendment) Bill. These will be followed by motions to refer the following Bills to Select Committees, namely:

(1) The Indian Boilers (Amendment) Bill,
(2) The Indian Electricity (Amendment) Bill,
(3) The Indian Railways (Amendment) Bill, and
(4) The Insurance Bill.

On Wednesday, the first item of business will be the motion standing in my name to take into consideration the draft amendments to the Indian Legislative Rules. Any legislative business left over from Tuesday's list will then be proceeded with. Thereafter, if time permits, Supplementary Demands for Grants under the Railway Budget will be taken up. Thursday and Friday, as Honourable Members are aware, are non-official days.

The Honourable Sir James Grigg (Finance Member): To avoid any possible misapprehension, may I say that the Bill to amend the Income-tax Act is not a comprehensive Bill but deals only with one particular point in which the law has been found defective and on which it is necessary to amend it urgently. It does not purport to deal with the whole of the recommendations of the recent Income-tax Report. I think I had better say that in order to avoid any unnecessary alarm or despondency.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Is it the introduction of the Bill?

The Honourable Sir James Grigg: Yes.

Sir Cowasji Jehangir: Could the Honourable Member give us just an idea of what the point is in the Bill?

The Honourable Sir James Grigg: I have already said there is only one point and that will appear when the Bill is introduced.

Sir Cowasji Jehangir: Nothing of importance?

The Honourable Sir James Grigg: I have just said that it does not purport to deal with more than one point on which legislation has been found to be urgently necessary.

Sir Cowasji Jehangir: May I also ask the Honourable the Leader of the House whether he could not bring his motion about amendment of the rules with regard to questions, on Monday? Monday is an official day.

The Honourable Sir Henry Craik (Home Member): What is the point?

Sir Cowasji Jehangir: The point is this: it may be necessary to move and it may be acceptable to Government to appoint a small committee to consider these rules and have them thrashed out and see how far they can be made applicable to the administration of this House. It is necessary to examine these rules and the sooner we do so the better it will be for all Members.

The Honourable Sir Henry Craik: What is the precise point in having it on Monday instead of Wednesday?

Sir Cowasji Jehangir: I will tell the Honourable Member: I will be perfectly frank . . .

The Honourable Sir Nripendra Sircar: There is no difficulty about having it on Monday instead of Wednesday if that is the desire of the Honourable Member.

Sir Cowasji Jehangir: Then I will not give any further explanation now, with the Honourable Member's kind permission.

The Honourable Sir Henry Craik: Will the Honourable Member give me the explanation outside?

Sir Cowasji Jehangir: With the greatest pleasure.

The Assembly then adjourned till Eleven of the Clock on Monday, the 1st February, 1937.

LEGISLATIVE ASSEMBLY.

Monday, 1st February, 1937.

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

MEMBER SWORN.

Mr. Arthur deCoetlogan Williams, M.L.A. (Government of India: Nominated Official).

MESSAGE FROM H. E. THE GOVERNOR GENERAL.

RAILWAY BUDGET DATES.

Mr. President (The Honourable Sir Abdur Rahim): I have received a Message from His Excellency the Governor General regarding the Budget dates. The Message is as follows:

"For the purposes of sub-section (1) of section 67-A of the Government of India Act and in pursuance of rules 43, 46 and 47 of the Indian Legislative Rules, I, Victor Alexander John, Marquess of Linlithgow, hereby appoint the following days in supersession of those already fixed in my order dated the 17th December, 1936, for the presentation to the Legislative Assembly of the statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of Railways and for the subsequent stages in respect thereof in the Legislative Assembly, namely:

Tuesday, the 16th February, 1937	...	... *Presentation in the Legislative Assembly.*
Friday, the 19th February, 1937 ...	...	... *General discussion in the Legislative Assembly.*
Tuesday, the 23rd February, 1937	...	... *Voting on Demands for Grants in the Legislative Assembly.*
Wednesday, the 24th February, 1937	...	...
Thursday, the 25th February, 1937	...	...
Friday, the 26th February, 1937 ...	...	...

(Sd.) LINLITHGOW,
Viceroy and Governor General."

NEW DELHI;

The 30th January, 1937.

QUESTIONS AND ANSWERS.

CIVIL SUIT FILED BY MR. J. CAROLL, FORMERLY A ROMAN CATHOLIC MILITARY CHAPLAIN IN THE ARCHDIOCESE OF AGRA, FOR THE RECOVERY OF HIS SALARY.

324. ***Mr. M. Asaf Ali:** (a) Are Government aware that Mr. J. Carroll, formerly a Roman Catholic Military Chaplain in the Archdioceese of Agra.

filed a civil suit in the Court of the Sub-Judge, Dehra Dun (suit No. 274 of 1935) for the recovery of what he deemed to be his due, in respect of half of his sanctioned salary against the Archbishop of Agra?

(b) Is it a fact that the Archbishop of Agra in the above mentioned suit pleaded that the plaintiff, Mr. J. Carroll, was not entitled to more than half his salary as he was under a Vow of Poverty?

Mr. G. R. F. Tottenham: (a) and (b). The Government have no information.

RELEASE OF THE *EX*-MAHARAJA OF NABHA.

325. ***Mr. Lalchand Navalrai** (on behalf of Sardar Mangal Singh): Will Government please state whether they have considered or are prepared to consider the question of the release of the *ex*-Maharaja of Nabha at the time of Coronation Darbar in London or in India?

Sir Aubrey Metcalfe: No, Sir.

Mr. Lalchand Navalrai: May I know from the Honourable Member if there have been any conditions on which his release can be obtained? Has he been detained under any conditions which he has to perform before he is released?

Sir Aubrey Metcalfe: That is not a subject which I am prepared to discuss on the floor of this House.

GRIEVANCES OF THE PEOPLE OF THE DELHI PROVINCE.

326. ***Mr. M. Asaf Ali:** Will Government be pleased to state what practical results have followed in respect of the various answers Government have given to the questions I have put during the last two years regarding grievances of the people of the Delhi Province with particular reference to:

(a) the preferential claims of the people of Delhi in the various Government Departments of the Province, especially the Police, the Judiciary, the Revenue Department, the Irrigation Department and the Public Works Department; and

(b) the building of new and suitable courts in a central place?

The Honourable Sir Henry Craik: (a) The Honourable Member probably has in mind his questions Nos. 103, 105 and 106 asked in February 1935. In view of the replies given by me to these questions no further action was called for or taken.

(b) The construction of a new building for the courts is under consideration.

GRIEVANCES OF THE PEOPLE OF THE DELHI PROVINCE.

327. ***Mr. M. Asaf Ali:** Will Government be pleased to state what practical results have followed in respect of the various answers Government have given to the questions I have put during the last two years

regarding grievances of the people of the Delhi Province with particular reference to:

(a) the schemes of relieving the congestion of the old town, and improving the civil amenities, *i.e.*, drainage, water-supply, macadamised roads, etc., of estates owned by Government;

(b) relief of the rural population of Delhi Province from professional tax, tax on wells and remission of land revenue; and

(c) educational facilities for students in the educational institutions and medical and engineering colleges of other provinces?

Sir Girja Shankar Bajpai: (a) As the Honourable Member is aware, Government are considering the formation of an Improvement Trust for Delhi, which could deal with the matters referred to by the Honourable Member.

(b) Enquiries have been made and a reply will be furnished to the House in due course.

(c) There is no bar to Delhi students joining the engineering colleges in other provinces except the Poona College of Engineering to which only students residing in the Bombay Presidency are admitted. As regards medical collegiate education, the Government of India are still in correspondence with the Local Governments on the subject.

GRIEVANCES OF THE PEOPLE OF THE DELHI PROVINCE.

328. ***Mr. M. Asaf Ali:** Will Government be pleased to state what practical results have followed in respect of the various answers Government have given to the questions I have put during the last two years regarding grievances of the people of the Delhi Province with particular reference to the supply of cheap electricity to both ordinary and power consumers?

Sir Girja Shankar Bajpai: The whole problem of the supply of electricity in Delhi is being investigated by an expert committee.

PRODUCTION OF ELECTRICITY AT THE KALYAN POWER HOUSE.

329. ***Dr. Ziauddin Ahmad:** (a) What is the cost of producing electricity per unit at the Kalyan Power House, after allowing interest charges, depreciation and working expenses?

(b) Is the present installation capable of producing more electricity without substantial increase in the capital? If so, how many units per hour?

(c) Is it a fact that the Great Indian Peninsula Railway or the Bombay, Baroda and Central India Railway purchase electricity from Town Supply Companies for consumption in Bombay and suburbs? If so, how much?

(d) Is it not a fact that the contract of the Bombay Town Supply Company will soon expire?

(e) Are Government, in the interest of tax-payers, prepared to give notice that the Bombay, Baroda and Central India and Great Indian Peninsula Railways will purchase electricity from the Kalyan Power House to the extent of available supply?

The Honourable Sir Muhammad Zafrullah Khan: (a) Slightly over half an anna per unit on the present output.

(b) Yes, but some extra plant would be required before the installation could supply the whole of the requirements for the Great Indian Peninsula and Bombay, Baroda and Central India Railways.

(c) The Great Indian Peninsula Railway purchase the greater part of their electricity from the Tata group of hydro-electric companies and the Bombay, Baroda and Central India Railway all their requirements. About 70 million units for Great Indian Peninsula and 30 million for Bombay, Baroda and Central India.

(d) The contracts with this group of companies can be terminated on 3rd February, 1940, for the Great Indian Peninsula and on the 31st December, 1942, for the Bombay, Baroda and Central India.

(e) Government have already given notice of termination of the contracts for the Great Indian Peninsula Railway. Nearly three years will elapse before decision has to be made as to the future supply of electricity to the Bombay, Baroda and Central India Railway. Before that date, the Bombay, Baroda and Central India Railway Company will, no doubt, submit proposals.

Government have under consideration a scheme for supplying all the electric power required for the Great Indian Peninsula Railway from the Kalyan Power House.

Dr. Ziauddin Ahmad: May I know whether Government are utilising the Kalyan Power Station in full, and whether the maximum quantity of electricity that the plant could produce is now being produced and utilised?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid I will have to require notice of that question.

Dr. Ziauddin Ahmad: The next point I would like to ask is—at what price do the Great Indian Peninsula and Bombay, Baroda and Central India Railways purchase electricity from the Tata group of companies?

The Honourable Sir Muhammad Zafrullah Khan: I would also have to require notice of that question.

Dr. Ziauddin Ahmad: Have Government prepared a profit and loss account of the Kalyan Power Station?

The Honourable Sir Muhammad Zafrullah Khan: I imagine so—like every other business concern.

Dr. Ziauddin Ahmad: Is it a paying concern?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid I could not say; I will have to find out, if the Honourable Member will put down a question.

Dr. Ziauddin Ahmad: Government have got a power station at Kalyan, and it should be utilised in full and it should be made a paying concern. Will the Honourable Member look into the point and inquire?

The Honourable Sir Muhammad Zafrullah Khan: I imagine the answer would be in both cases yes, but, in order to give a specific reply, I must find out about it if the Honourable Member will put down a question to that effect.

STEPS TO BE TAKEN IN CASE PROTECTED INDUSTRIES MAKE A PROFIT ABOVE THE AMOUNT CONTEMPLATED BY THE TARIFF BOARD.

330. ***Dr. Ziauddin Ahmad:** (a) In case of protected industries making a profit above the amount contemplated by the Tariff Board, do Government propose to take one of the following steps in the interests of tax-payers or consumers:

(i) to diminish quantum of protection;

(ii) to levy higher excise duty;

(iii) to levy super higher tax of 10 annas in a rupee on the profit in excess of the amount contemplated by the Tariff Board; and

(iv) to keep the excess profit in reserve for the period of depression?

(b) Which of the above methods do Government propose to enforce in case of Steel and Iron Companies?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). The action that can be taken during the currency of a period of protection in regard to a protective duty that has become excessive for the purpose of securing the protection intended is prescribed in section 4 of the Indian Tariff Act, 1934. It is however not necessarily justifiable to take such action merely because the calculation on which the duty was based has proved erroneous in regard to one particular factor.

Dr. Ziauddin Ahmad: In view of the fact that the Steel and Iron companies are paying very high rate of dividends, much more than what the Tariff Board recommended, and, in view of the fact that they are not creating a reserve, will it not be taxing the tax-payers too much if, after seven years, these Iron and Steel companies come back again on the plea of being a national industry and asking for protection while they have been squandering the money that they have been collecting?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid that is an argument into which I cannot enter.

Dr. Ziauddin Ahmad: Will Government look into the matter?

The Honourable Sir Muhammad Zafrullah Khan: Government will certainly look into the matter. They are constantly reviewing the position.

Dr. Ziauddin Ahmad: Will Government lay a statement of the position on the table?

The Honourable Sir Muhammad Zafrullah Khan: When the occasion arises.

Dr. Ziauddin Ahmad: Does it not amount to forcing the consumers by civilised robbery or dacoity to pay large sums for the products in order that the companies might make huge profits and pay large dividends to the shareholders? The Steel Company afterwards will come again and put forward the plea that, in the interest of the national industry, protection must continue while as a matter of fact, they have been misusing their protection and paying large dividends?

The Honourable Sir Muhammad Zafrullah Khan: Is that not somewhat hypothetical?

Babu Baijnath Bajoria: When does the protection expire?

The Honourable Sir Muhammad Zafrullah Khan: After four years.

Dr. Ziauddin Ahmad: Will it again be renewed?

The Honourable Sir Muhammad Zafrullah Khan: Who can say? There is to be an enquiry in between.

INCOME FROM LICENCES AND DUTY ON RADIO SETS, ETC.

331. ***Mr. M. Asaf Ali:** (i) Will Government state:

(a) the total amount of customs receipts on receiving radio sets for the years 1933-34, 1934-35, 1935-36 and 1936-37; and

(b) the total receipts on licences for the same period?

(ii) How many new stations have been opened, and where? If no new stations have been opened, why not?

(iii) Is there a permanent cadre for the D. I. R.? If not, do Government propose to attract to and retain in the service Indians, who are best qualified to hold various posts?

There is a misprint in part (iii) of the question. "D.I.R." should read "A.I.R.".

The Honourable Sir Frank Noyce: (i) (a) and (b). A statement giving the required information is laid on the table of the House.

(ii) No new broadcasting station has been opened recently. As the Honourable Member is aware, a scheme for the development of broadcasting in India was approved by the Standing Finance Committee only last September and the provision of suitable buildings and sites, as well as the process of ordering and obtaining the new apparatus required, for the new stations in that scheme must take time. Orders have recently been placed for the transmitting apparatus.

(iii) The reply to the first part is in the negative and the second part in the affirmative.

Statement showing the Revenue from Customs Duty on Wireless Reception Instruments and Apparatus and License Fees during the period 1933-34 to 1936-37.

Year.	Customs duty.	License fees.
	Rs.	Rs.
1933-34	4,09,000	1,09,000
1934-35	7,83,000	1,66,000
1935-36	10,81,000	2,56,680
1936-37	8,83,000	2,30,700
Upto December 1936.		

DEVELOPMENT OF THE INDIAN MERCANTILE SHIPPING.

332. ***Mr. M. Asaf Ali** (on behalf of Prof. N. G. Ranga): Will Government be pleased to state:

(a) if they have perused the paper by Prof. Naidu of Chidambaram University, read at the Indian Economic Conference, about the future of the Indian Mercantile Shipping;

(b) whether they propose to take special measures to develop the Indian enterprise in this direction; and

(c) if so, by what means?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government have not seen the paper referred to, but they have seen extracts from the paper which appeared in the press.

(b) and (c). It is not clear what "special measures" are particularly intended, but the action which has been and is being taken to encourage the development of the Indian mercantile marine was detailed in my reply to a supplementary question asked by Mr. Satyamurti on the 5th February, 1936, with reference to his starred question No. 75, to which the attention of the Honourable Member is invited.

STRIKE ON THE BENGAL NAGPUR RAILWAY.

333. ***Mr. M. Asaf Ali** (on behalf of Prof. N. G. Ranga): Will Government be pleased to state what action has been taken by them to stop the strike on the Bengal Nagpur Railway or bring about a settlement between the Railway Authorities and the strikers? If no action was taken, why not?

The Honourable Sir Frank Noyce: The attention of the Honourable Member is invited to the reply I gave to his starred question No. 292.

TRAVELLING OF EXECUTIVE COUNCILLORS OF THE GOVERNMENT OF INDIA IN AEROPLANES.

334. *Mr. Sri Prakasa: (a) Is it a fact that Executive Councillors of the Government of India sometimes travel by aeroplanes? Are these aeroplanes specially chartered for them or do they travel as ordinary passengers in regular service aeroplanes?

(b) What is the cost of an aeroplane journey per mile for an Executive Councillor?

(c) Who decides whether a journey is to be performed by an aeroplane or by railway?

(d) Are Government prepared to prohibit the Executive Councillors from travelling by aeroplanes?

The Honourable Sir Henry Craik: (a) Yes, either as passengers in a regular air service machine or in an air taxi hired for the occasion or in Government aeroplane.

(b) The approximate cost is as follows:

(i) For regular air mail service machines—3½ annas for long journeys and 6 annas for short journeys.

(ii) For air taxis (depending on the type of machine used)—from 12 annas to Rs. 1-4-0.

(iii) For Government aeroplanes—Re. 1.

(c) The Honourable Member himself.

(d) The answer is in the negative.

FOREIGN EXPERTS EMPLOYED BY GOVERNMENT.

335. *Mr. C. N. Muthuranga Mudaliar: Will Government be pleased to state:

(a) the number of experts from European countries employed by them and by the Local Governments at the suggestion of the Government of India during the years from 1930 to 1936, to investigate problems in India connected with various aspects of administration;

(b) the expenditure incurred in connection with part (a) above; and

(c) the cases in respect of (a), in regard to which the initiative for the employment of experts proceeded from the Government or other bodies in the United Kingdom?

The Honourable Sir Henry Craik: (a), (b) and (c). I would refer the Honourable Member to the reply given by me on the 16th September last to Mr. T. S. Avinashilingam's starred question No. 413 about foreign experts and also to question No. 234 asked by Dr. Ziauddin Ahmad on the 25th January and the reply given thereto. The information relating to the cost of the experts employed, asked for by Dr. Ziauddin Ahmad, is being collected and will be placed on the table in due course. I am afraid that the collection of information going as far back as 1930 would mean an expenditure of labour which would hardly be justified.

EXPENDITURE INCURRED IN THE MAINTENANCE OF THE VICEREGAL LODGE, NEW DELHI AND SIMLA.

336. ***Mr. C. N. Muthuranga Mudaliar:** Will Government be pleased to state:

(a) the annual expenditure incurred in the maintenance of the Viceregal Lodge, New Delhi and Simla, separately; and

(b) similar expenditure incurred in respect of the residences of the Governors General of the Dominions of Canada, Australia, New Zealand and South Africa?

The Honourable Sir Frank Noyce: (a) A statement showing the cost of maintenance of the Viceroy's House, New Delhi, and Viceregal Lodge, Simla, during the last three years is laid on the table.

(b) The Government of India have no information.

Statement showing the cost of Maintenance (including Municipal Taxes) of the Viceroy's House, New Delhi and Viceregal Lodge, Simla, during the last three years.

	1933-34.	1934-35.	1935-36.
	Rs	Rs.	Rs.
The Viceroy's House, New Delhi . .	1,52,308	1,51,420	1,58,855
Viceregal Lodge, Simla	49,476	50,358	53,198

RESIGNATION OF SIR OSBORNE SMITH FROM THE GOVERNORSHIP OF THE RESERVE BANK OF INDIA.

337. ***Mr. Kuladhar Chaliha:** Will Government be pleased to state whether they have explained to the public, who have invested five crores of rupees in the Reserve Bank of India, the reason or reasons actuating the resignation of Sir Osborne Smith, the Governor of the Bank? If not, why not?

The Honourable Sir James Grigg: I would refer the Honourable Member to the answer I gave on the 25th of January, 1937, to Mr. Mohan Lal Saksena's starred question No. 65.

NON-GRANT OF INCREMENTS TO CERTAIN CLERKS IN THE OFFICE OF THE CONTROLLER OF TELEGRAPHS STORES, ALIPORE, CALCUTTA, ON CONFIRMATION.

338. ***Mr. Akhil Chandra Datta** (on behalf of Dr. P. N. Banerjea): (a) Is it a fact that there are some clerks in the office of the Controller of Telegraph Stores, Alipore, Calcutta, who were retained as a temporary measure for a period ranging from about six to ten years without annual increase in emoluments, and was it only on the 1st April, 1935, that they were confirmed, without their pay being fixed on a scale according to their proportionate service period? If so, why?

(b) Is it a fact that it was proposed to confirm these clerks on a scale of Rs. 50—6—110—5—160, on the basis of which their pay was fixed at Rs. 50 only per month, which is the initial stage of the said scale (in accordance with the spirit of Fundamental Rule 39) and that on this basis the names of these clerks were actually shewn in the said scale in the gradation list prepared by Mr. P. N. Mitra, C.I.E., on the 9th May, 1930, in view of their higher academic qualifications and the secretarial nature of work they were and are still performing?

(c) Is it a fact that although the identical temporary posts held by them were made permanent, these clerks were not confirmed with effect from the respective dates of their entry into the Department in the upper division scale, *viz.*, 50—6—110—5—160, but were confirmed in a lower division scale, *viz.*, 40—3—100, without due regard being paid to their length of service even in this scale?

(d) Was there a rule in the Posts and Telegraphs Department that the graduates would get four advance increments and the under-graduates two, on confirmation?

(e) Was the rule withdrawn long after these graduates and under-graduates as referred to above entered the Department? If so, what is the justification for depriving such employees of this concessional benefit of pay?

(f) Will the Honourable Member in charge of the Department of Industries and Labour refer to his answer to unstarred question No. 142, asked by Sardar Sant Singh, M.L.A., on the 8th October, 1936, and state why these graduates and under-graduates should be deprived of this concessional pay?

(g) Are Government aware of the amount of loss sustained by these clerks due to the excessive delay in confirming them?

(h) Will Government be pleased to state why their case was not decided earlier and why they were not retained on a time scale of pay while on continuous temporary service?

(i) Will Government be pleased to state whether these clerks are not entitled to get increments in accordance with their length of service, when they were subsequently confirmed in the identical posts held by them?

(j) Did these clerks submit individual petitions to His Excellency the Governor General of India in Council in January, 1936?

(k) If so, will the Honourable Member in charge of the Department of Industries and Labour kindly state whether he has gone through them and let this House know what Government propose to do with them?

The Honourable Sir Frank Noyce: (a), (d), (e), (f) and (h). The attention of the Honourable Member is invited to parts (a), (d) and (e) of the reply given by the Honourable Mr. D. G. Mitchell, on the 18th September, 1935, to his starred question No. 464.

(b) No. In this connection, the attention of the Honourable Member is invited to part (c) of the reply given by the Honourable Mr. D. G. Mitchell, on the 18th September, 1935, to his starred question No. 464. Government are not aware of any gradation list prepared by Mr. P. N. Mitra.

(c) The fact is not as stated by the Honourable Member. Of the clerks referred to, some were made permanent in the scale of Rs. 50—6—110—5—160, some in the scale of Rs. 40—3—100 and some in the scale of Rs. 45—2—65—3—95 according to the dates of their entry in service before or on and after 16th July 1931. As the temporary posts on fixed pay which these men held were never in any particular cadre or class the question of fixation of their pay according to the length of their service in a time-scale one to which they were brought on their permanency or to any other higher scale does not arise.

(g) and (i). The questions do not arise in view of the reply to parts (a) and (c).

(j) and (k). Some of the clerks have submitted petitions to the Governor General in Council and these are under consideration at present.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred questions Nos. 126 and 127 asked by Sardar Sant Singh on the 25th January, 1937.

University Training Corps Training Camp held at Shahdara near Lahore.

126. (b) A minor explosion did occur. It was caused by some unknown person placing a small amount of explosive mixture in the lid of a water container. No cadet was injured nor was any other damage caused. The incident was regarded as a practical joke.

(c) Does not arise.

Allegations against Mr. C. J. Hammil, Station Superintendent, North Western Railway.

127. "Government are informed as follows:

(a) Mr. Hammil has been Station Superintendent, Lahore, for about 11½ years.

(b) No.

(c) It is not always possible to take action on newspaper criticism which is frequently incorrect and inspired.

(d) The reply to the first part of the question is in the negative. The second part does not arise.

(e) No.

(f) The reply to the first part of the question is in the negative. The second part does not arise.

Information promised in reply to part (d) of starred question No. 157 asked by Mr. Mohan Lal Saksena on the 25th January, 1937.

Education of the Children of Anglo-Indian and Indian Employees of Railways.

Government are informed as follows:

(d) Of class I Railways, excepting Nizam's State and Jodhpur, the Assam Bengal and Rohilkund and Kumaon Railways do not maintain any schools for Anglo-Indians;

on the Eastern Bengal, East Indian, Great Indian Peninsula, North Western, Bombay, Baroda and Central India, Bengal and North Western and Bengal Nagpur Railways Indian students are admitted to the Railway Schools maintained for Anglo-Indian children; on the Madras and Southern Mahratta and South Indian Railways, Indian students are admitted provided there are no other educational facilities for Indian children available at that station The numbers of Indian children that can be admitted are regulated by the Educational Code of the Provinces in which the schools are located.

Information promised in reply to starred questions Nos. 158 and 214 asked by Mr. Lalchand Navalrai on the 25th January, 1937.

SUFFERINGS OF INDIANS OWING TO DEVASTATION CAUSED BY THE RECENT FLOODS IN THE PHILIPINE ISLANDS.

158. (a) There has been no loss of life and no serious damage to property. Consequently no assistance was called for.

(b) There are about 630 British Indians in all living in the Philipine Islands.

REDUCTION OF PAY OF CERTAIN EMPLOYEES OF THE ELECTRICAL DEPARTMENT OF THE NORTH WESTERN RAILWAY.

214. (a), (b) and (d). Certain erroneous payments were found to have been made in favour of daily rated employees of the Electrical Branch and these cases were regularised. In view, however, of the provision of paragraph 77 of the Railway Accounts Code Volume I,—copies of the relevant paragraph have been placed in the Library of the House—these recoveries were not made in respect of amounts drawn before the 1st January, 1935.

(c) Yes. Cases of mistry wiremen, such as Gurdit Singh, did not present any special features necessitating reduction or recovery of pay.

(e) Original rates of pay allowed on appointment to sanctioned posts have not been revised. Rates of pay were only revised in cases of erroneous increments and promotions which the officers concerned were not authorised to make.

(f) In view of the reply to parts (a), (b), (d) and (e) above, Fundamental Rule 15 is not applicable to these cases.

(g) As stated in reply to parts (a), (b) and (d) above, the re-ratement had effect from the 1st January, 1935, only.

(h) In view of the reply to previous parts of the question, this does not arise.

Information promised in reply to part (c) of Mr. Sri Prakasa's starred question No. 299 on the 26th January, 1937.

REPORT SUBMITTED BY RAIZADA HANS RAJ AND SIR MUHAMMAD YAMIN KHAN ON THEIR VISIT TO THE ANDAMANS.

(c) Rs. 1,632.

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

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): Sir, I beg to move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three non-official Members to serve on the Standing Committee to advise on subjects, other than 'Indians overseas—Emigration' and 'Haj Pilgrimage' dealt with in the Department of Education, Health and Lands."

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

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three non-official Members to serve on the Standing Committee to advise on subjects, other than 'Indians overseas—Emigration' and 'Haj Pilgrimage dealt with in the Department of Education, Health and Lands."

Mr N. M. Joshi (Nominated Non-Official): Sir, may I ask the Honourable Member what work this Committee did during the last year? How many times did it meet and which important questions the Committee considered during the year? May I also suggest to the Government that when Resolutions of this nature are introduced in the Legislature, they should give the Legislature a report of the work of the Committees? The Legislature is asked to elect Members to a Committee. The Committee as a whole is a Committee of the Legislature. It is, therefore, due to the Legislature that some report of the work of the Committee should be presented in some form. I shall be content if the Member in charge makes a speech and tells us what the Committee did. Sir, I feel that it is due to the House that some report should be given about the work done by these Committees.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): I take this opportunity to draw the attention of the Honourable Member in charge of this Department to one or two difficulties under which the pilgrims to Hedjaz are suffering.

Sir Girja Shankar Bajpai: Sir, this Committee definitely excludes from the purview of its consideration matters relating to the Hedjaz for which there is a separate Committee.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must have overlooked it.

Dr. Ziauddin Ahmad: This question also no doubt relates to that particular Department. I may not get any other opportunity to discuss this question.

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

Dr. Ziauddin Ahmad: Will it come later?

Sir Girja Shankar Bajpai: The Committee relating to the Hedjaz Pilgrimage is elected every year. My Honourable friend will have an opportunity of making his points when I make the motion to elect a Committee for that purpose.

Dr. Ziauddin Ahmad: Then, I will not take this occasion to deal with that.

Sir Girja Shankar Bajpai: Sir, my Honourable friend, Mr. Joshi, wanted information on two points, the first is as to the number of times this Committee has met and the second the work it has done. The Committee has not met since last year and it has done no work since

[Sir Girja Shankar Bajpai.]

last year, the explanation being that the more important matters with which my Department deals are looked after by the Committee on Indians Overseas and the Committee on Hedjaz Pilgrimage; but there is always the possibility that some question relating to the other matters dealt with by my Department may arise, and we, therefore, feel it desirable to have the help of a Committee of this House for the consideration of these problems.

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

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

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I may inform Honourable Members that the election of Members for the Standing Committee for the Department of Education, Health and Lands will be conducted in accordance with the principle of proportional representation by means of the single transferable vote. The dates for receiving nominations and for holding election, if necessary, for the Committee will be announced later.

THE CONTEMPT OF COURTS (AMENDMENT) BILL.

The Honourable Sir Nripendra Sircar (Law Member): Sir, I beg to move for leave to introduce a Bill to amend the Contempt of Courts Act, 1926, for a certain purpose.

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

"That leave be granted to introduce a Bill to amend the Contempt of Courts Act, 1926, for a certain purpose."

The motion was adopted.

The Honourable Sir Nripendra Sircar: Sir, I introduce the Bill.

THE INDIAN INCOME-TAX (AMENDMENT) BILL.

The Honourable Sir James Grigg (Finance Member): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Income-tax Act, 1922, for certain purposes.

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

"That leave be granted to introduce a Bill further to amend the Indian Income-tax Act, 1922, for certain purposes."

The motion was adopted.

The Honourable Sir James Grigg: Sir, I introduce the Bill.

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

"That the following draft amendments to the Indian Legislative Rules be taken into consideration, namely:

'That in rule 8 of the said rules:

(a) in sub-rule (1) the following shall be inserted at the beginning, namely:

'subject to the provisions of sub-rule (3) to (6),'; and

(b) after sub-rule (2) the following sub-rules shall be added, namely:

'(3) Not more than three questions asked by the same member shall be placed on the list of questions for oral answer on any one day.

(4) No question shall be placed on the list of questions for answer unless:

(a) at least five clear days' notice of the admission of such question by the President has been given by the Secretary to the Member to whom it is addressed; or

(b) the President, with the consent of the Member of the Government to whose department the question relates, otherwise directs.

(5) The time available for answering questions shall be allotted on different days in rotation for the answering of questions relating to such department or departments of the Government as the President may, from time to time, provide, and on each such day, unless the President with the consent of the Member of the Government to whose department the question relates otherwise directs, only questions relating to the department or departments for which time on that day has been allotted, and questions addressed to non-official members, shall be placed on the list of questions for answer.

(6) If any question placed on the list of questions for answer on any day is not answered within the time available for answering questions on that day, the member to whom the question is addressed shall upon the next day available for the answering of questions lay upon the table of the Chamber a written reply to the question, and no oral reply shall be required to such question and no supplementary questions shall be asked in respect thereof'."

Sir, I should like to inform this House that in 1933 a similar question was taken up by this House. What happened was that a non-official Member, Mr. S. C. Mitra, wanted Standing Order 17 to be changed, and his suggestion was that the number of questions to be orally answered should be limited to four. As Honourable Members are aware, there is a definite procedure laid down in connection with any change or amendment of a Standing Order. That was followed, and the matter was taken up by a Committee. Then, what happened before the Committee was that they felt that if the Members of the House will take care in selecting questions which will probably require supplementary questions to be put, then the inconvenience which has been felt will disappear; and they advised that for the moment the matter might be dropped. And that was done. That was in December, 1933. After December, 1933, it has to be seen whether the expectation on which the advice to drop the matter was based has been realised or whether matters have gone from bad to worse. Now, Sir, I will give you some facts which will enable you and this House to understand what has been happening. Taking the last Simla Session, one Member occupied the whole of the question time on the 1st September, barring three questions. On the 4th September, the whole time was occupied by one Member, barring one question.

An Honourable Member: The same Member?

The Honourable Sir Nripendra Sircar: I am not sure. On the 7th, 8th and 10th September, on each of these three days a single Member occupied the whole time. In the Simla Session, one single Member put 395 starred questions, while three other Members were at a reasonable distance from him, because they put between 100 and 160 questions each. If the situation in 1933 induced Mr. Mitra to move in the direction in which we are doing today, I submit the position today has not certainly improved but has deteriorated.

Sardar Sant Singh (West Punjab: Sikh): *Today* it has improved.

The Honourable Sir Nripendra Sircar: My Honourable friend, Sardar Sant Singh, is improving the situation as an Independent Nationalist Congress Member.

Then, Sir, I do not quote the language used for the proposed changes, but the two really important questions are,—and I do not suggest they are not important,—whether questions should be limited in number at all, or rather the oral replies. If the answer is in the affirmative, what is a reasonable limit, *i.e.*, should it be 3 or 8 or 25? What is a reasonable number? The second important matter is the question of not carrying over unanswered questions of the day—whether we are going to continue the practice which is followed in the House or whether it would be an improvement to follow the practice of Parliament and to have lists for the day. Those are the two really important questions so far as the House is concerned.

There is another question which is important, and extremely important not so much from the point of view of the Honourable Members of this House as of the office: that is to say, we have got to consider whether the working of the changed rules, assuming they are changed, will create any practical difficulties in their working so far as the office and so far as the President are concerned. That is a matter to which we have paid as much attention as was humanly possible, and we are grateful to Mr. Rafi for giving as much time as we wanted for discussing this matter from the office point of view. The discussions were between Mr. Rafi and the officials of the Legislative Department. This matter has been brought up before the House, because if I may remind the House—it is possible most of you remember it—my predecessor, Sir Brojendra Mitter, assured the House that in connection with any important change in the Legislative Rules the opinion of the House will be consulted. As part of the explanation of the pledge, he made it perfectly clear that under the present constitution the responsibility for these rules is on the Governor General in Council and that it was not right that this responsibility should be shared by that body with anybody else. But in coming to a conclusion as to what should or should not be done and what changes are desirable, an assurance was given that the opinion of this House will be consulted. We are following the same practice which we have done in cases where similar circumstances have arisen. It is not a case of changing the Standing Orders, for which the procedure has been laid down in our rules. If I may remind the House, when it was necessary or thought advisable to have the opinion of this House on the report of the Joint Parliamentary Committee, and I think the position was the same then—

a motion was moved in exactly the same language, namely, that the matter be taken into consideration, and thereupon amendments are moved by different Members of the House. Those amendments are discussed, and such amendments as were carried were taken to represent the opinion of the House on those matters. So we have not departed from the usual practice which we have been following all along in such circumstances, and that is the reason why I have moved this motion. The real object is to get the opinion of this House on the changes which are suggested. Sir, I move.

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

"That the following draft amendments to the Indian Legislative Rules be taken into consideration, namely:

'That in rule 8 of the said rules:

(a) in sub-rule (1) the following shall be inserted at the beginning, namely:

'subject to the provisions of sub-rule (3) to (6),'; and

(b) after sub-rule (2) the following sub-rules shall be added, namely:

'(3) Not more than three questions asked by the same member shall be placed on the list of questions for oral answer on any one day.

(4) No question shall be placed on the list of questions for answer unless:

(a) at least five clear days' notice of the admission of such question by the President has been given by the Secretary to the Member to whom it is addressed; or

(b) the President, with the consent of the Member of the Government to whose department the question relates, otherwise directs.

(5) The time available for answering questions shall be allotted on different days in rotation for the answering of questions relating to such department or departments of the Government as the President may, from time to time, provide, and on each such day, unless the President with the consent of the Member of the Government to whose department the question relates otherwise directs, only questions relating to the department or departments for which time on that day has been allotted, and questions addressed to non-official members, shall be placed on the list of questions for answer.

(6) If any question placed on the list of questions for answer on any day is not answered within the time available for answering questions on that day, the member to whom the question is addressed shall upon the next day available for the answering of questions lay upon the table of the Chamber a written reply to the question, and no oral reply shall be required to such question and no supplementary questions shall be asked in respect thereof'."

Mr. M. Asaf Ali (Delhi: General): Mr. President, I rise to move:

"That the consideration of the motion be adjourned to some date after the 23rd February, 1937."

My reason for making this motion is very simple. I have carefully listened to the speech of the Honourable the Law Member, and it appears to me that the object of the Government in submitting this question for the consideration of the House is to consult the opinion of the House. But in the House today I find not more than about 19 elected Members out of a total of 105 . . . ."

Mr. F. E. James (Madras: European): Why?

Another Honourable Member: Whose fault?

Mr. M. Asaf Ali: I would not like to enter into that question at this stage, and if the House wants me to explain to them the reasons for the absence of a majority of elected Members, I shall very gladly do so. I

[Mr. M. Asaf Ali.]

take it that the assurance which the Government gave to the House in 1933, or whichever year it was, that they would always obtain the opinion of the House in regard even to matters which may be the exclusive responsibility of the Governor General in Council or the Governor General, was a genuine assurance and not merely a fraudulent assurance. If it was genuine, then the Government ought to have waited until the House was really a representative House as far as the elected Members were concerned: they ought to have waited until a sufficient number of elected Members were present in the House before submitting this particular question to the consideration of the House with a view to eliciting the opinion of the House; or they might have made out a case of some sort of urgency. I beg you, Sir, to consider whether the Government have made out any case of urgency. During this Session, so far as we know, there are not more than about 500 questions, all told. Some have already been answered; there may be notice given of a few more questions which have not yet been transferred to the list of questions to be answered from day to day. Whatever may have happened in the past, it cannot be contended for a moment that today the Government have any justification for proposing the amendments which they do. Apart from any other considerations, I submit for the consideration of this House one or two grounds which totally negative the assertion made by the Honourable the Leader of the House. After the 31st of March, a very large number of questions which have so far been asked in the House will automatically go by the board . . .

The Honourable Sir Henry Craik (Home Member): Why?

Mr. M. Asaf Ali: Well, the Honourable the Home Member asks me why? Because most of the work which is now entrusted to him today will have passed out of his hands and will go to the provinces . . . .

Sir Leslie Hudson (Bombay: European): What about the Railway Board?

Mr. M. Asaf Ali: Not only that, Sir. I also urge another ground. Today I believe we are governed by the Government of India Act, 1935 . . .

Mr. President (The Honourable Sir Abdur Rahim): Is that so?

Mr. M. Asaf Ali: Today we are governed by the Government of India Act, 1935 . . . .

Several Honourable Members: No, no.

Mr. M. Asaf Ali: Yes, I beg to submit we are to the extent to which the question of these rules is concerned . . . .

Several Honourable Members: No, no.

Mr. M. Asaf Ali: It is only under section 317 that the Government can come in . . . .

Mr. President (The Honourable Sir Abdur Rahim): What is the Honourable Member's point?

Mr. M. Asaf Ali: My point is, it is under the transitional provisions that this Government is being carried on . . . .

The Honourable Sir Henry Craik: No, no.

Mr. M. Asaf Ali: Except to the extent of Schedule IX . . . .

Mr. President (The Honourable Sir Abdur Rahim): That is from the 1st of April, and not now.

Several Honourable Members: Yes, that is so.

Mr. M. Asaf Ali: I think Honourable Members will have every opportunity of contesting this proposition when they are called upon to speak. In the meantime, I want them to allow me to speak and make my point. Section 317 of the Government of India Act, 1935, says:

"The provisions of the Government of India Act set out, with amendments consequential on the provisions of this Act, in the Ninth Schedule to this Act (being certain of the provisions of that Act relating to the Governor General, the Commander-in-Chief, the Governor General's Executive Council and the Indian Legislature and provisions supplemental to those provisions) shall, subject to those amendments, continue to have effect notwithstanding the repeal of that Act by this Act."

It is laid down in Schedule IX that the Governor General may make rules under section 67 for the business of the Assembly, and this is the provision:

"Provision may be made by rules under this Act for regulating the course of business and the preservation of order in the chambers of the Indian legislature, and as to the persons to preside at the meetings of the Legislative Assembly in the absence of the president and the deputy-president; and the rules may provide for the number of members required to constitute a quorum, and for prohibiting or regulating the asking of questions on, and the discussion of, any subject specified in the rules."

Then, Sir, we see that no authority is mentioned in this particular section. We have, therefore, to refer to another section under which . . . .

Mr. President (The Honourable Sir Abdur Rahim): But is the Act in

Mr. M. Asaf Ali: This is in force now.

The Honourable Sir Nripendra Sircar: No, no.

Mr. M. Asaf Ali: Is it denied by the Honourable the Law Member that he proposes to make these rules or the Governor General proposes to make these rules under any other section but those I am quoting now?

The Honourable Sir Nripendra Sircar: Yes.

Mr. M. Asaf Ali: Will he kindly tell me if there is any other provision?

The Honourable Sir Nripendra Sircar: Under the existing law.

Mr. M. Asaf Ali: This is the existing law which I am quoting, and if the Honourable the Law Member does not know even that much, I think very little of the legal ability of the Honourable Member . . . .

Mr. N. M. Joshi (Nominated Non-Official): May I rise to a point of order, Sir. Is this discussion really necessary for deciding the adjournment motion?

Mr. President (The Honourable Sir Abdur Rahim): Under the Act of 1935, this motion will not be competent, is that the point of the Honourable Mr. Asaf Ali?

Mr. M. Asaf Ali: My point is that even under the law which is applicable today . . . . .

Mr. President (The Honourable Sir Abdur Rahim): Which is the law applicable today? Is it the Act of 1935?

Mr. M. Asaf Ali: This is the old law which has been retained under the present Act.

Mr. President (The Honourable Sir Abdur Rahim): By the present Act, do you mean the Act of 1935? It does not become the present Act until the 1st of April, 1937.

Mr. M. Asaf Ali: We shall cut that out.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member mean the Act of 1919?

Mr. M. Asaf Ali: Even there the responsibility of the Government is defined under section 129A. It says this:

"Where any matter required to be prescribed or regulated by rules under this Act . . . . ."

and then you come to sub-section (3) . . . . .

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member's motion is that the debate be adjourned. Now, he is arguing on the merits, ...

Mr. M. Asaf Ali: No, Sir, I am not.

Mr. President (The Honourable Sir Abdur Rahim): That it is *ultra vires* and that this proposed rule is without authority.

Mr. M. Asaf Ali: That is not my point. My point is slightly different. I am suggesting that, even under these rules, they will have to be laid before the two Houses of Parliament, and they will have to hang about there for a whole month, and, therefore, there is no urgency. Even if they are made, they cannot be made applicable to this Session . . . . .

The Honourable Sir Nripendra Sircar: They can be made applicable tomorrow.

Mr. M. Asaf Ali: That is the Honourable Member's view, but it is not mine.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Is it a fact that these rules, if accepted by the Secretary of State, will have to be placed before the two Houses of Parliament for one month?

The Honourable Sir Nripendra Sircar: Yes, but that does not prevent our making them applicable tomorrow.

Sir Cowasji Jehangir: It will curtail the discussion if he will be good enough to further enlighten us on the point.

Mr. President (The Honourable Sir Abdur Rahim): Let the Honourable Member, Mr. Asaf Ali, go on with his speech.

Mr. M. Asaf Ali: Under section 129A, sub-section (3), of the Government of India Act of 1919, it is laid down that:

"Any rules to which sub-section (1) of this section applies shall be laid before both Houses of Parliament as soon as may be after they are made, and, if an address is presented to His Majesty by either House of Parliament within the next thirty days on which that House has sat after the rules are laid before it praying that the rules or any of them may be annulled, His Majesty in Council may annul the rules or any of them, and those rules shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder."

The Honourable Sir Nripendra Sircar: They remain good until annulled.

Mr. M. Asaf Ali: It is perfectly clear from this that any rules made by the Governor General shall have to be laid before both the Houses of Parliament and they will have to hang about there for a whole month, awaiting final approval.

The Honourable Sir Nripendra Sircar: No, no.

Some other Honourable Members: No, no.

Mr. M. Asaf Ali: It is all very well for the Honourable the Law Member and others to go on shouting No, no. I can understand . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should be allowed to go on with his speech uninterrupted.

Mr. M. Asaf Ali: The Honourable Members are quite capable of riding rough-shod over even the enactments of the House of Commons . . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not take notice of all that. He may go on.

Mr. M. Asaf Ali: My point is very simple. There is absolutely no urgency whatever made out by the Government for bringing in this amendment before the House today when the House is empty, practically empty. These stark empty benches are staring Government in the face, and it only reminds me of another occasion. I happened to be a visitor to the House of Commons when the Government proposed only to suspend the Orders of the day to enable the House to continue discussion after 11 o'clock. Then Mr. Austen Chamberlain rose and said that it was a monstrously scandalous thing. I say, if that was monstrously scandal, then certainly what the Government propose to do today with these empty benches staring them in the face and pretending that they want to consult the House—where is the House which they want to consult? There is no House whom

[Mr. M. Asaf Ali.]

they want to consult. There are hardly 19 persons out of the elected Members and they call it consulting the House! Sir, I say it is certainly monstrously scandalous. It is not only that. If you come to think of it seriously, if these rules are made at all, they will lay upon you, Mr. President, an onerous and, unfortunately, odious duty because they will have the effect of strangling and stifling supplementary questions.

Mr. N. M. Joshi: What has that to do with adjournment?

Mr. M. Asaf Ali: I am suggesting that no case for urgency has been made out.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not take notice of that interruption. He may

Mr. M. Asaf Ali: It will lay upon the Chair a most onerous, a most odious duty, because on an average about 40 questions are answered every day. Then if a hundred persons put down one question each there is no likelihood of those questions being answered during the day with the result that all the starred questions of which Members may give notice will automatically become unstarred questions and supplementaries will be strangled. That will naturally cause no end of irritation among the elected Members, no end of annoyance amongst them. And, Sir, this is the only valuable privilege that the elected Members possess in this House because, after all, we cannot influence the view of Government in any other way. We can only just turn the searchlight of criticism upon the mal-administration, upon the mal-practices in which the Government and their subordinates may indulge, by way of questions, and if they want to take even this right away from us, what is left to us? If we turn down any item of the budget, Sir, it is restored. If we throw out the Finance Bill, it is certified. What is there that we have? Nothing but this little power of interpellation, and if they want to curtail even this power, it means they are really asking us to shut up shop and go home. They may as well dissolve the Legislature and say, we do not want any elected Members in this House. If, in order to enable all the questions to be answered every day, you restrain elected Members from putting supplementary questions, irritation will be caused, annoyance will be caused, and it is a matter which must be submitted to the opinion of the full House before my decision can be taken. If the Government are really genuine in their desire to consult the House, they must postpone the consideration of this question to a day when there may be a better attendance in the House. With these few words, I move:

"That the consideration of the motion be adjourned to some date after the 23rd February, 1937."

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I rise to a point of order . . . .

Mr. President (The Honourable Sir Abdur Rahim): As regards what?

Mr. Akhil Chandra Datta: As regards the motion itself. I object to the motion itself.

Mr. President (The Honourable Sir Abdur Rahim): I am afraid the Honourable Member has been late, but let me, first of all, read out the amendment that has been moved. Amendment moved:

"That the consideration of the motion be adjourned to some date after the 23rd February, 1937."

Mr. Akhil Chandra Datta: I must admit that I ought to have risen earlier, but my Honourable friend, Mr. Asaf Ali, being a younger man got up more quickly.

The Honourable Sir Nripendra Sircar: I rise to a point of order, Sir. My Honourable friend, Mr. Asaf Ali, has moved this amendment to the motion before the House, and I am entitled to speak on that amendment. The question of relative ages does not arise. (Laughter.)

Mr. President (The Honourable Sir Abdur Rahim): Any point of order with reference to the motion itself ought to have been raised at an earlier stage, and, as there is objection, the Chair cannot allow it to be raised now.

The Honourable Sir Nripendra Sircar: If any other Members wish to speak on this amendment, then I should like to rise later.

Sardar Sant Singh: Sir, on behalf of the Congress Nationalist Party . . . . (Laughter.) There is nothing to laugh about. I am here to watch the interests of the Congress Nationalist Party at the bidding of my Leader, Mr. Aney. So, I can speak on behalf of the Congress Nationalist Party though they are absent.

Captain Sardar Sir Sher Muhammad Khan (Nominated Non-Official): Have you got any written authority?

Sardar Sant Singh: The new Knight need not worry about it.

Mr. N. M. Joshi: Congratulate the new Knight.

Sardar Sant Singh: I will do that afterwards. In supporting the motion of my Honourable friend, Mr. Asaf Ali, I want to submit that the main reason given by the Honourable the Law Member for moving this motion today was that in accordance with the pledge given by the Government some time ago in 1933 they wanted to consult this House before framing these rules under the authority given to them under the Government of India Act. We may differ as to the desirability or otherwise of the Congress and Congress Nationalist Members being absent from this House today; much can be said for and much can be said against it. But without entering into that controversy at all, the question is whether any discussion which takes place on this motion will be a real discussion at all and whether the pledge that has been given by the Government will be honoured in its spirit though it may have been honoured in its letter. Sir, this is a question which is of vital importance, not only to this House, but to the successor of this House as well which will come into existence after the new Government of India Act comes into force

[Sardar Sant Singh.]

and this Legislature is constituted under that Act. Now, this Legislature has been in existence for the last 17 years. During these 17 years, the privilege of asking questions and obtaining information as to the various methods connected with the administration of the various Departments of the Government has been a very honoured privilege in this House, and I would appeal to you, as the custodian of the rights and privileges of this House, whether it will be desirable to curtail that privilege, and, if that privilege is to be curtailed, surely the Honourable Members of this House should have free time to give their opinion on this matter.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member appealed to the Chair as the custodian of the privileges of this House. The Chair would like him to consider whether it has any power to veto a motion of this character. The Governor General in Council are entitled to frame rules. It is their business, and the Chair would like to know from the Honourable Member what he meant. Did he mean that the Chair can, as the custodian of the privileges of the House, stand in the way of this motion being made?

12 NOON.

Sardar Sant Singh: What I meant was that though the Chair is not in a position to guide the action of the Government of India in the matter of framing these rules, the Chair can exercise its powers in the matter of finding out whether the discussion will be such as will help towards the elucidation of this question in this House or not.

Mr. President (The Honourable Sir Abdur Rahim): Again the Chair would ask the Honourable Member to let it know the exact suggestion he is making. Every Honourable Member appears to have received summons from the Governor General to attend the meeting, and if some of them do not wish to attend, the Chair cannot issue another summons to bring them here.

Sardar Sant Singh: Without entering into any controversy as to the desirability of their attending or not, the question still remains whether the consultation which the Government of India want will be forthcoming from this weak House or not.

Mr. President (The Honourable Sir Abdur Rahim): When the Honourable Member appeals to the Chair, he must have something definite in his mind as to what the Chair can do in this matter.

Sardar Sant Singh: The suggestion which I intended to convey was that you should add your voice as an elected Member to the voices of all of us and try to persuade the Law Member.

Mr. President (The Honourable Sir Abdur Rahim): Surely the Honourable Member knows that the occupant of the Chair has not the voice, as an elected Member, which he has on the floor of the House.

Sardar Sant Singh: My submission is that this privilege of asking questions is a very important one in this House, and, before it is curtailed or allowed to be curtailed, Government ought to wait till the House is full and better represented than it is today. One point which I should like to make further on this question is that there can be no doubt that the motion moved by the Honourable the Law Member will act in a manner which will deprive the various Members of this House of their right to put questions, although they may put a specified number of questions which may be agreed upon later. I am not very sure of my ground on this point, but these rules will probably apply to those who will come later in the field of legislature. In that case, after we have finished our career under the present Government of India Act, it will not be good for us to leave an heirloom to our successors so badly impaired that they cannot even seek information from the various Departments as we are doing now. Therefore, I will appeal to the Honourable the Law Member to concede this request of mine and that of Mr. Asaf Ali and postpone the consideration of this question till after the 23rd February.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): I wish to state a few reasons . . . .

An Honourable Member: On whose behalf are you speaking?

Mr. Lalchand Navalrai: I am speaking on my own behalf, for which I am present in this House. I was also present in 1933 when this question came up for consideration in the Committee. The Committee did not agree to change the rules or to curtail them. Although it was suggested at that time that the number of questions to be asked by each Member should be ten, that too was not agreed to. What has happened now that this question should come up at this stage?

Sir Abdul Halim Ghuznavi (Dacca *cum* Mymensingh: Muhammadan Rural): On a point of order. The amendment before the House is whether we can adjourn the consideration of this motion. My Honourable friend is discussing the merits of this motion.

Mr. Lalchand Navalrai: I am giving reasons as to why the adjournment motion should be accepted. If only my Honourable friend had some patience, he would have appreciated the point that I am making. I was saying that in 1933, this matter was moved in the Committee. The Members present did not agree, and, it is clear, the subject was not taken up by Government in 1934, 1935 and 1936. How has this subject, therefore, become suddenly urgent in 1937? And why should Government try to take advantage of this occasion when the Members of the Opposition are not present? I submit that on this question the Government ought to be more considerate. They are dealing with the question of the privilege of the Members and they want that a few Members on this side should decide the question Therefore, the postponement of the consideration of this question is a wise and necessary move on behalf of those who have not been able to be present on this occasion. It appears to me that the reason given by the Government is that the position has gone from bad to worse in making interpellations. That does not seem to me to be the reason for bringing this motion, nor does it justify undue haste. There is some ulterior motive, and I think that motive may be to

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bind the hands of the coming Members of the Federation and make them lose this privilege. That is why I should think Government want to hustle this matter. The present practice should go on until the Constitution is changed. It is said that in the House of Commons only three questions are allowed to a Member, but there are 600 or 700 Members in the Parliament.

Therefore, this question can be taken up when the membership of this House also increases, but till then the consideration of this question must be postponed.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): On a point of order. I should like to know whether, when the Government of India Act ceases to operate on the 1st April, 1937, all the rules made under the old Government of India Act will also cease to operate on that particular date?

Mr. President (The Honourable Sir Abdur Rahim): That is hardly a point of order.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, I rise to support the motion of my friend, Mr. Asaf Ali, for the adjournment. The importance of the adjournment motion will appear to those Members of this House who sit today absolutely disinterested on the question of their own privileges. Sir, I appeal to my friends in this House to remember that this is not a question which will affect official Members: it will only affect non-officials who are generally the people who put questions in this House. Sir, if I remember correctly, in my life of six years in this House, perhaps there have been here one or two official Members who might have put questions or interpellations in this House. The importance of this question again lies in the fact that my Honourable friend, Mr. Asaf Ali, has given the matter a sort of legal appearance. I am sure, the Honourable the Law Member, when he was put a question, blurted out something which as Law Member he should not have done, but he was at once prompted and something was pointed out to him by the Benches behind him with regard to the correct interpretation of the rules. If that is the position, if we all here are not prepared to address the House and to enlighten the House on the true interpretation of law and of the rules, I think, Sir, it would be wise on the part of this House at least to show to the people outside this House and to the people outside India that they are reasonable men who are not going to hurry up this matter in so slipshod a manner, that we are responsible to a certain body of men and that it is our duty today to consider the question with the greatest calmness and with the greatest wisdom. It has been pointed out by my Honourable friends, Mr. Asaf Ali and Sardar Sant Singh, that there should be no hurry over this question. It can be very easily discussed when the House is full. If the official Members of this House want to decide this question, it will be said that there are absolutely no privileges which affect them, and still they come forward to decide such an important question.

Now, with regard to the point of consultation of the House, this question was taken up in the year 1933 by my friend, Mr. S. C. Mitra, who belonged to my own Party, of which, Sir, you were the Leader. I remember it was Mr. Mitra who brought up this question, but it was not

brought forward on the grounds urged today or in an atmosphere such as prevails at present. Sir, if there were reasons in those days to put this question aside, I consider that because of the present atmosphere of the House and because of the paucity of Members today, and especially the non-official Members not being present in any appreciable numbers to whom this question properly appertains, I think it would be all the more in the fitness of things, it would be honest and it would be decorous to leave this question aside for the present and to adjourn discussion of the motion now before the House.

Sir Cowasji Jehangir: Mr. President, I would like to draw the attention of Government to one essential factor. I am sure, Honourable Members opposite realise that Members on this side of the House do attach the very greatest importance to the amendment of these rules, and I am sure, no words from any non-official Member of this House are required to emphasise the importance of the privilege of asking questions and supplementary questions. I am not going into the merits of the question just now or to draw any analogies between the House of Commons and this Legislative Assembly, but the privilege of asking questions in this Honourable House is a much greater privilege to non-official Members than to Members of the House of Commons. Therefore, it was that in 1929 Government thought it advisable to give a pledge to this House that although the Act gave them the power and the privilege of changing these rules, they would not do so without consulting this Honourable House. The debate that took place in 1929 is rather instructive. What happened then was that it was rumoured that Government intended to change a certain rule; when I say "Government", I mean the Secretary of State, whereupon Honourable Members immediately gave notice of Resolutions expressing their opinion as to how that rule should be changed. Before such Resolutions could be discussed in this House, however, the rule was brought into force. Upon that, a debate took place. It was contended by Honourable Members in this House that Government should have had the courtesy to wait for the discussion in this House before passing this rule, and a vote of censure was moved. It was in fairly strong terms and it brought in the highest personalities in the land. I do not desire to read that motion of censure but it ended very happily upon the Law Member getting up and giving an undertaking to this House. The undertaking was given in a speech which consisted of nearly a page and quarter of this printed report but was summarised by the President in the end and he did so in order to appeal to the House and to the mover of this motion of censure to withdraw it. I will read the summary made by the President of the undertaking given by the Law Member. It reads as follows:

"To put it briefly, the attitude of Government is that henceforth in all matters of important amendments of rules, they would consult the Legislative Assembly before they submit their proposals to the Secretary of State, except in case of emergency, and Assembly is not in session at the time. In that case, they reserve to themselves the right to approach the Secretary of State without consulting the Assembly. Such cases, according to them, would be very, very rare and exceptional. That being so, one point the Honourable Members have gained, namely, that henceforth they would be consulted before any proposal containing an important amendment of the rules is taken up."

That was the summary of the President of the undertaking given by Government. Now, Sir, it cannot be contended that the rule proposed to be changed is not an important one, nor can it be contended, nor has it

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been contended that it is urgent. Those were the two exceptions which Government made when they gave that pledge. Now, the fact remains that these Benches are empty. This is not the time nor the place to discuss why they are so or whose fault it is that they are so. But the fact remains that they are empty. Also the fact remains that Government have to consult the House because they have given a pledge to do so. Are they, therefore, carrying out their pledge in the spirit and in the letter? In the letter they are certainly carrying out their pledge because they have brought this motion before this Honourable House for its consideration. As to whether they are carrying it out in the spirit, I will leave it to my Honourable friend, the Law Member, to consider for himself. I would appeal to him that no harm will be done if this motion is postponed for some time. I fully agree with the importance of having this question considered by this Honourable House during this Session. We are all aware of the advantage that some of us have taken of the privilege of asking questions. We are also aware that we do take advantage of your kindness, Sir, and of the courtesy shown by opposite benches in answering a number of supplementary questions. We admit that and we also frankly admit that in 1933 a non-official Member did bring this matter to the attention of this Honourable House and that matters have become worse today than they were at that time. But after all is said and done, is your case such a poor one and is it so weak that you will not get these amendments through if there happen to be a large number of Congress men or Members of my own Party here? I venture to suggest to the Honourable the Leader of the House that he has got a very strong case indeed and I would appeal to him therefore to carry out the pledge in the letter and in the spirit and let there be an adjournment. I have given an amendment. If the Honourable the Law Member refuses to accept our suggestion, I will move it and will then go into the merits of the question to the best of my ability. I am now putting only one issue before the House which is of considerable importance and that is that I do not think it will pay either Government or ourselves to discuss this matter just now, and it will redound to their credit if they do not force it upon the House with these empty benches. I also understand and realise the position of Government in another direction and that is that after the 23rd of February any amount of work will have to be placed before this Honourable House for their consideration and that as much unimportant work as can be got off the agenda during these few days, the better for all of us. I understand that, but this is not an unimportant matter and it is not a matter in which this side of the House is not interested. If there is any question on the agenda during this Session in which non-official Members will be very much interested and in which their privileges and their rights are more concerned it is this question. Therefore, I can do no more than appeal to the Honourable the Leader of the House to consider the whole question from this point of view and, believe me, if he does so, he will receive the very best attention from non-official Members after the 23rd February and he will receive the support of all reasonable Members of this Honourable House to this question. He will receive even more concentrated attention on the defects that have become apparent than he will receive at their hands today. Under these circumstances, I will add my appeal to that of the only representative of the Congress Party in this Honourable House today and to the other Honourable Members who have spoken and I trust that the Honourable the

Leader of the House and the Members of the Treasury Benches will give our view some weight and will believe us when we say that when we suggest this, we suggest it in the best interests not only of non-official Members, but in the interests of Government themselves.

Mr. F. E. James: Sir, this matter has been the subject of special interest from this Group for some years. I myself, I believe, was a member of the Committee of 1933 when we went into the question of questions and answers, but we are not prepared to support the motion for adjournment. My Honourable friend, the Deputy Leader of the Independent Party, said that this was a matter which interested other non-official Members in this House. That, of course, prompts the obvious question. If that is the case, why should not non-official Members be present in the House to take part in the discussion? He also promised Government—on whose authority I am not quite sure—that if they did postpone this question until after the 23rd February, those Honourable Members who are now absent would, of course, co-operate fully with Government in getting something through during this Session.

Sir Cowasji Jehangir: May I ask the Honourable Member if he means to say that the Government have brought this up because they will not get co-operation in the future?

Mr. F. E. James: I was merely pointing out that my Honourable friend, the Deputy Leader of the Independent Party, promised co-operation from a Party to which he does not belong.

Sir Cowasji Jehangir: I did not promise the co-operation of the Congress Party. I offered the co-operation of all reasonable Honourable Members of this House amongst whom I reckon there are a large number of Members of the Congress Party.

Mr. F. E. James: I am delighted to hear that the Honourable the Deputy Leader of the Independent Party has qualified his previous assurance.

Sir Cowasji Jahangir: I have not qualified any previous assurance.

Mr. F. E. James: He has now offered the co-operation of all reasonable persons. That, of course, is somewhat different. In any case, at least I feel personally that it will be an unfortunate precedent if a desirable reform of this character were postponed merely because of a voluntary abstention on the part of a large number of Members. It is an urgent matter and it is a matter which is in the interests of the very privileges of the Members of this House to which so much reference has been made. What is the present position? The present position is that the privilege of a Member like myself, which is not of asking a question, but of having a question answered, can be blocked in successive Sessions by reason of the power, which is now in the hands of any Member, to put in an indefinite number of questions and have those questions answered on the order paper. I maintain that the present position is definitely a curtailment of the rights and privileges of any Member of the House to get a question answered in a reasonable time during the course of the Session. That is why we felt before that the

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alteration of the Rules in this regard was an urgent matter and we have pressed upon the Government in successive Sessions that this matter should be taken up. Now, when the matter has been presented to this House for its opinion, we are told that Government are not honouring their previous pledge in its spirit, although the Government may be honouring the pledge in its letter. I fail to understand the real difference in that connection. The Government undertook to consult this House and the Government are now fulfilling that undertaking in placing these rules before the House.

Mr. M. Asaf Ali: Before an empty House.

Mr. F. E. James: Why is it empty? That is no reason why a matter of this importance should be delayed. Again, I say that Government are consulting this House, and if certain Honourable Members of this House, for various reasons into which I will not go, choose to abstain from attending this Session of this House, there is no reason why the privileges of the Members of asking questions and getting answers should be curtailed any longer. Therefore, I oppose the motion for adjournment, and I trust the House will reject it.

Mr. Akhil Chandra Datta: Sir, I rise to support the motion for adjournment. I shall not take up much of the time of the House by making a speech, for I cannot make a speech without being guilty of repetition of arguments which have already been advanced in support of this motion for adjournment. This is a matter on which I feel I should not like to give only a silent vote. That is the only reason why I have stood up to expressly support this motion for adjournment.

Sir Abdul Halim Ghuznavi: Sir, I oppose this motion for adjournment. My Honourable friend, Mr. Asaf Ali, said that the Government are consulting a House which is empty. He laid very great stress on the fact that these Benches are empty, and he said what is the use of consulting an empty House On that ground he wants adjournment till after the 23rd February.

Mr. M. Asaf Ali: Where is your Party? No doubt the Congress Party has absented itself, what has your Party done? Where is your Leader?

Sir Abdul Halim Ghuznavi: He asks pertinently where is my Party. That is exactly the point I am coming to. If Honourable Members choose not to attend the Sessions of this House, we cannot force them to do so. If the Congress Party failed to attend this Session, it is not the fault of the Government or the fault of this Party or that Party.

Mr. M. Asaf Ali: Why is your Party absent?

Sir Abdul Halim Ghuznavi: Perhaps they did not feel the work of this House so important as the other work in which they are engaged. Those who felt the importance of the work in the House have come to this House. They should have realised their responsibility and ought to have been present here.

Sardar Sant Singh: Is not your Leader fighting the elections?

Sir Abdul Halim Ghuznavi: I do not support my Honourable friend, Mr. Asaf Ali, on the ground that because my Leader happens to be fighting the elections . . . . . .

Sardar Sant Singh: But that is the reason why they are all absent.

Sir Abdul Halim Ghuznavi: One point has been made out and a very good point by my Honourable friend, Mr. James, and that point is this. He very well said, and I congratulate him for what he said, that a change of these rules was very important. The right of every Member to put questions is curtailed, because one Member chooses to put 395 questions in one day and in this way he blocks the way of other Members putting any question till those 395 questions are answered. This valuable privilege we lose in view of the fact that one particular Member happens to put a large number of questions, and, if I may say so with all respect, most unnecessary questions. It takes away much of the valuable time of the House. My Honourable friend, Mr. Asaf Ali, asked why not postpone the discussion on this subject until those Benches are full. I may tell for the information of this House that many Honourable Members who choose to be absent from this House are loitering in the streets of Delhi.

Mr. M. Asaf Ali: That is not correct.

Sir Abdul Halim Ghuznavi: If my Honourable friend wants names, I shall furnish him in the Lobby with the names of those Honourable Members who are still here in Delhi, but who will not attend the House.

Mr. M. Asaf Ali: I challenge that statement. I ask the Honourable Member to give names now.

Sir Abdul Halim Ghuznavi: I accept his challenge and shall furnish him figures outside the House.

Mr. M. Asaf Ali: Why not inside now?

Sir Abdul Halim Ghuznavi: You will get them in the afternoon: names of those who are still loitering in Delhi. My Honourable friend, Mr. Asaf Ali, himself has been here in Delhi all these days, but he chose to grace this House with his presence only today. He has not been attending the House from the 25th and he cannot say that he was absent from Delhi.

Mr. M. Asaf Ali: But is that the reason why these rules should be made now?

Sir Abdul Halim Ghuznavi: These rules should be made, so that we will enforce your attendance here, so that we can occupy our days in doing some work instead of doing nothing. You gave notice of as many as 300 questions, but you remained absent, and that was why they were not answered on the floor of the House with the result that we were all deprived of putting supplementary questions to the answers that might have been given to those questions.

Mr. M. Asaf Ali: What do these proposed rules seek to do now?

Sir Abdul Halim Ghuznavi: These rules seek to debar one Member putting 300 questions depriving other Members from putting useful questions. The number of questions that might be put hereafter by each Member is limited to three. The only ground urged by my Honourable friend, Mr. Asaf Ali, for adjourning this motion is that these Benches are empty. A complete answer has been given to that. If Members do not choose to be present here, neither the Honourable the President nor anybody else could force them to come here, and as you, Sir, have rightly said summons have been issued by the Governor General to every Member to attend the Sessions. If they do not choose to come here in pursuance of the summons, nobody can force them to come here. Sir, I oppose this motion.

The Honourable Sir Nripendra Sircar: Sir, the Honourable Member, Mr. Asaf Ali, in quite very mild language has stated that if this motion is now moved, and if the matter is not adjourned, then this will be fraudulent conduct on the part of the Government. After all, his arguments led to one point, namely, that the matter should not come up or be discussed now. Why? Because, first of all, these Benches are empty, and, secondly, that the matter is not urgent. I shall deal with the second question first. I submit to this House, and I support the remarks of Mr. James that this matter is urgent, but I do not concede that I have got to make out a strong case of emergency or of great urgency before any matter could be discussed in this House on the ground that those Benches are empty. We will not agree to that situation at all. Now, Sir, talking of these empty benches, why are they empty? I am not going into the question as to whether a man should be here or at another place. That is a matter for an individual Member to decide. But we are concerned with the reason which has been given, namely, taking part in electoral activities. From the answers which I gave to my Honourable friend, Sir Muhammad Yakub, this House has seen that the elections have been over or practically over in Bengal, Bihar, Orissa, Assam and in the Punjab. And there is not even a pretence for Members coming from those provinces not being present here today.

Mr. M. Asaf Ali: We are contesting a thousand seats.

The Honourable Sir Nripendra Sircar: And however much the Honourable Member may assert to the contrary, we know that a good many Members of his group have been present at Delhi.

Mr. M. Asaf Ali: In connection with their duties.

The Honourable Sir Nripendra Sircar: I am not giving way, so please do not interrupt. I will make my point clear and not leave at insinuations. I presided . . . . . .

Mr. M. Asaf Ali: I made no insinuations.

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

The Honourable Sir Nripendra Sircar: I presided at a meeting of the Select Committee to discuss Dr. Deshmukh's Bill. Apart from Dr. Deshmukh who, as the sponsor of the Bill, has got special exemption from the outside body to which the absentees owe allegiance, there were three other Members,—I do not want to mention names,—who were present and took part in the deliberations of that meeting. Not only were they present but one of them is present here today. I enjoy his company when I go out for my morning walk, but I do not see him here. As regards the two other Members, it is quite true that one left the same day, but the other gentleman stayed on here for three days. That is about their attendance in the Select Committee. Then, Sir, later on, on the 25th,—again I will not give names,—at least six Members were present here. If you will ask for names I will give them and today . . . .

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Will the Honourable Member let me know if the Members who were present in Delhi drew their allowance from the Assembly?

Mr. M. Asaf Ali: On a point of order, how does that point arise in this debate.

Mr. President (The Honourable Sir Abdur Rahim): It is for the Honourable Member who is in possession of the House to reply to it or not.

The Honourable Sir Nripendra Sircar: Allowances have been drawn by more than a dozen Members . . . . . .

Mr. M. Asaf Ali: Are you making a case for urgency?

The Honourable Sir Nripendra Sircar: I am answering the question asked by Sir Muhammad Yakub and ignoring the unjustifiable interruptions coming from Mr. Asaf Ali. More than a dozen Members, I am told have put in their claims for daily allowances, and what is more, for travelling allowances from Old Delhi when they are not attending this House. Now, Sir, assuming for the sake of argument that a dozen men,—that may be a liberal computation,—are unable to come here for reasons which they consider to be very urgent, it has been urged, "What is the good of our attending when all of us cannot go?". That is to say, if 12 men cannot come, the other 40 will remain absent, and then they will assert that all the 52 are unable to be present. Sir, the statement that the majority of elected Members have been unable to be present has been repeated so often that I have no doubt that those who are repeating it have hopes that they will catch the unwary, those who are ignorant of the facts. But surely it is not right to assert that because some people are engaged in some activities, therefore those who are able to come, a good few of whom are present here today drawing allowances—that they are "Unable" to come. It will be represented that the majority of the elected Members are unable to attend,—an assertion which has been repeated *ad nauseam*.

Mr. M. Asaf Ali: It will be repeated over and over again until you go out of office.

The Honourable Sir Nripendra Sircar: A lie cannot be overtaken and there is nothing to prevent a lie being repeated thousands of times, but I am only pointing out the real facts.

Mr. M. Asaf Ali: I strongly challenge that statement of the Law Member. It is not proper for him to say that it is a lie.

The Honourable Sir Nripendra Sircar: I do not suggest that the Honourable Member has told a lie or repeated a lie. Why does he think that the cap fits him? There is no ground for thinking so.

Mr. M. Asaf Ali: Once again I object to that kind of remark. Will the Honourable Member kindly withdraw it?

The Honourable Sir Nripendra Sircar: I make it perfectly clear that I do not intend to convey that the Honourable Member is uttering a lie. My words are not capable of that interpretation and there is no ground for stimulating that anger which is without any justification.

Now, Sir, the position is that, because the bulk of the Members who can be present choose to remain away, therefore we are to be confronted with the argument that the benches are empty, that therefore we are fraudulent or, as my Honourable friend, Sir Cowasji Jehangir, put it, we are not carrying out our promise in spirit. Will my Honourable friend, the Baronet, induce those gentlemen who are at Delhi and also the other gentlemen who are free from electoral activities, will he ask them to act up to the spirit of the Constitution, to come here and adorn those benches with their presence? Will he do that much for Government? I know he will, because he is a fair-minded man.

Sir Cowasji Jehangir: If the Honourable Member could not persuade the gentleman who accompanies him in his morning walks to come here, I cannot. (Loud Laughter.)

The Honourable Sir Nripendra Sircar: Sir, I have only one more word to say on this particular matter, and I will conclude. I think, Sir, you know that the Punjab is the land of heroes, and we know that the people there belong to what is called the martial races. Otherwise, my Honourable friend, Sardar Sant Singh, would not have made a grievance about empty benches, because it is his Party about which it may be said that many of them are present today at Delhi. I do not want to mention names. However, Sir, we are very grateful to Sardar Sant Singh for one remark which he has made. He said that much can be said for and much can be said against the abstention of Members from the House. I am quite satisfied with the latter part of his remarks. (Laughter.) Much can be said against the abstention of Members from this House.

Sardar Sant Singh: I thought you were more judicial than myself.

The Honourable Sir Nripendra Sircar: Now, Sir, the Honourable Member, Mr. Asaf Ali, who got very excited, said something about the ability of the Law Member. Sir, I never claimed any ability. I am quite willing to admit that any Member present here is a thousand times more able than myself. But may I point out that, without any legal knowledge, a mastery of simple English would show the mistake which Mr. Asaf Ali is making about section 129A? Section 129A of the Government of India Act does not lay down that when the process of laying the thing on the table of the House has been completed, then and then only the thing will come into operation. It is just the other way about. It comes into

operation at once, but there is a process by which it can be annulled, and I would only read the last three lines of the section and the English is not very difficult to follow . . . . .

Mr. M. Asaf Ali: I do not claim to be an Englishman: I suppose the Law Member is.

The Honourable Sir Nripendra Sircar: I absolutely ignore these interruptions with contempt . . . . .

Mr. M. Asaf Ali: I reciprocate your feelings.

The Honourable Sir Nripendra Sircar: I accept your assurance. (Laughter.) May I read the last three lines?

"His Majesty in Council may annul the rules or any of them and those rules shall thenceforth be void."

That is to say, they are good rules: they can come into operation and they are effective before this process has been carried through, but they can be annulled and made void in the way indicated by this section . . . .

Mr. M. Asaf Ali: And, therefore, in the meanwhile you can just go on!

The Honourable Sir Nripendra Sircar: . . . . . and, therefore, in the meanwhile, I continue to ignore the remarks which are coming from the other side . . . . .

Mr. M. Asaf Ali: You can afford to do so!

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member wants to say anything by way of reply, I will give him a chance.

Mr. M. Asaf Ali: Thank you, Sir: if I have a right of reply, I shall speak later.

The Honourable Sir Nripendra Sircar: My Honourable friend cannot have a right of reply on my reply: I have no objection to his making a speech now.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is quite right: The Chair meant only by way of personal explanation: this is only an amendment to the main motion.

Mr. M. Asaf Ali: If I have a right of reply . . . .

Mr. President (The Honourable Sir Abdur Rahim): The Chair meant only by way of any personal explanation, because the Honourable Member is interrupting so often and the Honourable Member in possession of the House is not giving way.

Mr. M. Asaf Ali: My reason for interrupting the Honourable gentleman is simply this: he is indulging in cheap sneers and gibes and it is not fair. I did nothing of the kind, and, therefore, I must have a right of reply.

The Honourable Sir Nripendra Sircar: If there is a question of any personal explanation, the time has come now, and the Honourable Member has taken full advantage of it, but he cannot have a right of reply. On a point of personal explanation, he may interrupt any moment he likes. It is for those who read my speech and those who have listened to it to say whether there has been any cheap sneer. No, Sir. There are no cheap sneers: they are unpleasant facts. To be told that men are here drawing allowances and not attending the House is not cheap sneering, but is a disgusting fact . . . .

Mr. M. Asaf Ali: On a point of personal explanation: is the Honourable Member referring to me? I have not drawn a penny, and I will not draw a penny.

The Honourable Sir Nripendra Sircar: I am not referring to the Honourable Member.

Mr. M. Asaf Ali: Then do not speak in those general terms.

The Honourable Sir Nripendra Sircar: My general observation has one exception, and that is Mr. Asaf Ali.

There was one argument of my Honourable friend, Mr. Lalchand Navalrai. He gave certain reasons which possibly it would be more correct for a lawyer to describe as alleged reasons. He said there is an ulterior motive in bringing up this matter now. Of course, he cannot but ascribe ulterior motives to Government. I congratulate him there. But what is the ulterior motive? My friend's acumen has enabled him to discover that the ulterior motive is that we want to bind the hands of the Federation which is coming. Therefore, if he is right, the matter should be adjourned—not till the 23rd February—but till after Federation has come in. That is the logical conclusion of his brilliant observation. As I am speaking only on the matter of the adjournment, I have nothing more to add. I want once more to repeat that if the argument of the empty benches is not accepted—and I have made my points as to why it should not be—then it follows that we cannot possibly concede to the argument that before this House proceeds to discuss anything we have got to make out a case of emergency or extreme urgency. It is nothing of the kind. If people choose to be absent, then they cannot complain that a matter, whether urgent or non-urgent, has been disposed of in their absence. I have nothing more to say.

Mr. President (The Honourable Sir Abdur Rahim): The House is aware that a debate cannot be adjourned except by consent of the entire House. The Chair will, therefore, put the motion before the House, and, if it is the wish of the entire House that the debate should be adjourned, as has been proposed, then the Chair will have no objection to do so. The question is:

"That the consideration of the motion be adjourned to some date after the 23rd February, 1937."

Is that agreed to by all the Members?

Honourable Members: No.

Mr. President (The Honourable Sir Abdur Rahim): The motion must, therefore, drop, and the debate on the main motion will now proceed. The Chair understands Sir Cowasji Jehangir has given notice of an amendment.

Sir Cowasji Jehangir: Yes, Sir. I beg to move:

"That for the words 'be taken into consideration' the following be substituted :
'be referred to a Committee consisting of the Honourable Sir Nripendra Sircar, Mr. Akhil Chandra Datta, Sir Muhammad Yakub, Sir Leslie Hudson, Sardar Sant Singh, Sir Muhammad Yamin Khan, Mr. N. M. Joshi, Mr. J. D. Anderson, 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 Honourable Sir Nripendra Sircar: What about the time?

Sir Cowasji Jehangir: The Honourable Member can make any suggestion likes.

The Honourable Sir Nripendra Sircar: I wanted to know what is his suggestion.

Sir Cowasji Jehangir: Now that the adjournment motion has been rejected, the Honourable Member can have it as soon as he likes. So far as I am concerned, I am prepared to sit tonight.

Mr. N. M. Joshi: The night time does not suit us, Sir.

Sir Cowasji Jehangir: Mr. Asaf Ali suggests that the Committee might meet after the 23rd February. I presume, after the debate we have had, that will not be acceptable to my Honourable friend, the Leader of the House . . . .

The Honourable Sir Nripendra Sircar: I am making no suggestion. I simply wanted to know what the Honourable the Mover of this amendment is suggesting, and, of course, I made it perfectly clear that I shall not agree, so far as I am concerned, to the matter standing over till 23rd February.

Sir Cowasji Jehangir: Then the Honourable the Leader of the House, as Chairman of the Committee, can fix his time as soon as he likes, so far as I am concerned. It is entirely in his own hands and he can do exactly as he chooses—the sooner the better, so far as I am concerned. Now, I would like to appeal to my Honourable friend, Mr. Asaf Ali, to join the Committee . . . . .

Mr. M. Asaf Ali: Not on these terms; after having ignored everything, it is no use my serving on the Committee.

Sir Cowasji Jehangir: Then we must do our best without him. Is there any other Honourable Member who would like to serve on the Committee? I understand the Honourable the Law Member would like to add two more names . . . . .

The Honourable Sir Nripendra Sircar: Mr. Anderson and Mr. Williams.

Sir Cowasji Jehangir: Mr. Anderson is there already.

The Honourable Sir Nripendra Sircar: Mr. Williams and Mr. Griffiths.

Sir Cowasji Jehangir: All right: those two names can be added.

Now, Sir, a good deal has already been said on the merits of this case; but I should like to refer to the history of this case a little more in detail than has been done till now. The Honourable the Leader of the House mentioned that this question was discussed here in 1933. Mr. S. C. Mitra moved an amendment to Standing Order 17 to the effect that no individual Member of this House should be allowed to ask more than four questions on any one day. That was, in the usual course according to the rules, sent to a Select Committee, and the Select Committee reported that they did not think it was necessary to make any change then. I understand one of the stumbling blocks in the way of the Select Committee was a solution of that tricky question as to what would happen to the starred questions if they were not answered on any particular day, whether they could be transferred to another day, or whether they should become unstarred questions. Honourable Members in 1933, it appears, strongly objected to any of their starred questions becoming unstarred questions through the machinery of any rules. They would have been prepared then, from what I can make out from the discussion that took place in the Select Committee, to restrict individual Members of this House to four questions a day, provided it could also have been arranged that starred questions could be carried on to another day. That was found to be very difficult by the Office: so difficult was it found that it was deemed impracticable, and, therefore, the Select Committee dropped the whole question and suggested to this House that it was not necessary to make any further changes then, that means in 1933, but suggested that Honourable Members should be more careful in future with regard to the starring of questions, that is to say, they should use their discretion to better purpose in considering which questions of theirs were of such importance as required oral answers in this House, and expressing that hope they considered no further action was necessary. The Honourable the Law Member has given us very striking figures to show that the hope expressed by the Select Committee in 1933 has not been realised. We admit that. Now, Sir, we are told that these new rules have been framed in accordance with the rules that exist in the House of Commons today. Before 1902 in the House of Commons there was no limit to any questions that could be asked by any Honourable Member of that House. After 1902 the questions were limited to 8 per Member per day; no Member of the House of Commons could ask more than 8 questions on any one particular day. In 1919, it was suggested by a Member of the House that that number of eight questions per day per Member should be reduced to four. The Speaker of the House of Commons then considered the question and after consulting the party leaders ruled that no Member of the House could ask more than three questions on any particular day. The rules then framed are the rules that are in existence, I believe, today, and according to those rules any questions that are left over after the question hour become unstarred and are not orally replied to in the House of Commons. Now, Sir, that is practically what is suggested for us here by the Honourable the Law Member. But may I point out that to follow the House of Commons so closely is not logic. We are not the House of Commons. We have not got the constitution of the House of Commons, nor are we likely to get it during our life time . . . . . .

1 P.M.

Mr. N. M. Joshi: Are you so pessimistic?

Mr. M. Asaf Ali: Don't be so pessimistic, Sir.

Sir Cowasji Jehangir: Now, Sir, there are 600 and odd Members in the House of Commons. Today we are here about 140 Members. Is there any analogy? Again, what are our rights and privileges on this side of the House as compared to the rights and privileges of the Members of the House of Commons? We have got an irremoveable Government; we are irresponsible in the proper sense of the word. The only privilege that this side of the House has got, and which they prize and which they have made full use of, is the privilege of asking questions and supplementary questions .....

Sir Muhammad Yakub: They value also the privilege of drawing their allowances without attending.

Sir Cowasji Jehangir: The only privilege that this side of the House has and which they have made full use of is the privilege of asking questions and supplementaries, and it is a privilege that this side of the House prizes.

Now, Sir, I do not consider that the analogy of the House of Commons is a good one to follow here. You cannot follow the practice in the House of Commons unless you reproduce in this country the constitution that prevails in England, and, therefore, to point out that these are the rules prevailing in the House of Commons, the Mother of Parliaments, and that we should follow them, is a very dangerous argument, for many of my friends on this side of the House will point out many privileges and many practices that prevail in the House of Commons and ask His Majesty's Government to follow them blindly in India, but I am certain that my friends on the Benches opposite will not recommend them. Therefore, let us not proceed on this analogy. Let us see what is best for ourselves. Therefore, Sir, the first question that has to be considered is, should only 3 questions be allowed to an Honourable Member on any one day, or should it be 5 or 6 or 8 as was settled in the House of Commons in 1902. That is the first point, and I am not prepared to express any opinion just now on the floor of the House without further consideration and consultation with the Leader of the House on this main point. The next most important point for consideration is that by these rules this House should not be deprived of the privilege of having one full hour's questions and answers. And will these rules deprive this House of this privilege?

Some Members on the European Group: No, no.

Sir Cowasji Jehangir: My Honourable friends say "No, no" before considering the matter. I contend that there is danger, very great danger that the rules, as they are proposed to be amended, will deprive this House of the privilege of having one full hour's question time. The Leader of the European Group will be on the Committee and he will be very soon convinced that that is so, and if my Honourable friends here desire me to point that out, I will do so. But do not say, no, no, because the matter requires very serious consideration. I will tell you how the House will be deprived of that power. You allow only three questions for each Member.

[Sir Cowasji Jehangir]

You have got these questions divided according to the Departments of Government. I know that the rule gives a privilege to the President to call upon any number of Departments of the Government to answer questions on any particular day, but on the experience we have had, we see that individual Members ask 300 questions. During the middle of the Sessions, times are sure to arise when all questions asked by humble men like myself may be exhausted, and the only questions that may be left may be from three Members who have got 30 or 40 or 50 questions, and when you have only three Members left with questions to be answered, you will get only nine questions on the agenda. That difficulty must be overcome. Again, a time may arise during the Sessions when, in order to place a sufficient number of questions on the agenda, it may be necessary for the President to call upon more than one Department to answer questions on a particular day and it may also be found necessary to ask some Departments to answer questions on two or three or more consecutive days in order to have a sufficient number of questions on the agenda to take one hour. Therefore, that will have to be considered. I am not suggesting any solution, I will do so in the Committee. I am only pointing out why I desire that a Committee should be appointed. These matters cannot be discussed on the floor of the House, nor can we find suitable wording for a rule until we have the able assistance of the Honourable the Law Member to re-draft these rules. It can only be done in Committee.

The next most important thing for consideration from this side of the House is that, if it is absolutely necessary, in order to make these rules practicable, that all questions left unanswered on any day should become unstarred, then we should make a provision to enable the President to place on the agenda just that number of questions which from his long experience he finds can be answered in one day. Supposing from his experience he finds that 30 or 40 or 50 questions can well be answered in a day taking into consideration the number of supplementary questions that are asked, then he should be enabled to place just that number of questions on the agenda for that day. It may happen that the questions may finish within 50 minutes, and 10 minutes may have to be handed over for other business. It may also happen in the beginning that four or five questions remain unanswered and then become unstarred questions. We must take every precaution to see that the President is enabled and is given the right and privilege and make it practical for him to place as many questions on the agenda as can just be answered in an hour and thereby not deprive this House of the privilege of asking starred questions and getting them answered and the privilege of asking supplementary questions.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can resume his speech after Lunch.

Sir Cowasji Jehangir: I shall not be long. I shall finish it in three or four minutes.

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

Sir Cowasji Jehangir: I do not believe it is the intention of Government to deprive this House of one hour's questions. I do not believe it is the intention of Government to deprive Members of the right of asking starred

questions as far as it is possible. If those two points are clear—that Government do not intend either the one or the other by the rules and that the only object that Government have is to prevent any one individual Member from monopolising the whole of the question hour, I think it is possible to have some rules, but it is impossible to discuss those rules on the floor of the House. My Honourable friend, the Leader of the House, again brought forward what I consider not quite a good analogy. He said that this motion was very much akin to the one on the Joint Select Committee Report. That, Mr. President, is not a good analogy. The report of the Joint Select Committee was published long before it was discussed here. Members had opportunities of sitting together and drafting amendments expressing the view of this House, and then, by a majority, we were able to express an opinion. But here is a question of administration. Here is a question of making rules practicable and applicable to our conditions. It is not possible to move amendments straightaway here to these rules or to suggest to Government how these rules should be amended. This Honourable House knows that it is not one of the privileges of this House to say that the rules shall be so and so. All that we can do is to suggest to Government that in our opinion the draft rules should be amended in a certain direction in order to secure the privileges of the House. It will then be left to Government to consider whether our suggestions are equitable and whether they will accept them or not. Therefore, in the question of making these rules we are entirely and completely an advisory body. It is for Government to decide definitely what these rules shall be. This privilege of advising Government is not contained in the Act, it is a convention, it is a pledge given, and, therefore, there can be no analogy between this motion and the consideration of the report of the Joint Parliamentary Committee. I trust that my Honourable friend will see his way to accept the amendment which I move, and I do trust, Sir, that, working as we are under difficult conditions not having with us the co-operation of Honourable Members who, I may say, are most interested in the question of asking questions and supplementary questions—in their absence I do trust and hope that Government will allow us to consider this question and give us a sympathetic ear. We will try and do our best. We have already expressed the opinion that we should have greatly preferred that those more interested than myself should have been present to represent their case. Under these conditions, we take upon ourselves a considerable amount of responsibility, and that responsibility is shared by the Leader of the House. I trust that the Leader of the House will keep that in mind when he discusses these questions in the Committee.

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

"That for the words 'be taken into consideration' the following be substituted, namely :

'be referred to a Committee consisting of the Honourable Sir Nripendra Sircar, Mr. Akhil Chandra Datta, Sir Muhammad Yakub, Sir Leslie Hudson, Sardar Sant Singh, Sir Muhammad Yamin Khan, Mr. N. M. Joshi, Mr. J. D. Anderson, Mr. A. de C. Williams, Mr. P. J. Griffiths 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 Assembly then adjourned for Lunch till Twenty Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty Minutes to Three of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

Sir Muhammad Yakub: Mr. President, I rise to support the motion which has been moved by my Honourable friend, Sir Cowasji Jehangir. Sir, I strongly deprecate the idea that we are an inch behind any section of this House in safeguarding the rights and privileges of Members. I myself consider that the right of asking questions and supplementary questions is one of the most important privileges that Honourable Members of this House have got and that we should, very jealously, guard against any encroachment on these rights. I quite agree that this is a matter on which the opinions of almost all the Members of the House ought to have been available, but if Honourable Members are guilty of such a grave dereliction of duty on their part and, without any justifiable reason, absent themselves from the House, I do not agree with my Honourable friends who say that the discussion of this motion ought to be adjourned only for this reason. The Honourable Members who have absented themselves are not only guilty of a dereliction of duty, but they are also guilty of slighting their colleagues who are present in this House.

Mr. Akhil Chandra Datta: On a point of order, Sir. We are not dealing with the adjournment motion now; therefore, these remarks are quite irrelevant.

Sir Muhammad Yakub: The Honourable Mr. Deputy President ought to know that I am not talking on the motion of adjournment; I am answering the points which have been raised during the discussion of the motion itself.

Mr. Akhil Chandra Datta: He is not speaking on the merits.

Sir Muhammad Yakub: On the amendment of Sir Cowasji Jehangir certain remarks were made, and I am replying to those remarks. I wish the Deputy President should have known the rules and exhibited more knowledge than he has exhibited up to this time.

Mr. Akhil Chandra Datta: That is only a personal remark—that is not an argument.

Sir Muhammad Yakub: There can be no doubt that the present rules of asking questions in the House stand badly in need of amendment and improvement. That amendments and improvements are urgently needed has already been shown by the statement which was read this morning by the Honourable the Leader of the House. There can be no doubt that the right of asking questions has been abused,—I do not say, by all the Members of the House, but by a certain section of Honourable Members. Apart from the huge waste of time and the encroachment on the privileges of other Members, there is another consideration, and it is this, that by asking unimportant and insignificant questions in this House we tax the pockets of the poor tax-payer for nothing. It has been calculated that by

putting one question in this House we tax the poor tax-payer something between Rs. 75 and Rs. 200, and it is really surprising that those who assume the role of patriots and call themselves the friends of the poor tax-payer, and who, in season and out of season, harp on the poverty of the country, should waste the money of the tax-payer by asking frivolous and unimportant questions. Therefore, I say that the present rules relating to the asking of questions stand badly in need of being amended and improved upon. But, at the same time, I will not in any way be a party to any rule which would in any way curtail the rights of Members in asking supplementary questions. I myself think that the draft of rules which has been moved, this morning, by the Honourable the Leader of the House stands in need of careful scrutiny and improvement, and I quite agree with the Mover of this amendment that a careful scrutiny of the details and the implications which are involved in the draft, which has been presented to the House, cannot be done in the open House. Therefore, I think that the amendment which has been moved by the Honourable Sir Cowasji Jehangir should be accepted, and I hope the Government will not come in the way of the acceptance of this amendment. Of course we do not want that the report of the Select Committee should be delayed. The Honourable Members whose names are put down for the Select Committee, I think, are quite ready to start their work immediately and present their report as soon as the work has been finished. With these remarks, I support the amendment.

Sir Leslie Hudson: Sir, after the remarks that have fallen from my Honourable friend, Sir Muhammad Yakub, and desiring to refrain from repetitions in supporting the amendment of the Honourable Baronet from Bombay, there is very little more that I can say. There are two small things that I would just like to touch upon.

My Honourable friend, Mr. Asaf Ali, stated that one of the objects of putting questions is to allow the searchlight of inquisition to rest upon the errors of omission and commission on the part of the Government of India. Now, I do remember that one of his colleagues on those Benches, not so very long ago,—I think it was in the Simla Session—stated that the object of questions was to bring the Government of India into contempt. So, Sir, it is either the one or the other: either you want to put questions in order to entertain the public as well as yourselves and you want to bring Honourable Members of the Front Bench into contempt, or you really want to find out, by means of questions and answers, matters of omission and commission on the part of the Government. There is one other point. My friend, Sir Cowasji Jehangir, I think, is under a slight misapprehension in regard to the number of questions which it would be possible to ask on any day during the Session of the House. I think I am correct in saying that questions will not be limited on any one day to one particular Department of the Government. I imagine that there may be a long list of questions, but all questions relating to one particular Department will be grouped together and questions affecting other Departments will similarly follow in the order in which the roster is arranged. That is really all I have to say on the subject before the House except to ask permission to have the name of Captain Sir Sher Muhammad Khan added to the Select Committee if the Honourable the Mover will accept it.

Sir Cowasji Jehangir: I have no objection.

Sir Leslie Hudson: In doing so, I should like to take the opportunity of congratulating my Honourable friend, Sir Sher Muhammad Khan, on the honour which has been bestowed upon him today. (Applause.) If I may make one other suggestion in echoing Sir Muhammad Yakub's wish that the report of this Committee should be presented as soon as possible, I would ask permission to add to the amendment of my Honourable friend, Sir Cowasji Jehangir, after the word "five" the following words:

"and that the Committee be directed to report by the 4th February, 1937."

Mr. President (The Honourable Sir Abdur Rahim): Is there any objection to the name of Captain Sir Sher Muhammad Khan being added to the Committee? (No objection was taken.) The Chair takes it that Sir Cowasji Jehangir accepts the amendment that has been moved that the Committee be directed to report by 4th February.

Sardar Sant Singh: I object to this date being added to the motion. It is too early.

Mr. President (The Honourable Sir Abdur Rahim): That is the amendment, and the Chair allows it. The discussion will be on the proposed amendment as now amended.

Mr. N. M. Joshi: Mr. President, there is no doubt that the Honourable the Leader of the House has rendered great service to the Members of this Legislature by drawing attention to an evil which had arisen in this House during the last two years. The figures which the Honourable the Leader of the House has given clearly show that some Members—I am glad to say that their number is very small—have exercised their privilege of asking questions in this House in such a manner that other Members, who are perhaps more modest and more shy than themselves, were prevented from exercising their undoubted rights in this Legislature. That one Member should ask 395 questions in a Session or even 160 questions is, in my judgment, a wrong use and unreasonable use of the privilege of the Members of this Legislature. It was, therefore, absolutely necessary that this question should be discussed and those Members who are making unreasonable use of the privileges of this House should have been brought to reason in some manner. But I feel that the course which the Honourable the Leader of the House is suggesting is somewhat premature. I feel that so long as there are only two or three Members who are making unreasonable use of their privileges, we shall be punishing the large bulk of the Members for the fault of only a few. Personally, I feel that, before we attempt a drastic curtailment of the privileges of the Members of the House, we should try a milder method of achieving our object. It is quite possible that if a warning is given to those Members who are making unreasonable use of their privileges, they may be brought to reason, for instance, if the Honourable the President talks to these Members privately. I have absolutely no doubt that all Members of this Legislature hold you in great respect, and a warning from you may have the desired effect. It is quite possible that you may speak to the Leaders of the Parties from which these Members are drawn, and if the Leaders also cannot control the Members from making an unreasonable use of the privileges which are given to them and which prevent the exercise of the reasonable use of the privilege by other Members, perhaps these Members

may be brought to reason by change in Rules. Personally, I was myself thinking at the end of the last Simla Session of sending about a thousand questions. I felt that was one method of bringing the offending Members to a reasonable course. If I had sent on the last day of the Simla Session a thousand questions, perhaps those Members would have found the inconvenience which other Members feel by their own conduct. But I felt that there may be some other method of bringing these offenders to a reasonable path. I feel that it is not quite right to try to punish those Members who have used their privileges very reasonably for the fault of only three or four Members. We should, therefore, try other methods first. If they fail, then certainly it will be necessary for this House and for the Government of India to restrict the rights by change in Rules. I, therefore, feel that as this Committee is being appointed, there will be time for the use of the other methods and bringing the offending parties to a reasonable path. You remember, Sir, that this evil had grown in a previous Assembly three years ago, and the mere fact that there was a proposal to change the Standing Orders had a very salutary effect. Similarly, I hope that even this discussion will have a very salutary effect upon those Members who are making unreasonable use of this privilege. But I would like the Members to consider this whether it is right for the fault of four Members to punish all the other Members who have been making a reasonable use of the privilege?

Sir Muhammad Yakub: Is it punishing?

Mr. N. M. Joshi: It is punishing; because it may be that on one particular day I may have to ask 10 questions. If, during the whole Session, I do not ask more than 25 questions, why should I be debarred from putting 10 questions on one day? Therefore, to me it is a punishment.

Sir Cowasji Jehangir: You make them pay for every question they ask.

Sir Muhammad Yakub: This is a good suggestion.

Mr. N. M. Joshi: It is not a good suggestion. It is a suggestion for people who have got money and who want to keep all the privileges in their own hands. It is quite possible that Sir Cowasji Jehangir may ask 100 questions and may pay for each question even a hundred rupees. If you make that a rule, then certainly Sir Cowasji Jehangir will have the monopoly of being a Member of the Legislature. If that suggestion were adopted, then I am sure these questions will become the monopoly of the wealthy classes of this country. A Member of the Legislature serves a useful purpose by being a Member of this Legislature and asking questions. He must be paid for asking questions and he is being paid Rs. 20 a day. I do not say that Rs. 20 a day is a very good payment, but still it is some payment and it is quite necessary. Therefore, I think it will be rather a hasty step to curtail the privileges of this House on account of the unreasonable use that is being made by some Members. I would, therefore, appeal to you and appeal to the Leaders of various Parties to see that this evil is stopped without a statutory curtailment of the rights of the Members. I hope my suggestion will be accepted and the purpose which we all have in mind will be served without statutory curtailment of our rights.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, I agree with the first portion of the speech of my Honourable friend, Mr. Joshi, that the privilege of putting questions and stopping other Members from putting questions which they consider right and proper has been misused lately. But I do not agree with the latter portion of his speech. I do not think that it requires the interference on your part in the manner suggested by Mr. Joshi. Nor do I agree with him that it will be a kind of punishment to other Members who are not accustomed to put in a lot of questions in one Session, but, on the contrary, I believe that it will be helping the Members who put occasionally some questions which they think are really necessary to elicit some information from the Government. When we find that about a thousand questions are blocking the way and when we come to know about a particular matter for which information ought to be obtained from the Government during the Session, it is next to impossible to get that information from the Government at the time when one feels it necessary that that information ought to be obtained. If one Member is allowed only three questions a day on a particular subject concerning a particular Department, then it will not debar those Members who require particular information to obtain it during the Session. If we sit for 2½ months, the number of questions is so large that even if a Member gives notice of certain questions at the beginning of a Session, he is not likely to get the information which he wants till the end of the Session. This is really barring him from getting the valuable information which he wants. Therefore, the proposed Rules will act as a check against those Members whose only business is that as soon as a Session ends they go and frame a large number of questions and send them to the Assembly Department about five months before the next Session starts. Probably at the time when those questions are answered, the informations asked for in those questions are not required. Therefore, I think this suggestion of Mr. Joshi should not be acceptable to the House.

3 P. M.

I have seen at a glance the amendments proposed by the Government. So far as clauses 1 to 5 are concerned, they will serve a great deal of the purpose which they are intended to do. But I think clause 6 of the proposed amendment, as it is worded, will greatly curtail the rights and privileges of Honourable Members of this House. I do not think it is a right procedure that if a particular Member's questions remain unanswered on the day on which they are set down on the agenda, then their answers should be placed on the table and no supplementary questions are to be allowed on them. Supposing twenty Members have put in their questions on a particular day concerning a particular department and supposing I am the last having three questions on the list. All other Members had the privilege of asking their supplementary questions on their questions, but I happen to be the last whose questions are not reached, and, therefore, I am to be deprived of putting supplementary questions on that day. This will mean a great hardship to those Honourable Members who happen to have their questions at the end of the agenda of that particular day. It will, in addition, make a distinction between those Members who happened to have their questions just in the beginning or in the middle and those who happen to have their questions at the end and this will curtail the rights and privileges of those whose questions are at the end. Therefore, I think the amendment suggested in part 6 takes away this valuable privilege of putting supplmentary

questions and this amendment is not a desirable one. This will also inconvenience the Government, because if the answers are not given in the manner satisfactory to the Member and supplementary questions are not allowed, then the Member will be obliged to put other questions in the alternative later on, and it will add greatly to the cost to the tax-payer and will entail greater inconvenience to Government to supply that information which could have been easily given in supplementary questions. Therefore, this amendment, suggested in part 6, ought to be omitted.

There are other difficulties which have been pointed out by the Honourable the Mover of the amendment for reference to Select Committee. Those difficulties ought to be taken into consideration. How the Departments are going to work? There is a Department which gets only ten questions in the whole Session, whereas there is another Department which gets about 500 questions in a Session. How are the Departments going to be accommodated? Does it mean that a Department, say, the Finance Department, which gets 500 questions will be allotted only one day a week for answering all those questions, whereas another Department, say, the Industries and Labour Department, which gets only about 50 questions will also get one day a week? All these things have to be carefully considered, and that is why I suggest that this proposed amendment should be taken to the Select Committee. I am sure, the Government too will not like to oppose this reference to Select Committee because Government Members are as much Members of this House as the Non-Official Members. Although the Government are the Party who have to give answers and this side has to put questions, still when the rights and privileges of Members are concerned, the Government must be as jealous as any Non-Official Member should be. We are anxious that Honourable Members of Government should not be inconvenienced, they should not be put to all kinds of difficulties. We want to save them from all difficulties. At the same time, they must see that the Non-Official Members do not lose their rights and privileges. I hope the Government will come forward to accommodate us so that there may be fairness on all sides. I, therefore, support the motion for referring this matter to the Select Committee.

Mr. M. Asaf Ali: Sir, I rise for the last time to register my protest against the action which the Government propose to take in the matter of curtailing the liberties and privileges of Members of this House to the extent to which they propose to do. Before saying another word, I should like to make a brief reference to what Sir Leslie Hudson happened to remark about some of the observations which I had made as regards the right of questions. Perhaps Sir Leslie Hudson will permit me to read out to him the remarks of Sir Courteney Ilbert who at any rate has been known as one of the greatest authorities on Parliamentary practice. This is what he says about the right of questions. He says:

"There is no more valuable safeguard against maladministration, no more effective method of bringing the searchlight of criticism to bear on the action or inaction of the executive government and its subordinates. A minister has to be constantly asking himself not merely whether his proceedings and the proceedings of those for whom he is responsible are legally or technically defensible, but what kind of answer he can give if questioned about them in the House and how that answer will be received."

It was not my intention nor has it ever been the intention of any of the members of my Party to bring the Government into hatred or contempt by these questions.

Sir Leslie Hudson: Sir I was merely quoting the remarks made by one of my Honourable friend's colleagues in the last Simla Session, when he definitely stated on the floor of the House that his reason for asking these questions was to bring the Government of India into contempt. That was a definite statement.

Mr. M. Asaf Ali: Sir, I am not responsible for the remark of any individual, but now I am speaking in the name of my Party. Our object in giving notice of and asking questions is to elicit information for consumption throughout the country. Whenever we have attempted to ask questions we have done so only with a view to enlightening the public as regards the various links we find in Government, the various acts of maladministration and malpractices and errors and omissions, as was pointed out. It is with that object that our questions have been asked.

Sir, it has been said that a few Members of a certain section of the House have monopolised the time of the House in asking questions and asking supplementaries. I admit it is a great crime in this House to be energetic, it is a great sin in this House to be vigilant, and some are more vigilant and more energetic than some of the Members who do not utilise their time as perhaps other active Members do. It does not lie in the mouths of these gentlemen to come here and say that only a few Members consume the question hour in this House. If a particular Member happens to possess enough time and energy to investigate questions and inform himself and then put questions and follow them up with supplementaries, surely he is doing a public duty. It may be one Member who is doing that particular duty or it may be another or it may be the whole House. If the whole House put together were to divide among themselves these questions and supplementaries, after all the information elicited would be the same. So I really do not see the point of any Member saying that he did not get a chance of putting a supplementary question, or saying that they are here to elicit themselves the information which they may require. It matters very little as to who puts the question; it may be one person who puts the question; and it may be that very same person who may follow that up with supplementaries throughout the hour. But you are getting the necessary information. That is what you are here for and for nothing else.

Moreover, there is another little point which I should like to make at this stage, and it is this. Even if you make this rule of limiting the right of interpellation to only three questions for each Member on any particular day, how will it work out? Take, for instance, the Official Opposition which consists of 54 Members straightaway. These 54 Members work as a party machinery; we are not individual Members here. You will be throwing upon us the duty of making a division of the questions that we want to ask. We will put down three questions in the name of each one of us, which means 162 questions a day. Can these 162 questions be answered on any particular day? No, it is impossible. On an average you cannot get answers to more than about 40 questions; sometimes it may be 60, on another occasion it may be 30 and on another occasion it may be only 20; but the average works out to, I believe, 40. As was pointed out by Mr. Joshi, it is very easy for you, Mr. President, in whom we have perfect confidence, to make some sort of arrangement with the Leaders of Parties, point out this little fact to them, and I see

no difficulty in reducing the number of questions to a reasonable number and even reducing the number of supplementaries to a reasonable number. It is not impossible, it is a very simple arrangement.

In so far as answering questions relating to a particular Department is concerned, I, at this moment, see no very strong objection because perhaps it will facilitate the work of both Government and also of the Members. Members of the various Parties can come prepared to put their supplementary questions on that particular day; and that to my mind is a fairly advantageous thing. But now we come to sub-rule (6) which reads as follows:

"If any question placed on the list of questions for answer on any day is not answered within the time available for answering questions on that day, the Member to whom the question is addressed shall upon the next day available for the answering of questions lay upon the table of the Chamber a written reply to the question, and no oral reply shall be required to such question and no supplementary questions shall be asked in respect thereof."

What does that mean? It means that you, Sir, will in the light of such experience as you have gained put down a number of questions on the list on each day, about 40, and in your anxiety to see that none of these 40 questions is left unanswered you will naturally try to restrain the supplementaries, whatever the nature of the question. And it is impossible for you today to say that the supplementary questions in relation to any particular question must not exceed such and such a number. There may be a very important question which may call for supplementaries from all over the House, and the whole hour may be consumed in answering those supplementary questions; which means that a large number of questions will be left over and supplementaries would automatically be stifled. This will naturally lead to endless irritation and annoyance among Members; those whose questions will be left over will have a grievance and a very natural grievance; and those who will be restrained from putting their supplementary questions will equally have a grievance; which means that the responsibility of this odious task of stifling and strangling the ventilation of public grievances through interpellation will be cast upon you. This is a most unreasonable position and the House, if it is at all jealous of its rights and liberties and privileges, must in my humble opinion register its protest against this provision.

Now, Sir, I have only just one or two other words to say, and that is in respect of the most illuminating speech to which we listened from the Honourable the Leader of the House.

Fortunately I am not a believer in Billingsgate, and, therefore, I shall treat most of the observations, which were of a personal nature which fell from the lips of the dignified Leader of the House with utter contempt: in fact, I think those observations were beneath contempt. The Leader of the House permitted himself to indulge in the cheapest possible gibes that any person could possibly think of. He made reference to half a dozen Members roaming the city and not coming into the House. Other Members also took it upon themselves to use the expression "dereliction of duty". Yes. We know who are guilty of dereliction of duty I can count all the members belonging to my Party by name and tell you why they were here and how long they were here and whether they draw allowances or they did not. Dr. Deshmukh came in connection with his own Select Committee. Dr. Bhagavan Das came for his Bill. Mr. Sham Lal

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came for his Bill. Mr. Kazmi came for his Bill. The others who came were Mr. Ghanshiam Singh Gupta, also for his Bill, and Dr. Khare also for his Bill. These were the Members who came. Mr. Sri Prakasa came for a Select Committee, and Mr. Giri for the Standing Finance Committee of Railways, and not one Select Committee, but they have a string of Select Committees. I have got Mr. Nilakantha Das purposely here, because I want him for two Select Committees, I have given his name in that connection. They are here in connection with public duty. The Honourable the Law Member made a point of it and others also tried to make a point of it . . . .

Sir Abdul Halim Ghuznavi: Why are they not here?

Mr. M. Asaf Ali: That is not your business: and they made a note of this little fact and made a cheap gibe out of it. The learned Law Member also went to the length of saying that it was a disgusting fact. But a far more disgusting fact that I am aware of is that the Honourable the Leader of the House, without winning his way into the House through an electorate, draws his Rs. 80,000 a year, and he not only does that, but he books his passage for the 10th April, and, therefore, the Session would not be postponed. It must begin on the 25th of January. That, may I take it, is not a disgusting fact? The convenience of a large number of elected Members is of no avail, of no value, has no importance whatsoever: but because the Leader of the House has booked his passage for the 10th April and has got to go away from this country,—therefore, whatever happens, the Session must go on.

Why are we absent? This question has been raised over and over again, and I must answer it. In all fairness to those who are not present, I must answer on their behalf. Sir, my Party is running no less than one thousand candidates: we are contesting no less than one thousand seats throughout the country. This particular constitution has been trumpeted about as the corner stone of democracy, as the first great instalment of responsible and representative Government. We are called upon to contest these seats and get into the Legislatures and perform our public duty for the next five years; and we are also called upon to perform our duty simultaneously here in this House. Is that possible? Is it humanly possible? The Government have never had a chance of going anywhere near a polling booth. They do not know what elections mean. They can talk with their tongues in their cheeks, because they do not know what elections mean. None of them here today has come through an electorate. I challenge them, I defy them to go into the country and contest a seat. They can talk glibly, but they would not dare to talk if they were really put to this test. If they go out into the country, and if they were asked to appeal to the electorate and they were to ask the electorate to send them here, they would not be talking here as they do, but they will find themselves elsewhere: probably they would never see the door of this Chamber. It is under these circumstances that we are not in this House. It is not because we have boycoted the Assembly: it is not because we are doing this out of any spirit of truculence or annoyance. Nothing of the kind. It is physically impossible.

It was said by the Leader of the House that elections in a number of provinces are over. That is perfectly true. But by far the most import-

ant elections are still on. United Provinces elections are still on: they are not yet over. Bombay will not be over. Madras will not be over. These are the three major provinces in which we have got to contest the elections. Members of my Party at any rate are important office bearers of the organisation which is contesting these thousand seats. They have got to tour the entire country. They have to pass from province to province: they have to go and support their candidates everywhere. It is on account of this fact that they cannot possibly be present in this House.

Now, in the absence of those people, is it open to the Government to say "If they do not choose to come into the House, how can we consult them?" If you do not wish to consult them, go ahead. Why appoint even a Select Committee? I do not for a single moment deny or contest the fact that other elected Members who are present here are quite as jealous of the rights of Members of this House as other elected Members are. I concede that point straightaway, but I am entitled to ask them "Do you realise the futility of the whole thing? Government have made up their mind, they want to go ahead: they want to forge ahead with the measure before the House, whether you are on the Select Committee or not". Whether you serve on the Select Committee or do not, you will find that it is rammed down your throats. Therefore, the only dignified thing that we can do is merely to register our protest and rest contented that a day will come when perhaps we shall be also in a position to pay them back in the same coin.

Mr. Akhil Chandra Datta: Mr. President, on the merits of the controversy which has been raised by the motion it cannot be disputed that these are changes which are more or less of a drastic character. Quite a series of restrictions are proposed to be imposed on the right of interpellation. I have risen not to emphasise that point only. I want to draw the attention of the House to a legal aspect of the matter. The law on the subject is laid down in the rules and in the Standing Orders. As regards the question of the admissibility of the subject matter of questions, they are provided for in the rules. As regards procedure as to how and when particular questions shall be entered in the list and in what order they should be called by the President, those are matters of procedure which are laid down in the Standing Orders. If I may put it in this way, the substantive law on the subject is given in the Rules and the adjective law in the Standing Orders. I should think the points which have been raised by the proposed amendments relate to the procedure and not to the subject matter of questions. There are two questions involved in the proposed rules. One relates to the restriction of the number of starred questions, and the other question is contained in sub-clause (*5*), namely, as to the order in which the President is to call the questions. I take it these are the two questions involved in the proposed amendment. My point is this. These are questions which are not provided for by the rules, but they are matters in respect of which the law is laid down in the Standing Orders. I refer to Standing Order No. 17. That Standing Order lays down:

"Questions which have not been disallowed shall be entered in the list of questions for the day, and shall be called, if the time available for questions permits, in the order in which they stand in the list before any other business is entered upon at the meeting."

Therefore, the first question as to the entering of the questions on the notice paper, that is provided for in the Standing Order, and not in the rules.

[Mr. Akhil Chandra Datta.]

Then, as regards the other matter, namely, the order in which they should be called, whether questions relating to different Departments should be called on the same day or not, that is also matter provided for by Standing Order 17. As a matter of fact, we have been told that when in 1933 Mr. S. C. Mitra wanted to limit the number of starred questions to four, he wanted to amend Standing Order No. 17, and not the rules, because the rules are quite silent on that matter. Therefore, my point is this. The Honourable the Law Member, as I understand the law on the subject, has misconceived his remedy. If you want to achieve your object, then it will not do to amend rule 8. The language in the Standing Order is "shall be entered". It says "Questions, which have not been disallowed, shall be entered in the list of the day"—without reference to the question as to whether there are more than three questions standing in the name of one and the same gentleman. Under Standing Order 17, those questions have got to be entered in the list of questions for the day. The language used in the Standing Order is "shall be entered" . . . .

The Honourable Sir Nripendra Sircar: Is it the Honourable Member's point that the rules we propose will be repugnant to the Standing Order? If the Standing Order is not changed, then is it my Honourable friend's point that the rules we propose will be repugnant to the Standing Order?

Mr. Akhil Chandra Datta: My point is that the proposed amendment will be quite inconsistent with Standing Order No. 17.

The Honourable Sir Nripendra Sircar: That is what I meant. If that is so, I would draw the attention of the Honourable Member to section 67 of the Government of India Act:

"Any Standing order made as aforesaid which is repugnant to the provisions of any rules made under this Act shall, to the extent of that repugnancy, but not otherwise, be void."

Therefore, the Standing Order need not be amended. If my friend's contention that it is inconsistent with the Standing Order is right then the Standing Order will go automatically, and it does not require any amendment.

Mr. Akhil Chandra Datta: I am glad, Sir, it is admitted that . . . . .

The Honourable Sir Nripendra Sircar: No, it is not admitted.

Mr. Akhil Chandra Datta: It is admitted that it is inconsistent . . . .

The Honourable Sir Nripendra Sircar: No, it is not admitted, but if there is repugnancy, then the Standing Order will go automatically.

Mr. Akhil Chandra Datta: To me it is perfectly clear that the amended rule will be absolutely inconsistent with Standing Order 17. There can be no manner of doubt about it.

Then, it is pointed out that if there is a discrepancy, then the Standing Order will automatically go and the rule will prevail. I think, Sir, the amended rules will lead to a great anomaly. It will not be very happy if the rules point one way and the Standing Order will point the other way.

Then, there is one other point I want to make. I feel that all these restrictions are quite unnecessary, because, if there is any abuse of the right of asking questions by any Member, there is enough power given to the Chair under Standing Order 16 to prevent such an abuse. The President can disallow any question if, in his opinion, any Honourable Members obstruct the business of the House by putting unnecessary and insignificant questions. That abuse can be prevented by the Chair under the power vested in him by Standing Order 16.

Finally, Sir, I want to say this. These restrictions are not only an infringement of the rights of Members of this House, but they are also an infringement of the right of the Chair, because Standing Order 18 lays down:

"Questions shall be put and answers given in such manner as the President may, in his discretion, determine."

That is a discretion given to the Chair, and if in any particular case any particular manner is suggested for the putting of questions and for the giving of answers, it will be for the Chair to exercise its discretion. Therefore, I feel that the discretion given to the Chair under Standing Order 18 is being seriously fettered by the proposed amendments. Sir, these are all very important matters. If the question is decided today, we all know the fate, and so it must go to a Select Committee for an examination of the extent and limit of the restriction,—there is no other way out of it. In that view of the matter, I support the motion for a Select Committee. I am really in favour of total rejection of these amendments.

Dr. Ziauddin Ahmad: I would like to make one or two observations in connection with this motion. I admit that there are cases of misuse of the privilege of asking questions, but the remedies suggested in this motion are too drastic. I have repeatedly pointed out on the floor of this House the misuse of the privileges. The first is that some Members ask questions in the form,—has the attention of the Government been drawn to an article published in the newspaper . . . . . .

Mr. N. M. Joshi: *"The Hindu."*

Dr. Ziauddin Ahmad: Yes, *"The Hindu"*, or any other newspaper dated the 15th November, 1935? In that case, only the person who has read that article is placed in a position of advantage and he can ask supplementary questions, while the rest of the House sits idle and does not understand what the subject relates to. I have repeatedly said that questions in this form should not be asked on the floor of this House. The questions should be put in the manner that may be intelligible to every Member of this House.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will find that that has been stopped.

Dr. Ziauddin Ahmad: I am glad that that thing has been stopped, and that will reduce the number of questions automatically.

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not think that follows, because the Honourable Member has to formulate his own question.

Dr. Ziauddin Ahmad: That requires some intelligence. Secondly, we should observe a convention amongst ourselves that we should not ask questions on day to day administration. This should be left to the executives, and we should ask questions only on questions of policy. If we have some such kind of convention amongst ourselves, then the number of questions will be substantially reduced.

Mr. N. M. Joshi: That cannot be done. I do not agree.

Dr. Ziauddin Ahmad: I am afraid that if you restrict the number of questions to three that will lead to another kind of practice which we have seen in the case of resolutions and in the case of passes for entry to the galleries. Some persons will come and say, have you put down three questions, if not, sign these, and in that way persons will go on getting signatures from all Members and that will not reduce the number of questions. My Honourable friend, Sir Muhammad Yamin Khan, is in a privileged position, because, during the last eight years, he has asked only one question, so that the rules will not affect him.

The next point is that the Honourable the Law Member referred to a particular individual, but I think that thing will not arise in future. The Honourable gentleman is now going to the Provincial Council . . . .

Mr. N. M. Joshi: No, no. He is coming back.

Dr. Ziauddin Ahmad: I am sorry that I was not correct. I thought that this particular question would not arise in future as I was given to understand that he was going away to the Provincial Council. The next point to which I draw attention is that the analogy between the Parliament and our Assembly is not quite complete. The Parliament makes its own rules and makes its own laws and there is nobody else which makes rules and laws for the Parliament. But in our case the rules and laws are made by bodies outside this Legislative Assembly. So we are not masters in our own house as the Parliament is. It is said that Parliament can do everything except one and that is that Parliament cannot make a man a woman nor a woman a man, while we are said to be slightly better than a debating society. In Parliamentary elections, the candidates who stand for election can promise a large number of things to their electors. They can promise contracts, they can promise all kinds of appointments and all kinds of position, but we here can only give two promises to our electors. We say, if there be any grievance we will bring that grievance to the notice of the officer concerned, or that we will ventilate it on the floor of this House. These are the two promises which we hold forth to our electors. So, if our powers are restricted even in these matters, then the promises which we can hold out to our electors in order to have their votes will be further curtailed.

Sir Muhammad Yakub: You can tell them you will bring freedom to the country.

Dr. Ziauddin Ahmad: Coming to the proposed rules, I would like to make one or two observations. As regards the number of questions to be put, if it be decided to restrict the number then three is a very small number. In a House of 600, which is the strength of the Parliament they have restricted the number of questions to three, and therefore for this House which has got only about 100 elected Members, by the simple rule of ratio, there ought to be six times three, that is, 18 questions. So that even if you have the analogy of the Parliament, the number of questions should be 18 per Member. In any case, whatever the number may be, three is too small because sometimes the questions are co-related and it is very difficult to split them up. The second question is very often the logical consequence of the first, the third of the second, and so on.

Sir Muhammad Yakub: Why not make (a), (b), (c), (d), etc.?

Dr. Ziauddin Ahmad: I hope the Leader of the House will take cognisance of this fact. The question may be split up into sub-clauses (a) to (z), and if he is a mathematician he will go further and use (á), (b'), (c'), (d'), and so on, but the difficulty will be, if you have a large number of sub-questions, you will be very much handicapped in supplementary questions, because, if the Honourable Member representing Government has answered 78 sub-questions at one time, you will not know where you are or where your supplementary questions should begin. We cannot conveniently put supplementary questions to a large number of sub-questions as suggested by my Honourable friend, Sir Muhammad Yakub. As regards clause (5) of the proposed rule, I should like to say that it will not work well. The full one hour may not be allocated for asking questions and it will be exceedingly difficult for the office to manipulate in order that sixty minutes may be devoted to questions. Very often the questions may be over in shorter time. I think clause (5) requires very careful consideration, and I think in practice the time for asking questions will be reduced though it is not the intention of the Government to do so.

There is another point which requires consideration and my Honourable friend may have already considered it. Some Members may think it a great relief if instead of continuously answering questions for one full hour some other Members relieve them by answering questions. It may also be argued that if you have questions relating to one department the other Members of Government will get away and will do office work. That is correct, but at the same time it is very desirable that the whole Government should be present and hear what is going on in the other departments as they should not become narrow minded. They should be concerned not only with their own department, but they should have a broader view and hear at least on the floor of this House what is going on in other departments and that is the only chance which they can have about the administration in other departments. So, relief given to other Members of Government will lower their efficiency and will narrow their outlook and they will not know what is going on in the administration of other Departments. I think provision No. 5 requires very careful

[Dr. Ziauddin Ahmad.]

consideration, both in the interest of efficiency and in the interest of privileges of Members, and the time should not be reduced, and full one hour should be allotted to questions.

Provision No. 6 is a thing which requires still greater consideration. We restrict the number of questions by clause 1 and we restrict the number of supplementary questions by this clause. If more supplementaries are asked on the first ten questions, then the others become unstarred. Immediately each Party will say that their question should be put first and they should have the right to ask supplementary questions and the President will have to say not only that so many questions will be allowed but that so many will be allowed to this party, so many to that party and so on and so this question of arranging the questions each day will become an exceedingly difficult matter. It will be very difficult for the office and the office will become exceedingly unpopular. The President will become unpopular and he will be in great difficulty as to how to arrange the questions. If 60 questions are put down and only 40 are answered, then 20 will become unstarred. Then, all the Parties will try to use their influence to get their questions in the first forty, and then there will be difficulty about arranging the whole thing. You will have to appeal to the Leader of each Party as to how the questions should be arranged The work of the Leaders and the work of the office will be enormously increased. Allegations will be made that the office has been partial to this Party or that Party in the arrangement of the questions. This will be exceedingly difficult to work out in practice. This will make the Leaders of Parties and the office of the Assembly unpopular. I think Government should think several times before they adopt this provision.

These are the few observations that I desire to make. I entirely sympathise with the Leader of the House. Each question costs an enormous sum to the tax-payer, but the solution that is suggested in this motion is a drastic solution, and, in solving one difficulty, they are creating a number of other difficulties. A solution is not a solution if it brings forth other difficulties. This is a thing which has got to be very carefully considered. We ought to find out a real solution. As regards the joke between the Law Member and Mr. Asaf Ali, I have only one word to say; that is, if the Law Member ceases to be a Law Member, he will be earning much more than what he is getting at present both in the bar and in business.

Mr. President (The Honourable Sir Abdur Rahim): The Chair desires to make one point clear with regard to what it said about the reference in questions to statements in newspapers. What the Chair meant was that in proper cases reference can be made to statements appearing in newspapers, but the Honourable Members themselves have to formulate the points on which they seek information. Therefore, if any reference to newspapers is there, it need not worry the other Members as to what is contained in those statements.

Sardar Sant Singh: It seems that although Mr. Satyamurti is absent from the House, his invisible spirit pervades this House, and it looks that he was a terror to the Honourable Members of the Government, not only when he was present, but he remains a terror even in his absence.

Mr. N. M. Joshi: He was a nuisance.

Sardar Sant Singh: He should have been a nuisance to Officials and Nominated Non-Officials, but I thought there was an exception in favour of Mr. Joshi, but he also seems to be under the same terror.

Mr. N. M. Joshi: No terror.

Sardar Sant Singh: The question is not that his too many questions are a sort of trouble to the Members of the Government. But suppose, for the sake of argument, you succeed in limiting the number of questions, who will control the supplementaries? Supposing he asks one Member to put the question and he asks the supplementaries, is there any power under these proposed rules to control the supplementary questions? I think not, and none could be framed to control him. My Honourable friend, Dr. Ziauddin, referred to the fact that by putting too many supplementaries, he might be blocking the way of other Members putting questions. That will be perfectly right, but, at any rate, these rules do not control the supplementary questions that can be asked by any Member.

4 P. M.

Again, Sir, I cannot allow this opportunity to pass without recording my strong protest against the restrictions that are proposed to be placed upon the right to ask questions. There are Members who do accommodate the public when they come to them for ventilation of their grievances on the floor of this House. There are others who do not care to utilise their time in asking questions or putting down Resolutions. Their business is simply to say "Aye" to everything that comes from the Treasury Benches, and say "No" to whatever comes from the Opposition side. They are mere followers or back benchers. To them it seems a waste of time in asking questions. But, all the same, in a country which is governed by a bureaucratic form of Government, where the Government is irremovable, where the executive is irresponsible to the wishes of the people, to let them go on in their irresponsible course of action is nothing short of a political blunder. The only check that this House can place upon their activities, both on the administrative side as well as on the side of policy, is by putting down questions and exposing them to the ridicule of the public, if the activities of the administration are not liked by the people. Here, it seems as if, with the introduction of the new Constitution with all the safeguards it embodies in it, the bureaucracy still wants further safeguards by restricting the rights of interpellation on the floor of this House. I do think, Sir, that the little value that we give to our electorate by being here and by ventilating their grievances is still further reduced when our right of interpellation in this House is being restricted. This is a proposition which no freedom-loving citizen of India can allow. There is one more matter I want to refer to, though not in a spirit of creating any controversy but in a spirit of trying to bring home to the Members of the Government of India that they are living in glass-houses and it does not lie in their mouth of throw stones at others. We have heard so much about the small allowance that is paid to the Members of this House and we have heard that the Members who are here in Delhi are not attending the House and yet they are drawing their allowances. Probably, Sir, when this taunt was hurled at us on this side of the House, the Honourable the Leader of the House did not realize that there is something like a party discipline and a party mandate. Members are bound to obey the Leader of the Party on whose ticket they were elected to this House and if these Members are here today in Delhi, it is in deference

[Sardar Sant Singh.]

to the wishes of their Party Leader and to their Party mandate that they are not attending the House. I can speak on their behalf and I have very good reason to say so that those very Members present here had expressed their desire to attend when they knew that they were drawing the allowances and they expressed to me their feeling that this did not look like a business-like proposition, namely, to be in Delhi but not to be attending the Session. They are themselves feeling their awkward position, but they cannot, in spite of all their wishes, attend this House unless the Leader of the Party gives them the permission to attend. Now coming to the Government side, may I ask a few questions of the Members of the Government of India? Do they know what salaries they draw and what proportion that salary bears to the average *per capita* income in India? Sir, the highest salary paid is equal to 26,300 times the average *per capita* income of an inhabitant of India. My Honourable friend, Dr. Ziauddin Ahmad, who is a great mathematician, if he works out, will find that the *per capita* income is on the most charitable basis Rs. 40 a year in India. Now, the Government officials are not satisfied with their salaries even. There are the Lee concessions, commonly called the Lee loot. At the worst time of depression of the country's finances, did they deprive themselves of these Lee concessions? Did these Government officials deprive themselves of the Lee concessions, and was not a very disgusting state of affairs noticed when the Lee Commission was recording the evidence . . . .

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not think the Honourable Member really need go into all that. It was only a casual remark.

Sardar Sant Singh: I could multiply instances where the Government of India believe in the exploitation of the masses. I might ask, leaving other questions, why the official Members are allowed Rs. 20 extra when they are here? Are they not drawing regular salaries? What for are they then drawing these allowances—for sitting here, for occupying their Benches? How then does it lie in their mouth to throw stones at others?

Sir Leslie Hudson: How can you throw stones with your mouth?

Sardar Sant Singh: I am very sorry that an elected Member should be in a position to support Government on this point. My submission is that it did not look very dignified to refer to this small matter of a small allowance. I need hardly say that we are here in response to the public duties cast upon us. And not only that, we are here not without making a great sacrifice of our professional duties. As regards the proposal made by Sir Leslie Hudson that the report of the Select Committee should be presented by the 4th February, my submission is that this sounds like vindictive,—that they really want to thwart the opinion of the Congress Party and the Congress Nationalist Party . . .

Sir Leslie Hudson: That was not in my mind at all; my idea only was to get the business completed as quickly as possible.

Sardar Sant Singh: I am glad that the idea is to do the business as quickly as possible. I would appeal to my friend, Sir Leslie Hudson, and

to the Leader of the House not to make so much hurry over this important business. After all, this must have become very clear to the Government that there are two sides to this question and a full hearing should be given to all men before the final stage is reached and before making a recommendation to the Government as to what rules to frame. There is one point I would like to understand from the Honourable the Leader of the House—a point which was also made by my Honourable friend, Mr. Akhil Chandra Datta. Referring to section 67 of the Government of India Act, in sub-section (6) it is laid down that:

"Standing orders may be made providing for the conduct of business and the procedure to be followed in either chamber of the Indian legislature in so far as these matters are not provided for by rules made under this Act. The first standing orders shall be made by the Governor General in Council, but may with the consent of the Governor General be altered by the chamber to which they relate."

Then, further on, it is said:

"Any standing order made as aforesaid which is repugnant to the provisions of any rules made under this Act shall, to the extent of that repugnancy but not otherwise, be void."

The point that I want to ask the Honourable the Leader of the House to take into consideration is this. Under the present motion, it is not proposed to change the Standing Order, which can only be changed with the consent of this House. I want to ask whether, by the changing of the Rules, the Standing Order which already exists and which we may assume to be repugnant to the new rules to be brought in, will be void under this provision, because the Government of India Act says:

"Any standing order made as aforesaid which is repugnant to the provisions of any rules made under this Act shall, to the extent of that repugnancy but not otherwise, be void."

No new Standing Orders are to be made, but as Standing Orders existed previously and the rules are going to be changed, will these become void? That is a point which requires consideration.

The Honourable Sir Nripendra Sircar: Sir, as there is a general desire that the matter should be discussed in Select Committee, I would subordinate my personal inclination in the matter. Sir, I will be very brief in dealing with the points made by the several Members in the order in which they were made. I do not propose to utter more than a few sentences in connection with Mr. Asaf Ali, who, I am sorry to see, is not here—that is not my fault; I deny that any observations of a personal nature were made as against him; I am afraid the Honourable Member was too excited to listen to the words which were uttered by me. There was no question of any gibes, but there was a statement of truth. The explanation that has been given about those Members, who were present, is very peculiar. He said: "Oh, Mr. A, B and C were here, because they were attending to a Select Committee. That was public duty." Do I understand that attending to a Select Committee is public duty, and attending to this House is not public duty? This subtle distinction, I am afraid, I cannot follow, and I shall leave it there. He was entirely mistaken in thinking that because I have got to go abroad, of which I am not at all sure, on the 10th of April, and, therefore, this Assembly cannot go beyond that date. He must have seen in the papers that the person who will act for me has been

[Sir Nripendra Sircar.]

appointed, and if the Session is continued right up to December, Government will attend to the duties in this House and will not run away and keep themselves in hiding.

Then, I come to Dr. Ziauddin. I always fight shy of controverting him. He said—though possibly it has not much to do with the motion under consideration—that the Parliament cannot make a woman a man. Possibly, he is right but women are making themselves men, without the help of Parliament in these days. (Laughter.) Then, he further said that officials make promises of jobs, and what promises can *we* make,—"we" standing for the elected Members? I think my friend is suffering from very short memory. May I give him some instances of the kind of promises which are made by people who stand for elections? I will give two or three samples—"Do you want to be independent or do you want to be slaves." "We want to be independent." "Then, vote for Dr. Ziauddin." "Do you want to pay rents or do you want to keep your land rent-free?" "We want the land rent-free." "Then vote for Shamsuddin." We cannot make promises of that sort. We are a long way behind even if we make pormises of any kind at all.

Dr. Ziauddin Ahmad: Perhaps my Honourable friend has not seen my election manifesto.

The Honourable Sir Nripendra Sircar: My remarks do not refer to the Honourable Member himself; they are of a general nature. Then he drew a harrowing picture of how the Honourable the President and Mr. Rafi and possibly the typists in the office will become thoroughly unpopular if these rules are worked out. I hope, Sir, you will not be frightened by this terror which has been held out before you. There is nothing really in his point, because the office will deal with the matter in an administrative capacity except that the President has got to deal with the question of admissibility in a *quasi*-judicial capacity. Questions will be put down for the day in the order of the receipt of their notice and therefore there is no question of unpopularity. This clamour between A and B, B charging the office with partiality because his question has been put No. 3 and another man's question has been put No. 1 will not arise. It may be mathematically true but it will not exist in fact.

Dr. Ziauddin Ahmad: Suppose my question is No. 63 and the office put down 65 questions, I will have no chance for supplementary questions. In case the Office puts 60 questions only, I shall be third on the following day.

Sir Muhammad Yakub: Syed Ghulam Hasnain is your pupil, and probably he will help you.

Sardar Sant Singh: Favouritism!

The Honourable Sir Nripendra Sircar: Then, Sir, I shall say only one word more, and I have done. My Honourable friend, Sardar Sant Singh, said as an explanation or rather what he thought was an explanation as to why Members are here drawing their allowances and are not attending this House. The key lies in the expression: "Party discipline." Sir, I can

understand party discipline which may prevent them from attending this Session and coming up to Delhi, but this party discipline of Sardar Sant Singh requires that they should undertake this journey to Delhi, draw the allowances and then keep inside their rooms. As I said before, I do not wish to raise any objection to the amendment which has been moved, and I do not think I should detain the House any longer.

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

"That for the words 'be taken into consideration' in the motion which has been placed before the House, the following be substituted: 'be referred to a Committee consisting of the Honourable Sir Nripendra Sircar, Mr. Akhil Chandra Datta, Sir Muhammad Yakub, Sir Leslie Hudson, Sardar Sant Singh, Sir Muhammad Yamin Khan, Mr. N. M. Joshi, Mr. J. D. Anderson, Mr. A. de C. Williams, Mr. P. J. Griffiths, Captain Sir Sher Muhammad 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, and that the Committee be directed to report by 4th February, 1937."

The motion was adopted.

THE LAND CUSTOMS (AMENDMENT) BILL.

Mr. A. H. Lloyd (Government of India: Nominated Official): Sir, I move:

"That the Bill further to amend the Land Customs Act, 1924, for certain purposes, be taken into consideration."

This Bill is, I think I can say with some confidence, of a non-controversial nature, and, for that reason, I do not believe that the House, at the end of the day, will wish me to detain them with a very long speech in explanation or defence of the proposals contained in it. The gist of the matter is stated in full in the Statement of Objects and Reasons which has been appended to the Bill. There are two proposals contained in the Bill. The first proposal is to substitute the provisions of the Land Customs Act of 1924 for the provisions of the Bombay Land Customs Act of 1857 on land frontiers between British India and certain Indian States. Also there will be the abolition of the Madras Inland Customs Act, 1844, but that at the moment has no application on any land frontier. When the Act of 1924 was passed, we had to take into consideration only three groups of frontiers in actual administration. There was the frontier between British India and Portuguese India; there was the frontier between British India and French India; and there was the frontier between British India and Siam. It was for the purpose of providing for matters which arose at the frontier between British India and Siam,—where no land customs law was in existence at that time—that it was necessary to pass the Land Customs Act of 1924. The opportunity was taken to supersede also the Madras and Bombay Acts on the ground that they were obsolete and defective in various ways. There was at that time no question of a land frontier between British India and any Indian State. That was in 1924. In 1927 it became necessary, for reasons which are probably well known to Honourable Members of the House, to introduce a land customs line at Viramgam and Dhandhuka between British India and Kathiawar and more recently it became necessary to extend the land frontier so as to put a stop to the infiltration of goods from Cutch which, of course, did not pay the

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British Indian duty but paid duty to the customs authorities of the State of Cutch. The change from the situation that existed in 1924 makes it obviously desirable that, as we did then with the frontier of Goa and Daman, so now with the frontier of Kathiawar and Cutch we should supersede the old Act of 1857 by the Act of 1924.

I do not propose to detain the House with a detailed description of the points in which the Act of 1924 is inconveniently defective. To my mind the gravest defect is the trouble arising from having two different Acts at land frontiers in the same part of India and administered by the same establishment. This inevitably causes the greatest confusion to the staff and to all those who have to deal with the matter. It will be remembered that one of the Portuguese territories on the frontier of which the Land Customs Act applies, namely Daman, is very close to Kathiawar and in fact both these frontiers have to be under the same Assistant Commissioner. That, Sir, is the first point. Now that the land customs frontier between British India and certain Indian States has become, so far as I can see for the moment, a permanent feature of our administration, we ask the House to agree to the application of a uniform Land Customs Act to that frontier.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): How did you manage till now with this defect in the Act?

Mr. A. H. Lloyd: They were inconveniences, rather than fatal defects. We could manage quite well, but we could manage better if we removed these inconveniences. If the Honourable Member wishes I can give a few examples. They are merely points of administrative detail.

An Honourable Member: Please give some examples.

Mr. A. H. Lloyd: One thing, for instance, is that if we wish to exempt any goods from customs duties that are going to be imported over that particular frontier where the Bombay Land Customs Act applies, the exemption from duty which is in force everywhere else, under section 23 of the Sea Customs Act and under that section as applied to Land Customs Act of 1924, cannot apply; under the Bombay Act, the importation of such goods requires a special order from the Commissioner of Customs, that is to say, the Central Board of Revenue. It will be observed that this is really in practice a provision to which we have to shut our eyes and to behave as if there was such a notification. If this Bill is passed, a single notification for all Ports and for all the land customs frontiers in India can be issued at once. Another example is this. There was no provision for the issue of warrants for search for prohibited and dutiable goods. That is a very ordinary piece of machinery in the prevention of smuggling of all kinds of goods which exists in many other Acts. The Land Customs Act of 1924 has it, the Excise Act has it, the Salt Act has it, the Opium Act has it. We think it might reasonably be incorporated in this although we can manage fairly well without it.

Sir Cowasji Jehangir: How?

Mr. A. H. Lloyd: It is possible that some particular transactions may escape when we fail to search, but the line as a whole will function.

Sir Cowasji Jehangir: A good many will escape unless you get a warrant.

Mr. A. H. Lloyd: This is not a case where we can shut our eyes to the law. Another example is the question of giving concessions to the public. Under the old Act the minimum penalty fixed is one-tenth of the value of smuggled goods. Now there are cases where we want to be more lenient, and we do not want to have our discretion fettered in that way. Then there are various other things. There is one provision which is very tiresome. Under section 20 confiscation can only be ordered by a Commissioner or a Deputy Commissioner of Customs or by an Assistant Commissioner of Customs who is also a Justice of the Peace. To my mind, it is irrelevant whether an Assistant Commissioner is a Justice of the Peace or not. These are obsolete provisions which we want to get out for the sake of uniformity of administration.

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): Is this Bill in consequence of the dead lock in negotiations that were carried on between the Government of India and Bhavnagar and certain other Kathiawar States regarding the customs duties imposed and realised in those States?

Mr. A. H. Lloyd: The relation between this and the negotiations which have taken place is that, with a majority of Kathiawar States excluding Bhavnagar, we have come to an arrangement under which we are entitled to check the passage of goods at the frontier with a view to securing that we shall recover from the State the customs duty in excess of a given figure. That is the reason why the maintenance of the line has become a permanent feature of the administration, although it should be clearly understood, as I believe is well known that that line is administered very leniently. So long as the obligations of those States are faithfully observed and so long as we allow the produce of Kathiawar itself to come into British India free of duty, as we do at present, and I hope we shall for a long time to come, so long as these conditions remain, the line will be leniently administered. But there must be some legal basis and we wish to get out of the complications that are likely to arise on account of the difference of the laws.

Babu Baijnath Bajoria: What is the cost of maintenance of the Viramgam line?

Mr. A. H. Lloyd: I have not got the figures at the moment; I did not expect to have to go into them, because they do not seem to have any bearing upon the objects of the present Bill.

That is the first part. The second part is substantive. In considering this portion, I would ask the House to turn their eyes from Kathiawar and Cutch and concentrate their attention upon the external frontiers of British India particularly the frontiers between Madras Presidency and the

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frontier of French India. The second group of provisions are to be of universal application wherever the Land Customs Act of 1924 applies, but it is for those frontiers that they are very particularly needed. It will be seen in the second para. of the Statement of Objects and Reasons what they are. Section 88 of the Sea Customs Act which we failed in 1924 to extend to the land customs administration is a section under which power is given for disposal of goods which are not cleared within four months after entry of a vessel. We did not think that it was likely to happen, that at land customs stations goods would lie unclaimed in that way. It is quite natural for some to lie unclaimed, when the whole cargo of a ship is discharged. For goods arriving at frontier stations, it was in 1924 natural enough to think that the situation would not arise; simply for that reason it was not included in the sections to be extended. But experience has shown that there is a need for it. We do want some statutory provision for a procedure for disposing of goods which lie unclaimed for more than a reasonable time after they have been brought to the customs station.

The other provision which we wish to extend is section 168 of the Sea Customs Act. Section 168 provides:

"The confiscation of any goods under this Act includes any packages in which they are found, and all the other contents thereof.

Every vessel, cart, or other means of conveyance and every horse or other animal used in the removal of any goods liable to confiscation under this Act shall in like manner be liable to confiscation."

In the conditions prevalent on the frontiers of French India, we wish to have power if necessary to confiscate motor cars in which so much smuggling has been going on. Honourable Members will have read in the Press of the great quantity of goods which are being smuggled on that frontier in motor cars and of the recent steps which we undertook to prevent smuggling on that frontier and the success which has already attended the efforts of the officer who was specially deputed for this work. Experience has shown that it is an important weapon in our armoury that when cars or other vehicles are used for smuggling, and when it is obvious that they are used intentionally with the knowledge and connivance of the owner for that purpose, there should be a power under proper procedure for the car to be detained and if necessary confiscated.

Sardar Sant Singh (West Punjab: Sikh): Sir, may I ask a question? Will it not do to say that if the vehicle is used with the knowledge of the owner, it may be liable to confiscation?

Mr. A. H. Lloyd: That would be very inconvenient to draft, because it is not in section 168 itself. But I can assure the Honourable Member, and I ask him to accept the assurance, that I have been associated with the Customs Department now for 27 years and I have not yet come across any case where there was not reason to believe that the owner of a vessel the confiscation of which was proposed had some connection with the offence. It is not the practice for Customs officers to hit out wildly without some clear indication of that sort. I am quite convinced that no Customs officer down to the rank of a peon would consider it desirable to propose the confiscation of a motor bus, for instance, because one passenger in the bus was found with dutiable goods concealed on his person. I would ask this House, and the Honourable Member particularly, to leave that to

the ordinary decencies and conscience of the administrative staff; and I can assure him from my experience of the working of the same provision in the Sea Customs Act that he can do so with confidence.

Sir, I think I have detained the House long enough; I move.

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

"That the Bill further to amend the Land Customs Act, 1924, for certain purposes, be taken into consideration."

Mr. F. E. James (Madras: European): Sir, I should like to ask two questions. They have been answered in the Statement of Objects and Reasons but I should like to have a categorical statement on the floor of the House. The first is whether this Bill does in fact in any way prejudice any treaty rights which exist between an Indian State and British India; and the second is whether there is any intention at present on the part of Government to vary or increase or extend the present customs duties on the land frontiers.

Mr. A. H. Lloyd: The answer to both those questions is quite clearly and undoubtedly in the negative.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir I am not opposing the consideration of this Bill, but there is one point which I repeatedly said on the floor of this House and I should like to repeat it once more. That is, that Government by this Bill are catching the wrong end of the stick. They ought to come forward very boldly and say that all the ports in British India and Indian India, that is, not owned by foreign countries, must be managed by the Government of India. We should respect our treaties and give the benefits to Indian States whatever may be due to them under treaties, but the administration should be directly under the control of the Government of India; and all these transitory arrangements which they are now making about the Viramgam line and this line and that line will not be a satisfactory solution. It is only patch-work which sooner or later will have to be demolished, and the sooner and quicker the revision is done the better. Therefore I think Government should one day boldly come forward and attack this problem directly instead of adopting these indirect methods to meet difficulties which arise on particular occasions.

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

"That the Bill further to amend the Land Customs Act, 1924, for certain purposes, be taken into consideration."

The motion was adopted.

Clauses 2 to 6 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.

Mr. A. H. Lloyd: Sir, I move that the Bill be passed.

Mr. President (The Honourable Sir Abdur Rahim): The question is that the Bill be passed.

The motion was adopted.

THE INDIAN BOILERS (AMENDMENT) BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I beg to move:

"That the Bill further to amend the Indian Boilers Act 1923, for certain purposes, be referred to a Select Committee consisting of Mr. Sham Lal, Qazi Muhammad Ahmad Kazmi, Pandit Nilakantha Das, Sir H. P. Mody, Mr. Suryya Kumar Som, Rai Bahadur Seth Bhagchand Soni, Mr. A. Aikman, Mr. S. L. Mehta, Mr. S. N. Roy and the Mover, with instructions to report on or before the 10th February, 1937, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The circumstances in which it has been considered necessary to constitute a central board to exercise the power of making regulations under the Boilers Act which at present vests in the Governor General have been set out briefly, but I hope with sufficient clarity, in the Statement of Objects and Reasons. The legal position under the new Government of India Act, read with the Boilers Act as it stands at present, is that after the 1st April this year the Central Legislature will share with the provincial Legislatures the authority to legislate on this subject of boilers; but the executive authority, and with it the power of making rules, will devolve largely on the provinces. The Central Government's regulation-making powers will then be limited to railways only. Apart from the rules made by Local Governments under their own rule-making powers, which will not be affected by this Bill,—that is a point which I should like to emphasise,—there are at present 170 regulations all of which are highly technical. The Manual is freely adorned with diagrams and with mathematical formulae, which would be of special interest to my Honourable friend, Dr. Ziauddin; and the main object of it is to prescribe uniform specifications for all boilers, which will ensure safety to operatives and to the general public. The provincial legislation on the subject began as long ago as 1864, as a result of serious explosions and a series of provincial Acts followed. But the resultant position was not satisfactory and in 1920, after investigation by a special committee, uniform standards for the whole of India were introduced by the Act of 1923, which it is now sought to amend. I am sure that those Members of this House, who have experience in these matters, will agree that uniformity is as desirable today as it has ever been—in fact much more so. The developments in the manufacture of boilers and in other industries demand constant and urgent modifications of the standards and it would be a great source of inconvenience to industrialists and to boiler makers if the conditions varied from province to province, so that a boiler admissible in one province was not permitted in an adjacent one. Further the constant modification of the regulations in accordance with developments in boiler technique is a very laborious business and it is much better done by one authority than by a dozen authorities working in isolation. It is for these reasons that the Bill seeks to constitute a Central Board on which all the authorities mainly concerned will pool their experience and their powers through suitable representatives. I would inform the House that the proposal was discussed

at the meeting of the Industries Conference held in Lucknow last December at which representatives from all the major provinces were present, and that the Conference without a dissentient voice cordially approved the proposal.

So much for the main object of the Bill. We are taking advantage of this opportunity to introduce a small amendment of a different nature. That is done in clause 5(*b*) of the Bill. According to section 28(*a*) of the Act, as it stands now, the regulations must prescribe one set of standards and one only for all cases. Our attention was recently drawn to a case in which an Indian industrialist who had purchased a new type of boiler had great difficulty in getting permission to use it. The expert Boilers Committee of 1920 contemplated a code which allowed suitable variations. But probably owing to oversight the Act does not make it possible to carry out that intention; and this small amendment is intended to rectify the omission.

I hope it will be agreed that there is nothing in the least controversial about this Bill, that uniformity in these matters is desirable and that the best way of ensuring it is by handing over the rule-making powers of the Government of India to a Central Board consisting of representatives from the provinces and the Government of India meeting at suitable intervals. Sir, I move.

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

"That the Bill further to amend the Indian Boilers Act, 1923, for certain purposes, be referred to a Select Committee consisting of Mr. Sham Lal, Qazi Muhammad Ahmad Kazmi, Pandit Nilakantha Das, Sir H. P. Mody, Mr. Suryya Kumar Som, Rai Bahadur Seth Bhagchand Soni, Mr. A. Aikman, Mr. S. L. Mehta, Mr. S. N. Roy and the Mover, with instructions to report on or before the 10th February, 1937, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sardar Sant Singh (West Punjab: Sikh): Sir, I want to make one observation in this connection. From the names of Members proposed for the Select Committee, I find that most of the Members are absent from the House, and especially, the experienced man who should be acquainted with this technical subject, Sir H. P. Mody, will not be available by the 10th February, by which date the report of the Select Committee has to be made.

Mr. President (The Honourable Sir Abdur Rahim): He must have consented, the Chair takes it.

The Honourable Sir Frank Noyce: The usual procedure was followed in obtaining the names.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): May I say, Sir, that Sir H. P. Mody is not in Delhi just now. But I can suggest another member of the Party who happens to be here—Mr. Ghiasuddin; and if you would permit it, he could take the place of Sir H. P. Mody. I leave it to your choice.

The Honourable Sir Frank Noyce: I have no objection to the substitution.

Sardar Sant Singh: I want to suggest the name of Dr. Ziauddin Ahmad the mathematician, he might be able to help with his calculations.

Mr. President (The Honourable Sir Abdur Rahim): That must be an addition, the Chair takes it.

The Honourable Sir Frank Noyce: I am not prepared to accept an addition, because the proportion from the different Parties has been worked out in the usual way: substitution is a different matter.

Sardar Sant Singh: May I move, Sir, formally that the name of Dr. Ziauddin Ahmad be included in the list?

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): I beg to withdraw my name.

Sardar Sant Singh: In that case, I will withdraw my proposal.

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

"That the Bill further to amend the Indian Boilers Act, 1923, for certain purposes, be referred to a Select Committee consisting of Mr. Sham Lal, Qazi Muhammad Ahmad Kazmi, Pandit Nilakantha Das, Mr. Ghiasuddin, Mr. Suryya Kumar Som, Rai Bahadur Seth Bhagchand Soni, Mr. A. Aikman, Mr. S. L. Mehta, Mr. S. N. Roy and the Mover, with instructions to report on or before the 10th February, 1937, 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 ELECTRICITY (AMENDMENT) BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I beg to move:

"That the Bill further to amend the Indian Electricity Act, 1910, for certain purposes, be referred to a Select Committee consisting of Mr. Sham Lal, Qazi Muhammad Ahmad Kazmi, Pandit Nilakantha Das, Mr. Ghiasuddin, Mr. Suryya Kumar Som, Rai Bahadur Seth Bhagchand Soni, Mr. A. Aikman, Mr. S. L. Mehta, Mr. S. N. Roy and the Mover, with instructions to report on or before the 10th February, 1937, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

My remarks on this Bill will be even briefer than those on the last, with which it is closely connected. As Honourable Members will see, its provisions are very similar to those of the Boilers (Amendment) Bill which has just been discussed by the House and I need therefore add very little to what I said in that connection. The reasons for the main proposals in both cases are identical. There is one important difference between the Electricity Act as it stands at present and the Boilers Act, and that is that under the Electricity Act, the Local Governments have no rule-making powers at all. They had such powers under the Act of 1903, but they never used them; and the necessity for uniformity has grown stronger every year. It is perhaps even stronger in this case than in the case of boilers, but there is really very little difference between the processes. As in the case of the proposed amendments to the Boilers Act, we consulted

the Industries Conference in regard to these amendments also and met with the same measure of approval. The intention is that the Board should be constituted in the same way as the Boilers Board and it is hoped that they would meet about the same time. There is, however, one difference in the constitution of the two Boards, and that is, in this case we propose to include a member nominated by the Chief Inspector of Mines. The reason for this is that in the case of electricity, the Central Government even after the introduction of provincial autonomy, are likely to retain executive authority in respect of Mines and incidentally also of oilfields. At present electrical equipments in mines are inspected by an experienced Indian Inspector of Mines who is appointed through my Department.

In this case, also we are taking advantage of the opportunity to make another small amendment in the existing Act. Clause 5 of the Bill now before the House proposes to delete sub-section (*3*) of section 38 of the Act. This sub-section requires that any rule should before publication be referred to the Central Advisory Board mentioned in section 35, *"if any"*, or if there is no such Board, to such other Board, *"if any"*, as the Governor General in Council may direct. Actually, there is no such Board, and as the Central Board will itself be the rule-making authority, this is a fit opportunity to remove from the Act a sub-section which has no force. Sir, I move.

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

"That the Bill further to amend the Indian Electricity Act, 1910, for certain purposes, be referred to a Select Committee consisting of Mr. Sham Lal, Qazi Muhammad Ahmad Kazmi, Pandit Nilakantha Das, Mr. Ghiasuddin, Mr. Suryya Kumar Som, Rai Bahadur Seth Bhagchand Soni, Mr. A. Aikman, Mr. S. L. Mehta, Mr. S. N. Roy and the Mover, with instructions to report on or before the 10th February, 1937, 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 would like to know from whom the Honourable Member got the names of Members of this Party, because on the last occasion, I withdrew my name on the ground that my name did not please the Assistant Whip, and to relieve him from the anxiety, I withdrew. Now, I should like to know how these names were got.

The Honourable Sir Nripendra Sircar (Leader of the House): I think I can explain the position. As regards the Congress Members, I entered into correspondence with Mr. Bhulabhai Desai and Mr. Satyamurti, and I got a letter from Mr. Bhulabhai Desai, and I believe also one from Mr. Satyamurti, stating that the names wanted for the Select Committees would be supplied by Mr. Asaf Ali. In pursuance of that, we applied to Mr. Asaf Ali, and he gave us the names of the Congress Members. As regards the other Parties, we have followed the old practice, namely,—we had really no voice in it. It is for the Parties to indicate what Members should be on the Select Committee, so that we had a dozen names supplied by the Parties.....

Dr. Ziauddin Ahmad: By whom? The Party was not consulted.

Rai Bahadur Sir Satya Charan Mukherjee (Nominated Non-Official): I consulted Sir Abdul Halim Ghuznavi and he suggested to me the name of Rai Bahadur Bhagchand Soni.

Dr. Ziauddin Ahmad: The Secretary, Sir Abdul Halim Ghuznavi, says that he was not consulted.

Sir Abdul Halim Ghuznavi (Dacca *cum* Mymensingh: Muhammadan Rural): I was not consulted as far as I remember.

Rai Bahadur Sir Satya Charan Mukherjee: I was asked to consult Mr. Bajoria or Rai Bahadur Soni who was sitting behind Sir Abdul Halim Ghuznavi. I asked Mr. Bajoria, but he expressed his unwillingness to serve on this Committee, and, therefore, I gave the name of Rai Bahadur Soni.

Dr. Ziauddin Ahmad: Without consulting him? From your own imagination.

Rai Bahadur Sir Satya Charan Mukherjee: No, not from imagination, but after consultation.

Mr. President (The Honourable Sir Abdur Rahim): Are any alterations desired by the Independent Party or the Democratic Party?

Sardar Sant Singh (West Punjab: Sikh): No alteration is desired.

Mr. President (The Honourable Sir Abdur Rahim): Rai Bahadur Bhagchand Soni is standing from the Democratic Party.

Now, the question is:

"That the Bill further to amend the Indian Electricity Act, 1910, for certain purposes, be referred to a Select Committee consisting of Mr. Sham Lal, Qazi Muhammad Ahmad Kazmi, Pandit Nilakantha Das, Mr. Ghiasuddin, Mr. Suryya Kumar Som, Rai Bahadur Seth Bhagchand Soni, Mr. A. Aikman, Mr. S. L. Mehta, Mr. S. N. Roy and the Mover, with instructions to report on or before the 10th February, 1937, 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 Honourable Sir Nripendra Sircar (Law Member): Sir, would you like me to begin the Insurance Bill at five minutes to five or I should begin it tomorrow?

Mr. President (The Honourable Sir Abdur Rahim): Yes, the Honourable Member can begin tomorrow.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 2nd February, 1937.

LEGISLATIVE ASSEMBLY.

Tuesday, 2nd February, 1937.

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

MEMBER SWORN.

Mr. Robert Francis Mudie, C.I.E., O.B.E., M.L.A. (Government of India: Nominated Official).

QUESTIONS AND ANSWERS.

HOLDING OF THE CORONATION DURBAR IN DELHI.

339. ***Mr. J. Ramsay Scott:** Will Government please state what is the most recent news concerning the holding of a Coronation Durbar in Delhi?

The Honourable Sir Henry Craik: As stated in my reply to Sardar Mangal Singh's question No. 195 on the 25th January, 1937, no decision has yet been reached.

Mr. Lalchand Navalrai: Has any decision been arrived at whether the Durbar is going to take place here or not?

The Honourable Sir Henry Craik: I have just answered that.

Mr. J. Ramsay Scott: Will Government kindly let the House know as soon as they have any information?

The Honourable Sir Henry Craik: As soon as a decision is reached, I have not the slightest doubt that it will be published.

ENHANCEMENT OF RENTS OF HOUSES, ETC., IN CASE THE CORONATION DURBAR IS HELD IN DELHI.

340. ***Mr. J. Ramsay Scott:** (a) Are Government aware that landlords and hotels in Delhi are proposing to profiteer, if a Coronation Durbar should be held?

(b) Are Government aware that landlords are refusing to let houses beyond September, 1937, unless the tenant is prepared either to vacate or to pay enhanced rents during the Durbar period?

(c) What steps do Government propose to take to prevent excess profiteering?

The Honourable Sir Henry Craik: (a) and (b). Government have no precise information.

(c) Until some decision has been taken about the holding of the Durbar Government consider that it would be premature to examine a situation that depends on that decision.

CONSTRUCTION OF HOUSES AND QUARTERS FOR OFFICERS AND CLERKS IN NEW DELHI.

341. ***Mr. J. Ramsay Scott:** (a) Is it a fact that Government propose to build houses and quarters for officers and clerks for 80 per cent. of their staff?

(b) Is it a fact that the shortage below 80 per cent. is about 536 houses, namely, 21 for officers, 26 for orthodox clerks and 489 for unorthodox clerks?

(c) Will Government's building programme be brought up to date to a full 80 per cent. during the coming year?

The Honourable Sir Frank Noyce: (a) and (c). Government do not propose to build additional quarters to bring the percentage of allotment to all classes of officers and clerks up to 80 per cent., but they hope to provide in the next financial year additional residences to the extent of about eighty per cent. of the increased demand which will be occasioned by the establishment of the Federal Court and the move of the staff of the Imperial Record Department from Calcutta to New Delhi.

(b) No. The Honourable Member has been misinformed. The figures based on the average demand of the last three years are:

Officers' houses	26
Orthodox clerks' quarters	4
Unorthodox clerks' quarters	35

The total average demand for unorthodox quarters is, in point of fact, far less than the figure of shortage mentioned in the Honourable Member's question.

OFFICERS AND CLERKS NOT PROVIDED WITH GOVERNMENT QUARTERS IN NEW DELHI OBTAINING HOUSES AT ENHANCED RENTS.

342. ***Mr. J. Ramsay Scott:** (a) Are Government aware that the officers and clerks who have not been able to obtain Government houses will be forced to obtain houses at enhanced rates?

(b) Is it a fact that such officers and clerks are the lowest paid in their grade?

(c) What do Government propose to do in the matter?

The Honourable Sir Frank Noyce: (a) I am afraid this may be so, but the number of those who want Government quarters and fail to get them is not at present abnormally large, and both officers and clerks frequently share accommodation with those who are allotted Government quarters.

(b) No.

(c) Government see no reason to change their present policy in this matter.

Mr. J. Ramsay Scott: Is it a fact that officers and clerks are going on leave next cold weather in order to avoid being forced to pay higher rates for housing?

The Honourable Sir Frank Noyce: The Honourable Member has apparently more information on that subject than I have.

HOUSING OF GOVERNMENT GUESTS DURING THE CORONATION DURBAR.

343. ***Mr. J. Ramsay Scott:** What steps are Government considering to take to house Government guests during the Durbar?

The Honourable Sir Henry Craik: As no decision has so far been reached about the holding of a Coronation Durbar in India, the question of accommodation for Government guests during the Durbar has not been considered.

SUPPLY OF WAGONS FOR THE CARRIAGE OF COAL TO CAWNPORE.

344. ***Mr. J. Ramsay Scott:** (a) Are Government aware of the representations made by the Upper India Chamber of Commerce in regard to the difficulties that mills in Cawnpore have been experiencing in obtaining their supplies of coal?

(b) If the answer to part (a) be in the affirmative, what action was taken to ensure the supply of wagons for the carriage of coal to Cawnpore?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes: a representation was received on the 18th January, 1937.

(b) No action was called for so far as supplies from collieries on the East Indian Railway were concerned, as from the 13th January, all indents for wagons for the supply of coal were being met in full.

In regard to supplies from the Bengal Nagpur Railway collieries, Government understand that every endeavour continues to be made to meet indents for wagons in full, but some difficulty has been experienced in obtaining definite information as to actual requirements in Cawnpore. From particulars obtained from colliery proprietors, it has been possible to increase despatches.

As the Honourable Member is doubtless aware, the demand for wagons during the last few weeks on practically all railways has been somewhat in excess of the number of wagons available owing to an improvement in trade conditions. Special consideration is, therefore, being given to the question of a substantial addition to the stock of wagons.

Mr. J. Ramsay Scott: Is it a fact that the shortage of wagons is, to some extent, due to the long time taken by goods trains?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid I could not express an opinion on that, though it is obvious that if goods train move faster, wagons could be emptied faster, and they would be available sooner for use again.

Dr. Ziauddin Ahmad: Will Government consider seriously the question of expediting goods traffic? In that case it will be useful for the trade and for the income of the railways.

The Honourable Sir Muhammad Zafrullah Khan: I believe that is one of the matters which the Wedgwood Committee may be expected to consider.

NON-VALIDITY OF MOTOR CAR LICENCES THROUGHOUT INDIA.

345. ***Mr. J. Ramsay Scott:** (a) Will Government please state if it is a fact that motor car licences are not valid throughout India?

(b) If a car is licensed in Calcutta and were taken to Delhi for any period over 21 days, would its owner have to take out an additional licence for Delhi?

(c) Are Government prepared to consider the suggestion that a licence taken out anywhere in India should be valid for the whole of India?

(d) Do Government propose to consider whether such a motor licence can be renewable anywhere in India?

The Honourable Sir Henry Craik: (a) and (b). I am not sure what the Honourable Member means by the words "motor car licences". He may refer to the certificate of registration under section 10 of the Indian Motor Vehicles Act, 1914, or he may refer to the certificate regarding the payment of the provincial motor vehicle tax under the Provincial Motor Vehicles Taxation Acts in force in different provinces. Certificates of registration are generally valid throughout British India. The period of exemption from taxation of a visiting car by a province in which it is not normally taxed varies according to the provisions of or under the various Provincial Taxation Acts. I understand that the period in Delhi is 21 days.

(c) Government are considering making provision in the Indian Motor Vehicles Act defining the extent of the validity of certificates of registration. They are not prepared to recommend to Local Governments that any car taxed in any province should be wholly exempted from taxation in another province for an unlimited period of time. The attention of the Honourable Member is drawn in this connection to paragraph 2 of Part V of the Concise Statement of Policy issued by the Transport Advisory Council at its last meeting in July, 1936, a copy of which is in the Library. It is there recommended that Local Governments should consider whether a uniform period of one month should not be adopted for this purpose.

(d) The period of validity of certificates of registration varies throughout India. In certain cases the certificate is valid for the life of a vehicle and does not require renewal. As I have already said Government are considering amending the Indian Motor Vehicles Act to provide for uniformity in this matter and will also consider the possibility of providing that the certificate of registration if and when renewable can be renewed in a province other than the province of issue. It is unlikely that Local Governments would agree that an instalment of the tax on a car registered and owned in one province should be payable to another province during the temporary presence of the car in the second province which is possibly what the Honourable Member has in mind.

Mr. Lalchand Navalrai: May I know from the Honourable Member if there is any exemption with regard to the certificate of taxation in the case of M.L.A.'s who bring their cars to Delhi?

The Honourable Sir Henry Craik: I must have notice of that.

Mr. F. E. James: May I ask whether it is the intention of Government to amend the Motor Vehicles Act in this Session or to proceed with the Bill that was brought up before this House last Session?

The Honourable Sir Frank Noyce: We do not propose to proceed with the Bill this Session.

Dr. Ziauddin Ahmad: If a licence has already been obtained in a particular province for a car and the car is brought in another province, and the owner should not be required to pay full fees twice over for the whole year, will Government draw the attention of Local Governments not to charge licence fee twice over?

The Honourable Sir Henry Craik: What sort of licence does the Honourable Member mean?

Dr. Ziauddin Ahmad: I will just explain. Suppose I register the car in the month of January and pay licence fee in the province of Delhi.

An Honourable Member: You mean you paid the tax?

Dr. Ziauddin Ahmad: Suppose I have paid the entire tax for the Delhi province for the whole year. . . . .

The Honourable Sir Muhammad Zafrullah Khan: You can pay at one time only for a quarter.

Dr. Ziauddin Ahmad: It may be for a quarter in Delhi, but it is a year in some of the provinces. Suppose a person has paid his tax for the whole year in a particular province, and, after six months, he shifts to another province, will he be required to pay the tax over again for the whole year, or only a nominal tax will be expected?

The Honourable Sir Henry Craik: That depends upon the Provincial Taxation Acts and the rules made thereunder. It is a matter for the Local Governments.

Dr. Ziauddin Ahmad: Will the Honourable gentleman draw the attention of the Local Governments to this difficulty and allow them to legislate themselves?

The Honourable Sir Henry Craik: I have already said that the Government of India are not prepared to recommend to Local Governments that a car taxed in one province should be wholly exempted from taxation in another province for an unlimited period.

Delay in obtaining Driving and Car Licences from the Car Registering Authority in Delhi.

346. ***Mr. J. Ramsay Scott:** (a) Are Government aware that there is only one Car Registering Authority in Delhi?

(b) Are Government aware that the Officer-in-charge is still temporary, although he has been in charge for four years?

(c) Are Government aware that the Registration Office is understaffed and that the public is put to much inconvenience by delays in obtaining driving and car licences?

(d) Are Government prepared to consider the setting up of a Registration Office in New Delhi for the benefit of the residents in New Delhi?

Sir Girja Shankar Bajpai: (a) Yes.

(b) Yes. The question of permanency is under consideration.

(c) Information has been asked for and will be supplied to the House in due course.

(d) The attention of the Delhi administration will be drawn to the Honourable Member's suggestion.

PASSING OF DRIVING TEST ON THE LAPSE OF A DRIVING LICENCE IN DELHI.

347. ***Mr. J. Ramsay Scott:** Are Government aware that according to an executive order in Delhi if a driving licence lapses, the owner has to apply for a new licence and pass another driving test, although the motor rules state definitely that no renewal shall be refused?

The Honourable Sir Henry Craik: I am making enquiries and the information will be laid on the table.

COST OF THE DELHI CAR REGISTRATION OFFICE AND RECEIPTS FROM DRIVING AND CAR LICENCES.

348. ***Mr. J. Ramsay Scott:** Will Government please state the cost of the Delhi Car Registration Office and the receipts from the public for driving and car licences?

Sir Girja Shankar Bajpai: The information has been called for and will be furnished to the House as soon as possible.

Mr. J. Ramsay Scott: Is it not possible to obtain this information from Delhi in a quicker time?

Sir Girja Shankar Bajpai: If the Honourable Member had specified the period for which he wanted the information, I might have been able to get it quicker. The question merely says "receipts from the public for driving and car licences". We have got figures up to the end of 1935-36, but are trying to get them for the current year, 1936-37.

THE INSURANCE BILL.

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

"That the Bill to consolidate and amend the law relating to the business of insurance be referred to a Select Committee consisting of (the names I shall give in a minute) and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

As regards the names, the position is this. I will hand over a list to the Chair in a minute. I got officially from the Congress Party, the names of Messrs. Desai, Satyamurti, Asaf Ali and Sri Prakasa, and from other Parties we have got the names of Mr. Ghiasuddin, Mr. Buss, Mr. Nayudu, Mr. Griffiths, Mr. Chapman-Mortimer and Mr. Bajoria. As regards the Congress Nationalist Party, Mr. Aney told me specifically that I was to take Mr. N. C. Chunder on the Select Committee, to which I agreed. That is really a matter for the Party and not for me to decide as to whom they choose. Yesterday, we were rather placed in a false position over another Committee as we had nothing in writing, though we acted on the instructions verbally given. Today I wanted to get in writing from the Congress Nationalist Party the names of the Members who, they suggest, should be on the Committee, and I have got two names here, Mr. Akhil Chandra Datta and Sardar Sant Singh, which does not agree with the name given to me by the Leader of the Party. I have nothing to do with party squabbles or party wrangles. I have to proceed on the names which have been given to me in writing, as Sardar Sant Singh tells me that he is the person to deal with this matter. As the Congress, with its 42 or 43 members, are getting only four, so, for a party of 12, I am accepting only the first name, that of Mr. Akhil Chandra Datta. Therefore, the names will be,—myself, Mr. Desai, Mr. Satyamurti, Mr. Asaf Ali, Mr. Sri Prakasa, Mr. Akhil Chandra Datta, Mr. Essak Sait, Mr. Ghiasuddin, Mr. Buss, Mr. Nayudu, Mr. Griffiths, Mr. Chapman-Mortimer and Mr. Bajoria.

I do not propose at this stage of the Bill to make a speech longer than what is strictly necessary. It will be, however, my duty to give to the House a summary of the very comprehensive changes of a far-reaching character which have been included in the Bill. Insurance legislation in this country is of fairly recent origin. The law which now prevails is to be found in three statutes, the Indian Companies Act, VI of 1912, the Indian Insurance Companies Act, XX of 1928, the Provident Insurance Societies Act, XX of 1928 and the Provident Insurance Societies Act, V of 1912. While the first Act relates only to life insurance, the second Act relates to other kinds of insurance as well. Apart from the Indian company law which applies to all companies including insurance companies, there was no other law specifically applicable to insurance companies. Act V of 1912, the second Act, dealt with associations which deal with life insurance on a small scale and effected insurances in marriage, sickness and claims of similar kind. The administration of this law was left to the Local Governments, while the Act dealing with life insurance was to be administered by the Government of India. With the increase of insurance business in India and with the starting of Indian insurance companies for fire, marine and other classes of insurance, the necessity for further legislation became increasingly apparent. The idea of legislation was taken up by the Government of India in 1924. A draft Bill was prepared in 1925. It was introduced in this House and circulated for opinion. In the meantime, the English Act of 1909, having been found to be insufficient and unsatisfactory in England, a committee was appointed in England in 1925, which has come to be known as the Clauson Committee. The report of this committee was made early in 1927. In expectation of guidance from the law which was expected to be enacted in England, Government dropped their Bill of 1925 but started collecting data and information for arriving at a conclusion as to the provisions which should

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be included in any legislation of their own. There was, however, no Act which authorised Government to require this information to be supplied. To remedy this defect, Act XX of 1928 was passed, dealing principally with kinds of insurance other than life insurance and containing provisions for the supply of statistics in connection with non-Indian companies doing insurance business. While it dealt with certain minor aspects of life insurance business which could not wait, the main object of the Bill was to gather statistics for use in connection with legislation which was expected to be introduced in India, after the British Parliament had passed their own enactment after consideration of the report of the Clauson Committee. The Act XX, which was passed in 1928, provided *inter alia* for deposit with Government of reports, balance-sheets, revenue accounts, profit and loss accounts and other papers, for a statement of Indian assets and for custody and inspection of documents. The Clauson Committee's Report was published in 1927, as I have said already I believe, but for reasons which I have not been able to ascertain, no legislation based on that, or otherwise, had been introduced or passed in England. In the meantime the demand for insurance legislation in India, as was to be expected, began to increase in volume and insurance business was rapidly increasing in India, particularly life insurance. In 1914, with 46 companies, the premium income was, in round figures, about Rs. 1 crore and 17 lakhs, while in 1933, with 194 companies, the premium income was nearly Rs. 6 crores. The rate of increase has been maintained in subsequent years. For instance, in 1934, 28 new companies were started. As regards insurance other than life insurance, there has been an increase, but not to any remarkable extent. We have no figures, as I have explained, for any period prior to 1928. That was the first time that the Government had the power to ask for information. In respect of fire, marine and miscellaneous insurance, in 1928, the premium income in India was about Rs. 40 lakhs, while the corresponding figure in 1933 is about Rs. 52½ lakhs. The figures for premium income outside India were about Rs. 1 crore in 1928, while in 1933, it was about Rs. 93 lakhs. Honourable Members must have noticed that the progress, so far as Indian business is concerned, in insurance other than life insurance has not been to the extent or degree which we find in life insurance. When the proposed legislation was taken up, it was a question whether we should have one comprehensive code relating to all kinds of insurance or whether, as was advocated by some opinions, there should be three Acts—one for life insurance, another for marine insurance and another for miscellaneous insurance and provident societies. In this Bill, the former idea has prevailed and the Bill is a comprehensive measure including insurance of all kinds. The Bill is intended to be a self-contained code in which the Indian law relating to insurance will be found. In describing the important changes proposed to be introduced in the present Bill, I have followed the order in which the clauses appear and not taken them by any order of importance of the subject. I may as well, before proceeding further, read to Honourable Members an extract from one paragraph from the Statement of Objects and Reasons, namely, paragraph 4:

"The draft Bill includes in one enactment the subjects dealt with by the two separate Acts of 1912, but relegates the provisions relating to Provident Insurance Societies to a separate Part.

It provides *inter alia* for the following matters. It increases the supervision exercised over all concerns transacting insurance business of whatever kind in British

India, whether these are indigenous concerns, or external companies represented in India by branches or agencies, and treats agents acting for Lloyds' underwriters on the same basis as such branches or agencies."

I am not reading the rest of the paragraph.

Now, taking up the provisions in the order which I have indicated, *viz.*, the order of the clauses, the first matter to which I would draw the attention of the House would be clause 2—the definition of insurance. The definition of insurance includes Lloyds' underwriters and is intended to make the local agents of Lloyds' underwriters liable to the control applicable to other insurance. Under the next clause, clause 3, the carrying on of business in British India will only be possible after registration and is directed to ensuring that the requisite deposits have been made and that the requisite minimum working capital is forthcoming. Sub-clause (*3*) is a provision not hitherto applied to foreign companies. By reason of this provision, the registration of a foreign insurance may be withheld or cancelled if the foreign country of origin debars Indian insurers from carrying on business there or places restrictions on it. There is some evidence that this is done in some countries. By clause 4 the minimum working capital is fixed at Rs. 50,000, and by clause 5 the requisite deposits are fixed, *viz.*,

(a) for life insurance only, Rs. 2 lakhs;

(b) for fire insurance only, Rs. 1½ lakhs;

(c) for marine insurance only, Rs. 1½ lakhs;

(d) for accident and miscellaneous insurance including workmen's compensation and motor-car insurance, Rs. 1 lakh;

(e) for life insurance *plus* any one of the three classes of insurance (b), (c) and (d), that is to say, fire, marine and accident, Rs. 3 lakhs, of which Rs. 2 lakhs will be for life insurance;

(f) for life insurance *plus* any two of the three classes of insurance (b), (c) and (d), Rs. 4 lakhs, of which Rs. 2 lakhs will be for life insurance;

(g) for life insurance *plus* all the three classes of insurance, (b), (c) and (d), Rs. 4½ lakhs, of which Rs. 2 lakhs will be for life insurance;

(h) where the business does not include life insurance but includes any two of the three classes of insurance (b), (c) and (d), Rs. 2½ lakhs; and

(i) where the business does not include life insurance but includes all three classes of insurance, (b), (c) and (d), Rs. 3½ lakhs.

I need not here refer in detail to the provisions for payment by instalments, for utilising deposits which have already been made under the old Act, for collecting charges, and things of that kind: those are minor details. By clause 6 provision has been made for reserving deposits for meeting the claims of policies and for laying down that each of the four classes of deposits is primarily liable only for liabilities attaching to policies of its own class. By clause 8 it has been made clear that separate assets are required to be kept only in respect of life insurance business, but separate accounts are required for each of the four-named classes of insurance. Clause 9, I consider, to be an important clause requiring that an Indian insurer shall in respect of all business and a non-Indian insurer including a Lloyd's agent shall in respect of Indian business prepare a

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balance-sheet, a profit and loss account in certain cases, and a revenue account for each of the four separate classes of business. By clause 10 provision has been made for general audit of all Indian insurers and Indian business of non-Indian insurers. By clause 19 it is proposed to enact that if it appears to the Superintendent of Insurance that an investigation or a valuation required by clause 11 does not properly indicate the condition of affairs of the insurers by reason of faulty basis of valuation, he may call an investigation or a valuation to be made by an actuary appointed by himself. Clause 23, relating to investment, loans and management, is another very important provision. Every insurer, unless he holds invested in Government securities not less than 33⅓ per cent. of the total assets of the undertaking, shall invest all surplus assets in such securities until the total amount so invested amounts to not less than 33⅓ per cent of the total assets of the undertaking and shall, thereafter, keep invested in such securities not less at any time than 33⅓ per cent of the total assets of the undertaking. Here, I may inform the House that, while the British companies and the larger Indian companies have no objection to this provision, some of the smaller Indian companies have represented that this provision will operate as a hardship on them and this is a matter which, I am sure, the Select Committee will discuss properly when it is before them. Further, every non-Indian insurer shall invest and keep in Government securities not less than 33⅓ per cent of the total premium income of the business transaction in British India in each year. The same clause puts a restriction on investments of insurers providing that loans are not to be granted to a director, manager or officer except loans on life policies within limits of their surrender value. As regards managing agents, it has been proposed that none should be appointed after the commencement of the Act and in case of existing managing agents, they will go out after three years without any compensation on termination of the agreement. Large powers of inspections have been given to the Superintendent. By clause 25 and by clause 26, the Sueprintendent has been given the power to apply to court in certain circumstances for empowering him (the Superintendent) to appoint an auditor or actuary or both to investigate the affairs of the Company or the insurer. I need not detain the House with details of Provisions for amalgamation and transfer of insurance business and shall pass on to the subject of assignment or transfer of policies and nominations. They are directed to remove difficulties which have been experienced by policy holders. By clause 31, elaborate provisions have been made for form of transfer, for notice of transfer, and for compelling the insurer to recognise the transferee as the only person entitled to benefits under the policy. By clause 32, the power of nomination has been given to a policy holder, and I need hardly tell the House that this provision will override provisions prohibiting or restricting nominations which may be found in policies.

The subject of commissions and rebates and licensing of agents is a matter which has been found to be one of great difficulty. Weighty considerations may be urged for the provisions contained in the Bill as also against them and the matter will require very careful consideration in the Select Committee and later in this House. The Bill has adopted measures which have been advocated by a fairly large section of Indian opinions received but I am breaking no confidence if I inform the House that some of the members of the Advisory Committee at whose instance these provisions have been included in the Bill are not very firm in their

conviction now. Clause 33 prohibits the payment of remuneration or reward by way of commission or otherwise for procuring business or for collecting premiums to any person except a licensed agent. Secondly, commission or remuneration in any form is not to exceed 40 per cent of the initial premium and 5 per cent in case of renewal premium of life insurance or in case of insurance of any other kind 25 per cent of the premium.

By the next clause, clause 34, insurers and their agents are prohibited from allowing or offering to allow either directly or indirectly any rebate of the premium payable on the policy except such rebate as may be allowed in accordance with the public prospectuses or tables of the insurer. The power of licensing of agents is given to the Superintendent on an application counter-signed by at least one registered insurer and power is given to the Superintendent to cancel a licence if the licensee is found by any court that he has been guilty of criminal misappropriation, criminal breach of trust or cheating or has knowingly contravened any provisions of the Bill. A special provision has been made by which the holder of a policy issued in British India shall have the right to demand payment being made in British India, notwithstanding any provision to the contrary in the policy and that if any suit becomes necessary, the British Indian law will apply. By clause 38 provision has been made enabling insurers to deposit money in court where there are conflicting claims to the firm. I refrain from going at this stage into the provisions relating to winding up, but would like to draw the attention of the House to clause 48 of the Bill by which power has been given to impose reciprocal disabilities on non-Indian companies, where disabilities or restrictions are imposed on Indian companies in foreign countries. A special provision has also been made by clause 49 requiring non-Indian insurers to file particulars in India of the charters, statutes, memoranda and articles constituting the insurer, the list of directors, the name of authorised agent in British India and certain other particulars. As regards non-Indian insurer, a further provision has been made requiring him to keep, in British India, such books of accounts, registers and documents as will enable the Superintendent to compile and check the accounts, registers and documents which the non-Indian insurer is required to supply under the provisions of this Bill.

I have now given the House the most important of the provisions of the Bill, though not all, relating to insurance and now proceed to Part III which deals with the provident societies. It is a matter of common knowledge that these small societies are springing up like mushrooms, some of which are fraudulent and others, though free from the charge of dishonesty, are run on unsound and uneconomic lines. This part is not applicable to societies which pay or undertake to pay on any policy any annuity exceeding Rs. 50 or which accept by way of premium or contributions under any policy any sum exceeding Rs. 250, where it is payable for one year or a limited number of years on any sum exceeding Rs. 25 for the premiums or contributions which are terminable on death or on the happening of a certain event. Provident societies must not use as their name any combination of words which fails to include the word "provident" or which includes the word "life". The Bill proposes to enact that no provident society shall receive any premium for insuring money to be paid on the death of any person other than the person paying such premium or contribution or the wife, husband, child, parent, brother or sister of such a person. An important provision has been made for

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prohibiting dividing business which means that no provident society can carry on any business on the principle that the benefit secured by the policy is not fixed but depends upon the results of a distribution amongst all policies maturing for payment within certain time limits of a certain portion of the premium income. I need not detain the House on the principles of the provisions relating to registration of provident societies, the rules, the registers and books, the preparation of revenue accounts, the balance sheet, *etc.*, or the provisions relating to winding up. I shall content myself to drawing attention to certain select provisions. Firstly, no provident society shall be registered unless it has a paid up capital sufficient to yield a net sum of not less than Rs. 5,000 as working capital. Secondly, once in five years there should be a report by an actuary containing the particulars set out in clause 66 and it will be the duty of the actuary to report if the society is insolvent that is where no surplus exists for distribution as bonus to policy holders or as dividends to shareholders. Thirdly, every proposed scheme of insurance shall be examined by an actuary and the society shall not receive any premium until the scheme has been certified to be sound. If the scheme is reported to be unsound, the Superintendent shall give notice prohibiting the operation of the scheme. Fourthly, sixty per cent of the assets of the company should be invested in Government or Trustee securities. Fifthly, by clause 72, power is given to the Superintendent to visit the principal office of the society and to enquire into the solvency of the company or the manner in which business is conducted. He may direct such enquiry to be made by an auditor or actuary to be appointed by him. He will be entitled to examine the books of accounts and documents and call for explanations from any officer of the society and his report shall be open to inspection by any member or any policy holder of the company. From the summary I have given which does not purport to be exhaustive, it will be seen that every effort has been made to tighten up the law of insurance.

I feel I must refer to what has been called dumping and unfair competition by foreign companies. Very numerous journals dealing with insurance which have sprung up as also daily papers and magazine have written on this subject and written copiously and on innumerable occasions. Mr. Sen in his very careful report and I should say a very impartial report has dealt at length, with the subject of dumping and unfair competition. After referring to the complaint that there has been dumping of business by foreign companies, Mr. Sen has come to the conclusion that the agitation is unfounded. I did not, however, rest content with the finding of Mr. Sen and I intended that an opportunity should be given to those who have been complaining of dumping and unfair competition to establish exactly what was meant by these expressions and to suggest remedies for their prevention. I have not taken up the attitude that this is a matter merely of trade competition calling for no interference. On the other hand, I have been prepared to take a broader outlook from the Indian business point of view and to investigate with a view to finding out whether any unfair, though not illegal, methods have been resorted to by non-Indian insurers for hampering Indian insurance business, a business of fairly recent origin with great possibilities and which is daily increasing in volume. Honourable Members will find that many provisions in the Bill relating to non-Indian insurance companies have their

origin in adopting this point of view and further provisions would have been made if facts had justified even a *prima facie* case for their inclusion. It was not intended, when I said that an opportunity should be given to prove a case, that the case should be proved by evidence which will be accepted by Courts on the strict application of rules relating to heresay, proof of documents and other technicalities which prevail in Courts of Law. Those who made the complaints were however expected to prove a *primâ facie* case with the help of relaxation of technical legal rules relating to evidence and proof. They were also requested to suggest remedies against the grievance of which such repeated complaints have been made. There were, on the Advisory Committee, two members representing the larger and two others representing the smaller Indian insurance companies. They were informed of the situation, and, while the representatives of the smaller Indian companies did not examine any witnesses for reasons which will appear from what I shall state very soon, the representatives of the bigger Indian companies for proving the case of unfair competition by foreign companies and for recommending steps to be taken for their prevention examined two witnesses. Two witnesses of great experience and standing were examined and cross examined before the Advisory Committee. Mr. Duff, the General Manager of the New India Insurance Company, confined himself to insurance other than life insurance business. His written statement, which was taken as his examination in chief, will be found in the report of the Advisory Committee which has been distributed to Honourable Members. He pitched his case high and also suggested certain remedial measures. I do not propose to read out his lengthy statement or the fairly lengthy cross examination to which he was subjected. He admitted *inter alia* that owing to their being old established and having amassed very large funds, the bulk of the British companies are sounder than the bulk of the Indian companies. This will be found at page 19. I would like to draw the attention of the House to page 27 to witness's answers to certain questions put by me. The witness stated that "the charge of unfair competition boils down to this", I am quoting the exact language, "that some foreign companies are quoting far lesser rates or giving larger commissions than they give in foreign countries" and to further questions from me which will be found on the same page, the witness frankly admitted that on the materials now available he could not prove any case of unfair competition. A perusal of his evidence makes it obvious that he is unable to make out even a *primâ facie* case of unfair competition, and, moreover, he does not suggest that foreign companies are quoting either uneconomical rates, or rates lower than those of Indian companies. On the assumption however that a case of unfair competition can be made out, I asked the witness that if he were drafting the Bill what provisions would he put in the Bill for preventing what he calls unfair competition. His answer was that on proof of unfair competition, the foreign company should be fined for the first two offences, and on proof of the offence for the third time, registration should be cancelled. Taking the evidence at its face value and without reference to the considerations which make the evidence of no value whatsoever, it amounts to the suggestion that foreign companies should be punished if they are repeatedly proved to have offered rates in India which are lower than the rates they offer in foreign countries, while the fact that their rates are not lower than those quoted by Indian companies is the best proof of those rates not being either uneconomical or financially unsound. Honourable Members will notice that this witness suggests

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as remedies that non-Indian companies should be asked to give a separate revenue account and that a limit should be placed on commissions and rebates payable to insurants; and I may point out that these remedies have all been adopted in the Bill, and Mr. Duff and those whose cause he advocated can have no complaint that the evidence of the witness has been ignored. The allegation of unfair competition has been directed less towards life insurance and more towards other insurance. This is easily understood as in life insurance Indian companies have made and are continuing to make very satisfactory and fairly rapid progress. In respect of this, Mr. Jones, Manager of the Oriental Assurance Company, which I am told is the largest Indian company dealing in life insurance, was examined as a witness. Like Mr. Duff his complaint was directed towards Canadian companies, rather than British insurers. He complained of the Sun Insurance Company paying high commissions, but nothing was left of his evidence on this point after cross-examination by Sir Pheroze Sethna; and in answer to Mr. Lamb he admitted that agents of his own company paid rebates. Starting to prove unfair competition by foreign companies *vis-a-vis* Indian companies, he led himself to the situation that it was really a case of unfair competition by smaller and impecunious Indian companies against the bigger companies, not a case of foreign against Indian but of the small against the big. Mr. Jones made this clear when he stated, I am quoting his words:

"Non-Indian companies, I admit, do not come into competition with the smaller companies."

This will be found at page 35. The remedies which the witness suggested are that non-Indian companies should be asked to give separate revenue accounts and balance-sheets in respect of their Indian business. In answer to me, he stated that he does not claim much knowledge of the smaller Indian companies, that his complaint against non-Indian companies boils down to excessive commission which they give or, as he was careful to say, which they probably give, and suggested that the remedy lies in fixing a maximum rebate of 35 to 40 per cent. on the first year's premium. Honourable Members will notice that as against the foreign companies not only have these suggestions been accepted but the present Bill goes very much further than the measure suggested by the two witnesses, Messrs. Duff and Jones. Their idea of fixing limits on rebates and commissions have been adopted in clauses 33 and 34, and we have gone further by requiring foreign companies to keep books of account, documents and registers in British India, giving power to the Superintendent to investigate and examine them, by compelling investment in Government securities and by providing that foreign companies creating difficulties in the way of Indian insurance will have their insurance business reciprocally subjected to the same difficulties and restrictions. My firm belief is that when the matter is further discussed it will be found that the remedy of fixing limits for rebates and commissions is open to serious objections, and I am pretty confident that the objection will come not from foreign companies but from the smaller Indian companies. I have an open mind on this matter and I do not commit myself to any final opinion. Sir, I know there are some who will not be satisfied unless all non-Indian companies are prevented from doing insurance business in India on any terms or under conditions except those. I hope others will agree that neither Indian interest from the

broad point of view nor the interest of policy holders, be they Indian or non-Indian companies, have been overlooked in drafting this Bill. I would like to make it clear that most, if not all the provisions of importance contained in this Bill, do not represent the final and unalterable view of Government. It is proposed to circulate the Bill without delay and to give a fairly long time of six months for opinions and comments on a far-reaching and comprehensive measure of this kind, and for considering the same when they are received. These opinions and the discussions in Select Committee, which will not meet till August next, must be carefully considered by Government before it can finally make up its mind.

I cannot resume my seat without acknowledging the great services rendered by Mr. Sen in drawing up an elaborate and a very well considered report, and also to the members of the Advisory Committee who were all busy men of business, who took the trouble of coming to Delhi from very distant places for helping Government in the matter of drafting this Bill.

I do not think, Sir, I should add anything further now, and I may confess that I am indeed glad that on this Bill we shall have the assistance of Mr. Desai who has agreed to serve on the Select Committee.

Sir, I move.

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

"That the Bill to consolidate and amend the law relating to the business of insurance be referred to a Select Committee consisting of the Honourable the Law Member, Mr. Bhulabhai J. Desai, Mr. Satyamurti, Mr. Asaf Ali, Mr. Sri Prakasa, Mr. Akhil Chandra Datta, Mr. Essak Sait, Mr. Ghiasuddin, Mr. Buss, Mr. Nayudu, Mr. Griffiths, Mr. Chapman-Mortimer and Mr. Bajoria, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir Leslie Hudson (Bombay: European): A little less than a year ago, speaking from this place on behalf of the British non-officials in this House, I had occasion to congratulate the Law Member on putting his hand to the important task of reforming the Company Law. That important and comprehensive piece of legislation which occupied us day by day for two months in Simla last year, and, I think I may say, reduced many of us to a state of mental dejection, did not exhaust the industry and patience of the Honourable Member, and today we have in our possession a Bill equally as important, equally as comprehensive, and, if I may say so equally voluminous, to reform the Insurance Law. If it be true, as the ancients thought, that "praise is wont to follow where labour has led", then there can be no one in this House who will withhold from the Honourable Member a tribute of admiration of his remarkable legislative record within the past few months. This Bill completes the structure of the legislative reforms relating to the business and commercial life of this country which we were promised, and in placing on record the appreciation of the interests affected by these reforms, interests of which I think I may say my voice is as representative as any, I naturally include all those who have been associated with the Honourable Member, and, in particular, Mr. Susil Sen, whose thirst for reform is, if anything, even more voracious than that of the Law Member himself.

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It is one of the customary courtesies which we pay to the Government and the House on these occasions to indicate in general terms our reactions to a new measure. In this general sense, therefore, we are satisfied that the alterations and extensions of the existing law which the Insurance Bill proposes are desirable and we therefore welcome them. Legislation affecting Insurance business is of a special and technical character and guidance in these matters can perhaps only be sought from those who are expert on the subject. It is reassuring to us, therefore, to notice that in framing the Bill now before us use has been made of the draft Bill which was attached to the Clauson Report. Conditions of business in India are not the same as those to be found in other countries and it is not only very necessary, but extremely important, that the special conditions in this country should constantly be borne in mind when legislation is considered. Those who remember the passing of the Indian Life Assurance Companies Act, and the Provident Insurance Societies Act, in 1912 will recollect that the endeavour then was to enact a measure which would provide for the better control and regulation of concerns transacting life assurance with particular reference to the protection of the public from exploitation by unsound companies. Those Acts, all things considered, suited fairly well the requirements at that time and with the amendments which were framed subsequently and incorporated in the law in 1928 have served the useful and important purpose of providing experience and guidance of the necessity and scope of further legislation.

A fool and his money are soon parted is an old and well tried adage, but it is not always necessary to be a fool to be the victim of an unscrupulous fraud, and it should be the aim of the legislature, so far as possible, to reduce to the minimum the opportunities that may exist for the perpetration of fraud. It is an unfortunate fact, but it is nevertheless true, that the community in spite of the legislation that has been passed is still exposed to the danger of the formation and operation, it may be by unscrupulous persons, of companies with little hope that the promises and inducements they hold out to the public will ever be fulfilled. That unfortunate feature applies today, as it did in 1912, particularly to Life Assurance and Provident Society business, and no one familiar with the conditions will deny that there is urgent need that measures should be taken, with as little delay as possible, to tighten up the law in an effort to eliminate it as far as possible. From our point of view, therefore, we consider that it is in respect of Life Assurance and Provident Societies that a strengthening of the existing law is mainly required, and we hope that the House will concentrate its attention on the supreme importance of attacking the mischief which lies in these directions rather than on the other classes of insurance where the position is not unsatisfactory. What India suffers from is the flotation of insurance companies by persons who not only lack experience but are without sufficient financial backing. That is a development which should be discouraged and prevented, and the searchlight should be turned on concerns of that variety rather than on institutions which are well run and are rendering valuable service in the promotion of insurance mindedness in India.

I must make it plain that the Group which I have the honour to lead is unalterably opposed to discrimination of any kind between different insurers. All insurers, whether Indian or non-Indian, public companies or private companies, or individual underwriters, whether members of an

Association or Society or not, should, in our judgment, be treated in respect of the returns which they are required to make to Government and in respect of all other forms of Government control in exactly the same way and no preference or privilege of any kind should be granted to one which is refused to another. Our strong opposition to legislation which discriminates in favour of indigenous insurance companies and against other insurers has no communal origin. Our attitude is the attitude of a fair field and no favour, and as we see it no well-conducted company can, or ought to, ask for more. Our main consideration, and what ought, we believe, to be the main consideration of this House, is the interests of the insuring public, and not the interests of any particular company or body of shareholders. I have thought it desirable to make that statement as explicit as I can in order that our position shall be quite clear in view of the propaganda which is directed towards turning this Bill into a discriminatory measure.

I have dealt so far with matters of principle which underlie our policy on this Bill, and I venture to think that they are matters of principle which are so fair and reasonable in themselves that they ought not to be unacceptable to this House.

May I turn now, for a few moments to some general observations on the actual provisions in the Bill. We are glad to notice that in the main the Bill relies on the principle of minimum interference and maximum publicity rather than on Government control. The requirements in the Bill, however, go a great deal further than the 1912 Act or the draft Bill of 1925, and while we recognise that times have changed since 1912 we question the necessity of going quite so far in some matters as this Bill seeks to go. What the community is mainly concerned with is to see a proper check placed on unsound concerns and not an unnecessary restriction of the business of sound concerns. One of the methods by which the Bill aims at the elimination of the unsound concern is the provision which requires every insurer to place and keep on deposit with the Reserve Bank of India substantial sums either in cash or securities. While the intention of this requirement which is to discourage unsubstantial and purely speculative ventures from undertaking insurance business in praiseworthy and meets with our full approval, we are of opinion that the exaction of such deposits is hardly justified in the case of old and well-established concerns. We should, moreover, infinitely have preferred to have seen these deposits paid in a lump sum instead of in instalments as the Bill provides as we consider that permitting deposits to be built up in instalments has been one of the mistakes in previous legislation. As to the actual amounts of deposits which the Bill proposes these we consider are high having regard to the amount of business transacted, and especially is this so in the case of smaller companies. But these are points of detail which I need not enter into here as they will, no doubt, be fully examined in the Select Committee.

In the same category as the requirement in respect of deposits is the restriction which Clause 28 of the Bill seeks to place on the investments of an insurer. This was a matter of considerable discussion when the 1912 Act was passed and there was strong support for restricting investments, the argument being that it was necessary in conditions such as are to be found in India. That argument, however, did not find favour and

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the 1912 Act placed no restraint on the manner in which the funds of an insurer should be invested. I do not think experience has shown that the decision of Government in 1912 to leave the insurer freedom in this matter was unwise, and I am not aware that the failure to place restrictions on investments has led to disaster. Taken as a whole the well-conducted Indian companies invest their monies soundly and there is no overwhelming reason for interference with their managerial responsibility. The best protection for the policyholder is to be found in giving publicity to the statutory returns which disclose the financial position of the insuring company, and the quickened interest which this Bill is likely to encourage in insurance matters is in itself a sufficient safeguard against badly invested funds. I mention this matter in respect of investments because it is necessary in order to ensure that the obligations undertaken by insurers can be discharged, that their funds, wherever they may be, should be readily available. It is a fundamental principle of insurance that liquid funds should be centralised so that insurers may always be in a position rapidly to meet exceptionally heavy claims. I am advised that the experts who have expressed an opinion on this matter regard the locking up of assets in any country whether the country foreign or any other country as wholly unsound, and as the time may show the restraints of the Bill in this matter may be as disadvantageous to Indian companies as they are likely to be to other companies.

I have dealt with this matter at rather greater length than I should ordinarily have done at this stage because I hope the Select Committee will pay particular attention to it, bearing in mind that it is generally accepted that success in insurance depends in a large degree on companies extending their interests beyond their own borders and that it is most undesirable that companies, especially those engaged in business other than Life Assurance, should have their freedom to invest funds, in whatever way is most convenient for their business, in any way restricted. I think I should add also that the law in the United Kingdom, which may be taken as an example in this matter, places no restraint of the nature proposed in this clause on its own or on foreign companies operating within its jurisdiction.

There are a few more points on which I must touch before I sit down. We have heard in recent months a great deal in this House about Managing Agents, and I am sure my Honourable friend, the Law Member, is not, shall I say, unduly anxious to re-familiarise himself with the various degrees of eloquence with which those two words may be pronounced. He will forgive me, however, because it is not my fault if I have again to raise my voice on behalf of this worthy cause, as he is really to blame. Last year it was clause 42 of the Companies Bill. This year it is clause 24 of the Insurance Bill. Last year my Honourable friend saw fit to give the Managing Agent twenty years. This year he grants them only three years. If the Honourable Member is not consistent, at least the European Group is, and we shall feel bound on grounds both of justice and consistency to oppose the specially severe and prohibitory treatment which the Bill singles out for Managing Agents of insurance businesses. We can see no justification for laying down in this connection that their agreements, formally and properly entered into, shall terminate within three years. We recommend that Managing Agents of this class of business should be

dealt with on the same lines as in the new Companies Act. And in that matter I join company with Mathew Arnold when he wrote:

"How many noble thoughts,
How many precious feelings of man's heart,
How many loves, how many gratitudes,
Do twenty years wear out, and see expire."

We appreciate the intention behind the clauses which the Honourable Member has put in his Bill relating to Commission, Rebates and the Licensing of Agents and we believe that Insurance offices and the public will be better off if some form of statutory limitation could be devised. But, while things may be made difficult for the dishonest man, attempting to legislate him out of business is equivalent almost to attempting the impossible, and on that score we are apprehensive of the practicability of the proposals in these clauses.

Finally, Sir, there are clauses in the Bill dealing with Provident Societies which we particularly welcome. It has long been felt that steps should be taken to regulate this class of society and we hope that the Select Committee will see to it that the language of these clauses is carefully scrutinised so that an end may be put to a development which has not only done no credit, but has done great disservice, to the business of insurance in India.

Such criticisms as we have thought it necessary to advance today have been advanced, as I am sure the Government and the House will believe, in a friendly and helpful spirit. We assure the Government of our wholehearted co-operation in their endeavours to place on the Statute-book an Act which will achieve its purposes and at the same time be satisfactory to all interests. I beg to support the motion.

The Honourable Sir Nripendra Sircar: Sir, I shall be very brief in referring to some of the points raised by the Honourable the Leader of the European Group. I can give him my assurance that any criticisms made by his Group or by any other group will be taken by me as solely made in the interest of improving, as we are all trying to do, the existing law for tightening up the law of insurance.

As regards the Clauson Committee's Report and the Schedules annexed to it, I was reminded that business conditions in India were different from those in England and other foreign countries. I realise that very well indeed, and that is the reason why the Schedules were submitted to the examination by members of the Advisory Committee. I got very valuable help from Mr. Sturgin, who was good enough, at my request, to examine those Schedules from the point of view of the conditions prevailing in India. I made similar requests to other members like Pandit Santanam to state their opinions as regards the Schedules, and we tried our best, if I may use the expression, "to pick their brains" and to get as much help as possible for the modifications they suggested, and they are still open to modifications. I am not expressing my final view on that matter. As regards discrimination, it will be noticed that what the Bill provides for is that if any country is discriminating against India we retain the power of discriminating against that country, so that no question of any other kind of discrimination arises here. As regards

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amounts and deposits, again, that will be a matter for this House after the Report comes from the Select Committee. We find no particular charm in the exact figures which we have introduced in the Bill as a basis for starting discussion. As regards investments and funds and the necessity of keeping funds in a liquid condition as far as possible, I am aware that there are no restrictions in England, but I would like to be informed by my Honourable friend, Sir Leslie Hudson, if, in England, there is any insurance company worth the name which has invested 65 per cent. of its assets in mortgages of land and in land development. I went through the figures very carefully. There, again, if business interests and the House think that no restriction whatsoever should be put we shall accept that decision. As regards British companies I may point out to my Honourable friend that, although they are under no obligation, they are at the present moment keeping more than 33 1/3 per cent. in Government securities so that possibly from the practical point of view, no restriction is being imposed on those companies. One word more, and that about Managing Agents. We have been charged with inconsistency, because, whereas 20 years' life is allowed to managing agents in connection with other businesses, we have suggested only three for insurance business. But surely, in the very many eloquent speeches which we heard in this House in support of the managing agent, we were continuously reminded that the necessity for the managing agent, the reason for his existence principally consisted in the fact that he was the man who had got to find the money for the business. That is all very well in connection with industrial ventures, but surely that is of no application when you are dealing with insurance business. However, that is again a matter for the Select Committee and for the House to discuss. I do not think that I should detain the House any longer. I commend my motion to the House.

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

"That the Bill to consolidate and amend the law relating to the business of insurance be referred to a Select Committee consisting of the Honourable the Law Member, Mr. Bhulabhai J. Desai, Mr. Satyamurti, Mr. Asaf Ali, Mr. Sri Prakasa, Mr. Akhil Chandra Datta, Mr. Essak Sait, Mr. Ghiasuddin, Mr. Buss, Mr. Nayudu, Mr. Griffiths, Mr. Chapman-Mortimer and Mr. Bajoria, 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 RAILWAYS (AMENDMENT) BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways): Sir, I beg to move:

"That the Bill further to amend the Indian Railways Act, 1890, for certain purposes, be referred to a Select Committee, consisting of Mr. S. Satyamurti, Mr. V. V. Giri, Mr. B. Das, Maulvi Syed Murtuza Sahib Bahadur, Dr. Ziauddin Ahmad, Pandit Lakshmi Kanta Maitra, Mr. G. Morgan, Sir Abdul Hamid, Mr. Mudie and the Mover, and the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

This measure was discussed on a similar motion during the last Session of the Assembly on four days from the 31st August to 3rd September and

discussed most thoroughly from every point of view. There was a host of suggestions and criticisms put forward with which I attempted to deal in my speech replying to the debate, and I venture to think that I did deal with at least the more important points of criticism of the Bill, and I gave an undertaking that all those matters would be examined in Committee if the House proceeded to appoint a Select Committee on that occasion. The House preferred to adopt a motion that the Bill be circulated for public opinion. The Bill has, in the meantime, been under circulation, and a very large number of opinions has been received. An examination of these opinions shows that the criticism of certain provisions of the Bill which has been put forward by certain bodies and certain individuals is fully covered by the discussion that took place in the House and is also covered by my speech summing up the debate. I, therefore, do not propose to make any lengthy speech on this occasion, as, on going through the matter, I do not discover that there is any very important new point that is disclosed by the opinions that have been received. All that I need do, on this occasion, is to assure the House that I stand by the undertaking that I have already given, namely, that certain features of the Bill to which a good deal of objection has been taken will be carefully examined in Committee and certain matters that were urged upon me during the discussion of the Bill in this House during the last Session would be safeguarded. I may point out that the list of members of the Select Committee that I have submitted includes Members of all Parties in this House, and as I have been told that it is inconvenient for certain reasons for some of them to attend before a certain date, I do not propose to ask the Select Committee to meet before that date. If I find, Sir, during the course of the debate on this motion that anything is brought forward which was not brought forward on the previous occasion, I shall try to meet it in my speech in reply. Sir, I move.

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

"That the Bill further to amend the Indian Railways Act, 1890, for certain purposes, be referred to a Select Committee, consisting of Mr. S. Satyamurti, Mr. V. V. Giri, Mr. B. Das, Maulvi Syed Murtuza Sahib Bahadur, Dr. Ziauddin Ahmad, Pandit Lakshmi Kanta Maitra, Mr. G. Morgan, Sir Abdul Hamid, Mr. Mudie and the Mover, and 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): I have gone very carefully through the opinions expressed by different bodies and individuals. They are sharply divided in the same manner as the opinion was divided when we discussed this question at Simla. Certain responsible persons, including Judges of High Courts, characterise this Bill as a very drastic one, and the points that they have raised are exactly the same which we raised here from this side of the House at Simla. Several persons have raised the point that the responsibility of proving should not rest on the accused, but on the prosecution. We also raised the same two important points. As the Bill is now going to a Select Committee and all the opinions are before us, I do not like to detain the House by reading out the opinions of very influential men. We will discuss these things in detail and we will make an endeavour, at least I will, to remove those things which are likely to be repugnant and which are likely to be misused by subordinate officials of the railways. Certain things may be good but the danger of misuse may be very great, and this

[Dr. Ziauddin Ahmad.]

is a point which may be misused and we should try to modify it so that the danger may be minimised. With these words I do not oppose the motion.

Mr. G. Morgan (Bengal: European): Mr. President, I rise to support the motion moved by my Honourable friend, the Member in Charge, to refer this Bill to a Select Committee. After what my Honourable friend, Dr. Ziauddin Ahmad, has said, I do not propose to say anything at length on the merits of the Bill. As a member of the Select Committee, if the motion is carried, I shall reserve criticism until the Committee meets. The opinions which we have received are varied. At least, they are sharply divided into two sides, and the point that my Honourable friend, Dr. Ziauddin Ahmad, made just now about misuse is the one strong point which we shall have to consider very very carefully indeed, because we know that that can be carried to extreme lengths, and, instead of gaining the object which this Bill seeks to gain, we shall probably find that we really gain nothing and the public suffers considerably. I shall not say anything more on the Bill. There are two or three important questions to be settled and we can leave it to discussion in the Select Committee. The question of imprisonment and the possible misuse of the powers under other sections should be thoroughly discussed and decided. Sir, I support the motion.

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): Sir, I had thought that after the disapproval of the measure from all sides of the House in the debate in Simla, Government would be well advised not to proceed with this measure any further; but I am disappointed that the Government wants to take this Bill to a Select Committee and to get the law enacted. If so, I should like to point out some of the defects in this Bill. Firstly, in my opinion, Government should be satisfied with the fare and penalty which are charged and no imprisonment or fine should be imposed. Railways are said to be a commercial organisation. In business, if we have a bad debt, then we are satisfied if we get the original sum. We do not press for interest and for other charges. Even in the case of bad debts, when we find that the debtor is not able to pay the full sum, we are satisfied with even 8 annas or four annas in a rupee.

The Honourable Sir Muhammad Zafrullah Khan: What do you do if you discover that somebody has cheated you?

Babu Baijnath Bajoria: If a person has cheated us, if he is a solvent man, then we take action against him in the civil or the criminal Courts but if a person is a man of no substance, then we have to sit quiet. We do not throw good money after bad. Government should, in my opinion, be satisfied with fare and penalty for non-payment of fares and they should not insist on imprisonment or fine in excess of those penalties. Another point is this. At the present moment there is a keen competition between railways and motor buses. Is it good salesmanship on the part of the Railways at the present juncture to put on restrictions and these stringent laws which will, in my opinion, divert the traffic from the railways to motor buses? We know that the third class travellers have to suffer many inconveniences at the present time. If they are further terrified by these stringent laws, then they will like to travel by the other alternative, that is,

by road. As regards the non-payment of fares by our ticketless travellers, in my opinion the subordinate staff of the railways are also a party to this. By their corruption, they help this evasion to a certain extent.

An Honourable Member: Have you paid anything to a railway servant?

Babu Baijnath Bajoria: I take my ticket before I board a train. So, in my opinion, Government should rather increase the facilities and provide further conveniences to the travelling public and make it more popular and should not try to make the laws more stringent. Again, Government should put up barriers and make the access to stations more difficult than it is at present and they should also see that the ticketless traveller does not board the train. I should like to read a few lines from the opinion of Mr. Dash, who is the Commissioner of the Presidency Division, Bengal, and who was the Chief Government Whip in this Assembly last year. He writes:

"I do not know the difficulties which Railways experience in preventing access of ticketless travellers to stations, platforms and trains. I should, however, hazard an estimate that it should be just as easy for railways to prevent this access as to prosecute after detection of ticketless travel."

Then, he goes on to say (I do not want to tire the House by reading the other portions):

"In view of the above uncertainties, I am not prepared to record an opinion in favour of the Bill."

This is the opinion of the Chief Government Whip last year. In my opinion, this Bill will lead to further corruption amongst the subordinate staff, because once they find any person who happens to be without ticket for any reason, whether *bona fide* or not, they will try to extort money from him and harass him. Again, the onus of proof has been put on the accused person. This is against all canons of jurisprudence. I strongly object also to this provision that a certificate should be obtained from the guard or the station master or the T. T. I. before a person boards a train without a ticket. Mere informing him will not be considered to be proof. When a train stops for a minute or two at wayside stations, it is absolutely impossible for a passenger who happens to be on the station just when the train has arrived to get a certificate from these officers and further they may give a certificate to the higher class passengers. As regards the poor villagers, when they approach these people, they will be turned away and instead of certificates, they may get kicks. So, I think if a person before travelling informs the guard of the train that he could not buy a ticket that should be sufficient for the purpose and certificates should not be insisted upon. With these few remarks, which I make for consideration by the Select Committee, I resume my seat.

Dr. F. X. DeSouza (Nominated Non-Official): Mr. President, before this Bill goes to Select Committee, there are one or two points which I should like to place before this House for their consideration.

The first point is: can the Railways prove that the loss from ticketless travellers is so great as to justify this radical change in legislation? The Honourable the Railway Member told us that on an average there were about 25 lakhs of ticketless travellers who were detected, and the

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total loss to the Railways was roughly estimated at Rs. 50 lakhs. We have not been told how this estimate was arrived at, but I take it that the usual basis of railway calculations is that the average fare is one rupee per passenger; so, for 25 lakhs of ticketless travellers detected, the loss would be Rs. 25 lakhs, and for the total number of ticketless travellers, whether detected or undetected, it may amount to, say, double the amount, that is, about Rs. 50 lakhs! That is the estimate of the loss which the Railways are supposed to incur on an average every year, as stated by the Railway Member. Sir, when Mr. Mudie, on behalf of the Railway Board, made a statement as to the details of this loss of the Railways he said that out of these 25 lakhs of ticketless travellers, excluding 7¼ lakhs of *faqirs*, mendicants and *Sadhus*, there were 17¾ lakhs of passengers who were detected travelling without tickets. Out of these 17¾ lakhs, he admitted that the fares of 17 lakhs of passengers were recovered; these passengers paid the fare on demand by the various ticket collectors, but, of the remaining three-quarters of a lakh, he said thirty-thousand were taken before a magistrate and made to pay the fares with excess, another fifteen thousand were fined, and it was only 30,000 persons who gave false names and addresses and could not be traced. It comes to this then that the loss to the Railways consists of the loss of fare on 7¼ lakhs of mendicants and *sadhus* and 30,000 passengers who gave false names and addresses.

Dr. Ziauddin Ahmad: Will you be able to recover fares from these *sadhus*?

Dr. F. X. DeSouza: Sir, by tightening the legislation in this matter, what do the Railways expect to gain? Do they expect that they will realize fares from the 7¼ lakhs of *sadhus* and mendicants? The Railway Board might as well expect to make a silk purse out of a Sow's ear! (Laughter.) Now what about these thirty thousand persons who gave false names and addresses? You might recover Rs. 30,000 out of them, but to recover Rs. 30,000—which after all, as I have shown, is the only amount of revenue that the Railways are likely to realize—is it worth while to enact this piece of legislation and expose nearly 400 million passengers to harassment? Sir, this is a very important point. I may be wrong in my calculation, but I should like this point to be borne in mind. Sir, take the other side of the picture. Seven and a quarter lakhs of *sadhus* and mendicants will be sent to jail. Now these live on the charity of the country side, and I suppose they expect to live also on the charity of the Railway Board; but the Railway Board are not now inclined to be so generous; they want to send them to jail, where they will be the guests of His Majesty, but at whose expense? At the expense of the Local Government. Now will the Local Government be ready and willing to pay the expenses of so many persons in jail? I doubt it. There is already serious grumbling, from the opinions I have read, that the Local Governments are not so willing. There is a third point. Are the Railway Companies likely to benefit from this piece of legislation in the sense that an increase would accrue to their revenues? Already I know—and probably I travel longer distances and more frequently than most Members of this Honourable House . . . .

The Honourable Sir Nripendra Sircar (Law Member): But not without ticket!

Dr. F. X. DeSouza: Already I know what inconveniences third-class passengers are exposed to. Now, if, in addition to all these, they are to be subjected to harassment because of this additional piece of legislation, will that not, as my friend, Babu Baijnath Bajoria, has pointed out, lead them to have recourse to motor buses and thus cause the Railways a loss of revenue, so that the last condition of the Railways will be worse than the first. I would respectfully ask the Honourable Member for Railways and the Railway Board to take this into consideration before sending the matter to the Select Committee. I am, of course, prepared to vote for the motion for a Select Committee. Then, there are many other points like the onus of proof which are Select Committee matters, and if they are not satisfactorily disposed of by the Select Committee, then I propose to send in an amendment. Sir, that is all I wish to say and I support the motion for a Select Committee.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): Sir, whenever measures are brought forward in this House by the Railway Board in order to improve the revenues of Government, they seem to evoke two separate sets of critics. One say the Government is not working efficiently, the other say—"reduce your expenditure". Here we have the Honourable Member presenting to this House a Bill to subject offending ticketless passengers to criminal action. Now if this Bill really benefits Government revenues, if it should really add to the coffers of Government I should support it whole-heartedly, but the Bill before the House is not so much a measure which will benefit our revenues as it appears to be a measure to protect the inefficiency of the Administration. We have a Railway Administration that has been for years confronted with this absolutely insuperable problem of ticketless passengers. It is common to all Railways, and Railways have tried all sorts of measures to antidote this loss of revenue, and they are still absolutely undecided amongst themselves as to whether the crew system, or the ticket-collector system or criminal treatment is the best measure of preventing this fraud upon the revenues of the Railways. This Bill does not take us anywhere. In effect, it is not going to increase the revenues of the Railways because the mendicant ticketless passengers will not even when criminally prosecuted pay their fares, on the contrary this Bill will certainly render the Administration very much more complex and difficult and will lead to a lot of trouble which will give no benefit to railway revenues. My view on this matter is that each Railway Administration, themselves, should evolve some more effective measure which will prevent this fraud on their revenues. Why come to the Legislative Assembly and ask it to pass a Bill which will put into jail passengers who are travelling without tickets instead of stopping it themselves? In most cases it is not a question of intentional fraud and, yet, the present system offers a great temptation for dishonesty and for fraud on the part of the staff—the ticket-collectors. The Railway Board have already reduced the wages of their subordinate employees to a starvation point with the result that, when they find that they cannot make both ends meet, they are seriously tempted to resort to dishonest measures. The present position is bad enough but if this Bill is accepted you at once place in the hands of your subordinate staff a greater temptation to defraud and harass the public. I personally see no good in this Bill. So, I say let each Railway administration work out its own salvation. You cannot do it by law but

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you can do it by improving your checking system. I know that no railway administration can properly estimate their profit and loss no matter what checking system they have hitherto followed. The only railway that has a crew system operating today is the Eastern Bengal Railway and even they cannot tell you whether this system is working at a loss or at a profit or is better than the old ticket-collector system. It is all very well for Government to say that they are losing 50 lakhs on account of these ticketless passengers, but let them turn round and tell this House whether they have lost or gained by introducing all the various systems, such as, the crew system, ticket-collectors and so on. They cannot. If there is to be an effective checking measure, let it be enforced before passengers enter the railway station. Let there be a dozen or more checkers employed to check the passengers as they get on to the station, instead of checking tickets when passengers have got into the carriages; because it is impossible effectively to do so then. My own view is that it is your staff who is to blame and not the passengers. I do not think, that the introduction of any criminal measure to prevent ticketless passengers will be of any material avail. Improve your checking staff, why encourage inefficiency with criminal measures? I, therefore, ask the House not to accept this Bill.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, I am not only sorry but also surprised that a sound and shrewd lawyer like the Honourable the Railway Member should introduce a measure like the one which we have got before us. This Bill has evoked more opposition in the public than it evoked in the House when it came for discussion for the first time. I had thought that after reading the opinions of eminent lawyers and Judges, the Honourable the Railway Member would grow wiser and would never think of bringing this measure again before the House. The majority of the opinions which have been printed, and the overwhelming majority of the opinions of those persons whose opinions were not asked but who have given their opinions through the press, show that, probably, 90 per cent. of the people of the country are opposed to this measure and I am afraid that if this measure is placed on the Statute-book, it will be considered as one of the most unpopular measures that was ever passed by this Assembly. Sir, it has been pointed out, and rightly too, that a very large number of the ticketless travellers consists of those who are encouraged by the railway staff themselves. In fact, a very large number of these ticketless travellers is either the railway staff themselves or their friends and relations and a number of *Sadhus* and mendicants who are allowed by the railway staff to travel without any ticket. There must be a very very small number of persons who deliberately try to travel without any ticket. Of course, there may be certain persons who are *bona-fide* ticketless travellers and who are forced to travel without a ticket because of the negligence of the booking clerks to issue tickets.

The Honourable Sir Muhammad Zafrullah Khan: And yet they can keep quiet throughout the journey till they are detected travelling without tickets.

Sir Muhammad Yakub: What can they do? We know that there are rules that the booking offices should be kept open for the whole day and night at big stations, and an hour before the train starts at small stations. If the Honourable the Railway Member will make a tour of inspection without giving notice to the people on the railways, he will find that even on big stations booking clerks never come to the booking office even 5 minutes before the arrival of the train. I do not say that this is the case on all stations. Of course, the railway staff cannot afford to be negligent at stations like Delhi, Allahabad, Lucknow or Calcutta, but on wayside stations, and particularly at night when the train arrives at stations between 11 P.M. and 2 A.M., the booking clerk is generally sleeping on his table and the poor passenger will be found knocking at the window door without any response. And when the booking clerk will not get up he will scold the passenger and say: "Go away, the train has not yet arrived." These are the things of every day occurrence. So, there are a small number of ticketless travellers who are accustomed to travel without taking any ticket. Then, again, what provision has the Honourable Member made for the railway staff who travel without tickets? Will he allow the respectable passengers of, say, first and second class to check these ticketless travellers who belong to the railway staff? Once a man, who is in the railway service, be he even a small ticket collector, enters a compartment he wants that the whole of the compartment should be reserved for him and nobody should be allowed to sit in that compartment. Is there any law to stop this evil? What provision have you made to stop all these abuses on the part of the railway servants?

The Honourable Sir Muhammad Zafrullah Khan: Ask Mr. Lalchand Navalrai who is already objecting to the reduction in the number of passes issued to the railway servants.

Sir Muhammad Yakub: That is quite a different thing. Mr. Navalrai is quite right in demanding that the number of passes must be reduced. I do not think that in India there is any other service, except probably the Police service, which is so corrupt and so arrogant and so negligent as the subordinate officers of the railways and it is because of the mal-treatment of these railway officers that traffic is drifting from the railways to the motor buses. Therefore, I think that this measure, as it has been framed at present, should not be passed by this House. I had thought that even if the Honourable the Railway Member wanted to bring some measure to protect against the ticketless passengers, probably it would be of quite a different type. This morning, it is very difficult to reject the motion which has been moved by the Honourable the Railway Member. Even under the present state of the House I do not think any conscientious Member could accept the principle contained in the Bill and support that it be referred to the Select Committee. Sir, I oppose the motion.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I spoke on this Bill last time when an attempt was made to send it to the Select Committee. I then described this Bill as too drastic and said that it was dangerous to the public. Such assertions were made in the House, and it was further stated that the public opinion would also be inclined that way. It was because of this that the Bill was sent

1 P.M.

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for eleciting public opinion thereon. We have now got these opinions, and it cannot be denied that the consensus of opinion is against the Bill. It has been pointed out not only that the provisions of the Bill are too drastic and dangerous, but it has been shown that a Bill like this will not increase the revenues of the railway. It will, on the contrary, make the people hostile to the railway administration and to railway travelling. What I mean to submit is this that when public opinion coincides with the opinions that were expressed in the House, I think the Honourable the Commerce Member would do well to drop this measure. But I see that he is insisting upon it and I am very sorry that, at present, the Honourable the Commerce Member with these Benches being vacant chooses to make a hell or a heaven of this Bill himself. But I see he is not making a heaven of it. He will certainly make a hell of it and I would, therefore, advise him to desist from sending this Bill to the Select Committee. The reason for the Bill which has been given from the very beginning is one of loss of revenue. Is that the true reason or is there an ulterior reason? Those ulterior reasons are known only to the Treasury Benches. We often do not know what their real object is. But we know that, on the very face of it, the Bill is a most unreasonable measure.

Captain Sardar Sir Sher Muhammad Khan (Nominated Non-Official): What is there unreasonable in it?

Mr. Lalchand Navalrai: The Honourable Member will realise the unreasonableness of the measure when he is himself arrested on the spot by a railway servant and sent to jail. He will then realise the rigour of it. At present, he is comfortably sitting in this House only waiting to give his vote for the Government as every Nominated Member would do. The Honourable Member cannot realise the difficulties. What I mean to say is that the question of loss has not been proved. There are figures given by my Honourable friend, Dr. DeSouza. They show that the loss is not really what it is represented to be. My Honourable friend asked for an answer and let us see if it is really forthcoming. It is really not more than 20,000 people travelling without tickets. It was also pointed out that most of the people who travel without tickets are mendicants and beggars. May I ask the Honourable the Member for Railways whether he can stop these mendicants and beggars from travelling without ticket? I think his reply must be an emphatic not because those people do not care if they are sent to jail. By providing that these people should be sent to the jail, you are affecting the newly constituted Provincial Governments. The Provincial Governments are not going to pay for these persons being locked up in jail. The Provincial Governments will come forward and say that they are not going to send these men to jail unless the Railways are prepared to pay for their maintenance in jails. That means you are interfering even with the affairs of the Provincial Governments. The opinions received from Provincial Governments show that they are against the Bill. I would only refer to one or two passages in these opinions. The Karachi Indian Merchants' Association says:

"It cannot be denied that to a large extent the railway employees are responsible for ticketless travelling . . . . . My committee therefore suggest that deterrent punishment is called for in the case of railway employees who are found to encourage ticketless travelling."

Further on it will be found that as regards the onus, there is not a single opinion in favour of the onus being placed on the traveller to prove no fraud.

The Honourable Sir Muhammad Zafrullah Khan: What about the Chief Justice of the Patna High Court?

Mr. Lalchand Navalrai: One Judge might perhaps have said so. But the bulk of opinion is against it.

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member made a mis-statement. He said there was not a single opinion in favour of the burden of proof being placed on the ticketless traveller, but I pointed out to him that the Chief Justice of the Patna High Court was in favour of that proposal.

Mr. Lalchand Navalrai: I accept that correction of one judge saying so. The Buyers and Shippers Chamber, Karachi, says:

"My committee have critically examined the several clauses of the Bill, and it is their considered opinion that the amending Bill is most undesirable inasmuch as it seeks to give railway authorities extraordinary powers which are likely to be abused by their subordinate staff."

Then there is the opinion of the District Magistrate of Larkana.

The Honourable Sir Nripendra Sircar: We have all read it.

Mr. Lalchand Navalrai: And still it has not moved the Honourable Member. That is why I propose to read it. He says:

"This amendment is not only unnecessary but dangerous. It will give the railway officials very wide powers which are bound to be abused. Non-compliance with the act of travelling with a ticket may not in every case be due to reasons that are *mala fide*. The offence itself is not sufficiently grave to be classed with any of the offences as cognizable in the Indian Penal Code and there is really no need to take such a harsh view of the case. The very annoying irregularities that prevail on Indian railway stations are sufficiently apparent not to entrust these same officials with additional powers."

Sir, I have done.

The Honourable Sir Muhammad Zafrullah Khan: Sir, I am afraid that those Honourable Members who have stressed some of the more serious objections against some of the provisions of this Bill, though they may have read the opinions that have been received on circulation of the Bill, do not appear to have studied the previous debate on the Bill. I repeated the assurance several times during the last Session that Honourable Members need have no fear with regard to what they were pleased to call the *bona fide* ticketless traveller, that is to say, a person who has not been able to obtain a ticket in spite of his efforts. I was at pains to explain that such persons could be divided into two categories, those who will apply and obtain a certificate under the new provisions or give intimation of their travelling without a ticket before they are detected travelling without a ticket and those who are actually detected, and I said that, in

[Sir Muhammad Zafrullah Khan.]

neither case, would there be any question of arrest or prosecution or interruption of their journey if they pay up the charges that are due from them. I thought that that would meet a very large portion of the apprehensions of Honourable Members on that score. The object of sending the Bill to the Select Committee is that details of that kind might be worked out so that such safeguards might be devised as might meet the apprehensions that have been expressed. Apart from that there are one or two pieces of criticism to which I have been asked to give a specific reply. I am afraid even those are not new pieces of criticism. They were put forward during the previous debate also. One Honourable Member attempted a certain amount of analysis of the figures supplied and said, "What do you hope to gain?" To begin with, that Honourable Member and one or two others who stressed the same point seemed to forget that it is already, apart from the question of detecting a larger number of people, a blot on the present system that as many as 28 lakhs of people should be detected travelling without tickets. Surely an effort must be made to reduce that number substantially? Honourable Members seemed to think that if you can detect (say) about 80 per cent. of people who travel without tickets, that is all that you want. They do not seem to imagine that that in itself is an evil which ought to be reduced. Secondly, there is a good deal of money being spent upon the staff for the purpose of checking and detecting ticketless travellers the greater part of which might be saved if the provisions of the law were such and were administered in such a manner, I do not for one moment claim that they are being administered in a perfect manner, as to reduce to a minimum the number of people who take advantage of the present conditions and travel without a ticket. One curious piece of criticism which was put forward was that if you want to provide imprisonment as a punishment for travelling without a ticket, and I want the House to remember that the question would arise only in the case of a person in whose case it is positively found that not only has he travelled without a ticket but that he intended to defraud the railway, and that in any case, he has refused to pay up; those conditions will have to be fulfilled, that if you provide imprisonment as a punishment you will, in some way or other, be burdening the Local Governments. Again, Honourable Members forget that even under the present system when there has been a conviction and the man fails to pay the fine that is imposed upon him, he has to go to jail and does go to jail in default of payment of fine. Provincial Governments have been saying that, inasmuch as in such a case, the imprisonment to be suffered is simple, a fine does no good whatsoever, that people of that class are quite willing to go to jail for a short term of simple imprisonment, and that if any deterrent is intended the imprisonment to be imposed should be rigorous imprisonment, and that that is the only thing that might operate as a punishment. At present, all that the fine effects is that a certain class of people who are detected and convicted of an offence, under section 112, simply refuse to pay the fine and go to jail for a certain number of days in default of payment of fine; and have no hesitation in incurring the same risk over again. So that, the point is that in any case the Local Governments pay and the Local Governments want to be relieved of the necessity of having to pay for these pepole over and over again. Several Local Governments have said that if the punishment were deterrent, that is to say, rigorous imprisonment, this class of people would, perhaps, not take the risk of having to undergo it.

Sir Henry Gidney and one other Honourable Member suggested that the blame lies at the door of the railway checking staff. Perhaps a certain amount of blame does lie there, but I do assure Honourable Members that recently every possible effort has been made and will continue to be made to pull up the staff in such a manner that they should perform their duties honestly and efficiently; and I believe there has been a certain amount of improvement in that respect, though I must remind Honourable Members again, and I believe they will understand what I refer to, that the moment an attempt is made to deal more stringently with staff on account of their dishonesty or slackness in the performance of their duties, every kind of pressure is brought to bear upon officers who have to deal with such cases that in certain individual cases nothing reprehensible had happened and that the men should not be dealt with severely. There are difficulties in each direction but the administrations are trying to do what they can to tighten up control over their own staff in order to ensure that they should perform their duties more efficiently, more honestly and more courteously towards the travelling public. I would remind the House again that in my speech in reply to the debate in the last Session, I did say that in deference to the opinions that had been expressed in the House I was willing to reconsider some of the provisions of this Bill; and it is exactly for that purpose and in order to consider the effect of the opinions that have been received that I am asking that this Bill should be referred to a Select Committee.

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

"That the Bill further to amend the Indian Railways Act, 1890, for certain purposes, be referred to a Select Committee, consisting of Mr. S. Satyamurti, Mr. V. V. Giri, Mr. B. Das, Maulvi Syed Murtuza Sahib Bahadur, Dr. Ziauddin Ahmad, Pandit Lakshmi Kanta Maitra, Mr. G. Morgan, Sir Abdul Hamid, Mr. Mudie 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 Assembly divided:

AYES—40.

Abdul Hamid, Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.
Aikman, Mr. A.
Anderson, Mr. J. D.
Bansidhar, Rai Sahib.
Bhide, Mr. V. S.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Dalal, Dr. R. D.
DeSouza, Dr. F. X.
Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
Ghuznavi, Sir Abdul Halim.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.
Hudson, Sir Leslie.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Lal Chand, Captain Rao Bahadur Chaudhri.
Lalit Chand, Thakur.
Lloyd, Mr. A. H.
Mehta, Mr. S. L.
Metcalfe, Sir Aubrey.
Morgan, Mr. G.
Mudie, Mr. R. F.
Mukherjee, Rai Bahadur Sir Satya Charan.
Nagarkar, Mr. C. B.
Naydu, Diwan Bahadur B. V. Sri Hari Rao.
Noyce, The Honourable Sir Frank.
Roy, Mr. S. N.
Sale, Mr. J. F.
Scott, Mr. J. Ramsay.
Sher Muhammad Khan, Captain Sardar Sir.
Sircar, The Honourable Sir Nripendra.
Thorne, Mr. J. A.
Todd, Mr. A. H. A.
Tottenham, Mr. G. R. F.
Verma, Rai Sahib Hira Lal.
Williams, Mr. A. de C.
Witherington, Mr. C. H.
Zafrullah Khan, The Honourable Sir Muhammad.

NOES—13.

Azhar Ali, Mr. Muhammad.	Joshi, Mr. N. M.
Bajoria, Babu Baijnath.	Lalchand Navalrai, Mr.
Bhagchand Soni, Rai Bahadur Seth.	Sant Singh, Sardar.
Datta, Mr. Akhil Chandra.	Umar Aly Shah, Mr.
Ghiasuddin, Mr. M.	Yakub, Sir Muhammad.
Gidney, Lieut.-Colonel Sir Henry.	Yamin Khan, Sir Muhammad.
Jehangir, Sir Cowasji.	

The motion was adopted.

The Assembly then adjourned till Eleven of the clock on Wednesday, the 3rd February, 1937.

LEGISLATIVE ASSEMBLY.

Wednesday, 3rd February, 1937.

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

QUESTIONS AND ANSWERS.

SALARIES OF THE ROMAN CATHOLIC MILITARY CHAPLAINS.

349. ***Qazi Muhammad Ahmad Kazmi:** (a) Are Government aware that the Defence Department pays the salaries of the Roman Catholic Military Chaplains engaged for ministering to the spiritual welfare of the British soldiers in India?

(b) Is the Defence Department making this payment ever since British Roman Catholic soldiers were stationed in India?

(c) Is it a fact that the Archbishop, or the Bishop of each Archdiocese or Diocese in India, took half the salary of these Military Chaplains when they received it every month from the Controller, Military Accounts?

(d) If the answer to part (c) be in the affirmative, will Government be pleased to state since when they had this knowledge?

(e) Is it a fact that the Defence Department is paying since April 1927 the salaries of the Roman Catholic Military Chaplains in a lump sum yearly to the Archbishop or Bishop within whose Archdiocese or Diocese they are serving?

(f) Is it a fact that the Archbishop or Bishop, who receives the said amount from the Defence Department, keeps half of it to himself and distributes the other half to the Chaplains concerned?

(g) Are Government aware of this fact and, if so, since when?

(h) Will Government be pleased to state what amount has been paid to the Roman Catholic Military Chaplains in India from November 1911 up till now?

(i) Is it a fact that only half of this amount was received by the Roman Catholic Military Chaplains?

(j) Are Government prepared to ask the Archbishops or Bishops in India to refund the amount they have retained to the Defence Department? If not, why not?

(k) Are Government prepared in future to reduce the amount paid to the Roman Catholic Military Chaplains in India to half?

Mr. G. R. F. Tottenham: The Honourable Member is referred to the answer I gave to Mr. Asaf Ali's starred questions Nos. 174 and 175 on the 25th January, 1937, on this subject. As regards part (h) of his question, the time and labour involved in collecting the information will not be commensurate with the result achieved.

SALARIES OF THE ROMAN CATHOLIC MILITARY CHAPLAINS.

350. *Qazi Muhammad Ahmad Kazmi: (a) Is it a fact that the Roman Catholic Archbishops and Bishops in India sent memorials in 1856 and 1874 to the Government of India, stating that a Roman Catholic Military Chaplain cannot live under Rs. 400 per mensem?

(b) Is it a fact that up till now the Defence Department has not paid more than Rs. 350 per month to any Roman Catholic Military Chaplain in India?

(c) Is it a fact that since April 1927 the Defence Department has paid at the rate of Rs. 300 per mensem per Military Chaplain?

(d) Are Government aware that the Roman Catholic Archbishops and Bishops were asking and receiving from the Government of India an increased pay for the Roman Catholic Military Chaplains on the one hand and keeping half the amount to themselves on the other?

(e) Is it a fact that most of the Roman Catholic Military Chaplains in India are under a Vow of Poverty? If not, what is their proportion?

(f) Is it a fact that the Roman Cotholic Archbishops and Bishops, who sent a memorial to Government in 1874 and demanded a pay of Rs. 400 per mensem for Roman Catholic Military Chaplains, were mostly themselves and the R. C. Military Chaplains concerned under the Vow of Poverty?

(g) Is it a fact that since April 1927, the Government in the Defence Department is paying the Archbishops and Bishops (R. C.) of India at the rate of Rs. 300 per mensem per Military Chaplain serving in the Army, and the Roman Catholic Military Chaplains concerned are actually receiving from them Rs. 150 per mensem?

Mr. G. R. F. Tottenham: I would preface my answer with the general remark that there are no Roman Catholic *Military* Chaplains in India.

(a), (d), (e), (f) and the second part of (g). Government have no information.

(b), (c) and the first part of (g). Yes, but there are no Roman Catholic *Military* Chaplains in India.

PAYMENTS MADE TO THE ROMAN CATHOLIC ARCHBISHOPS AND BISHOPS.

351. *Qazi Muhammad Ahmad Kazmi: Is the Defence Department paying to the Roman Catholic Archbishops and Bishops in India at the rate of Rs. 7 yearly per British soldier as rent for a seat in the Church, commonly called "Church Sittings Compensation"?

Mr. G. R. F. Tottenham: A fee of Rs. 7 per annum is paid to the Roman Catholic Ecclesiastical authority concerned for each seat that is reserved for a Roman Catholic British soldier in any Roman Catholic Church which neither belongs to nor is rented by Government.

CAPITAL INVESTED IN THE SHAHDARA SAHARANPUR LIGHT RAILWAY.

352. *Qazi Muhammad Ahmad Kazmi: Will Government be pleased to state:

(a) the approximate or correct amount of capital invested in Shahdara Saharanpur Light Railway by the Company;

(b) the working expenses per year during the last five years; and

(c) the gross and actual income per year during the last five years?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b) and (c). I would refer the Honourable Member to statement No. 5 on page 45 of Volume II of the Reports by the Railway Board, for 1931-32, 1932-33, and 1934-35, copies of which are in the Library of the House. The report for 1935-36 will, I hope, be available very shortly.

SUGAR-CANE TRAFFIC ON THE SHAHDARA SAHARANPUR LIGHT RAILWAY.

353. *Qazi Muhammad Ahmad Kazmi: Will Government be pleased to state:

(a) if they are aware that on the Shahdara Saharanpur Railway, four passenger trains and seven to ten specials for sugar-cane are run daily; if not, what is the correct number;

(b) if they are aware that the whole traffic is managed by only ten engines—two of which are mostly under repairs in the workshop; if not, what is the correct number;

(c) whether it is a fact that this number of engines was considered necessary and was actually under use when only four trains were run on this line, prior to the development of sugar-cane traffic; if not, what the number of engines and of daily trains was six years ago;

(d) whether it is a fact that there has been no increase in the Loco. and traffic staff since the increase in traffic due to sugar-cane; if there has been an increase, what is the percentage of increase; and

(e) whether they are aware that the Loco. and traffic staff are overworked since the development of sugar-cane traffic?

The Honourable Sir Muhammad Zafrullah Khan: With your permission, Sir, I propose to reply to this and question No. 355 together.

These are matters of detailed administration on which Government have no information. I am, however, sending a copy of these questions to the Managing Agents of the Railway Company for such action as they may consider necessary.

ENFORCEMENT OF THE HOURS OF EMPLOYMENT RULES ON THE SHAHDARA SAHARANPUR LIGHT RAILWAY.

354. *Qazi Muhammad Ahmad Kazmi: (a) Will Government be pleased to state whether the 'Hours of Employment' Rules are in force on the Shahdara Saharanpur Railway? If not, why not?

(b) If the answer to part (a) be in the affirmative, what measures do Government propose to adopt for finding out whether the 'Hours of Employment' Rules are actually enforced on this Railway?

(c) What is the extent of daily duties for the Loco. and traffic staff on this railway?

(d) Are the running staff given any off days in a week? If so, how many?

The Honourable Sir Muhammad Zafrullah Khan: (a) The Hours of Employment regulations have not been applied to the Shahdara Saharanpur Light Railway. The regulations are being extended gradually to the larger railways and have so far been applied to six of the Class I Railways. After the regulations have been extended to the principal Railways, their application to smaller railways will be considered.

(b) Does not arise.

(c) and (d). These are matters of detailed administration on which Government have no information.

STOPPAGE OF THE NIGHT PASSENGER TRAIN AT BARAUT, SHAHDARA SAHARANPUR LIGHT RAILWAY.

†355. ***Qazi Muhammad Ahmad Kazmi:** (a) Will Government be pleased to state whether it is a fact that the passenger train which leaves Shahdara at about 19-30, reaches Baraut at about 21-30 and is stopped there till 3-30 A.M.?

(b) Is it or is it not a fact that during the six hours that the train is stopped at Baraut, the lights are put out and the passengers are put to great inconvenience?

(c) Is it or is it not a fact that during these six hours the engine of the train is utilised for sugar-cane specials? If not so utilised, why is the train stopped for such a long time at Baraut?

(d) If the answer to part (b) be in the affirmative, have Government considered the advisability of impressing upon the Shahdara Saharanpur Railway authorities the need for removing this grievance of the travelling public?

(e) Is it or is it not a fact that, during the stoppage of the passenger train at Baraut at the night time, many cases of theft take place? If so, what steps do Government propose to stop such cases?

NON-GRANT OF OVERTIME OR SPECIAL ALLOWANCE TO THE TRAFFIC OR LOCO. STAFF ON THE SHAHDARA SAHARANPUR LIGHT RAILWAY.

356. ***Qazi Muhammad Ahmad Kazmi:** (a) Is it or is it not a fact that during the six hours the passenger train on the Shahdara Saharanpur Railway is stopped at Baraut at night, and the engine utilized for carrying sugar-cane specials, as mentioned in the preceding question, the engine staff are paid no overtime or allowance for this extra work?

(b) Is it or is it not a fact that during the sugar-cane season, when the work of traffic is more than doubled, no overtime or special allowance is given to traffic or Loco. staff?

†For answer to this question, *see* answer to question No. 353.

(c) Is it or is it not a fact that of the whole Shahdara Saharanpur Railway subordinate staff only two persons are given an extra allowance, one being the son of the Assistant Loco. Superintendent and the other an electrician?

The Honourable Sir Muhammad Zafrullah Khan: The matter concerns the administration of the Railway Company and is within its competence.

SUBORDINATE AND MENIAL STAFF ON THE SHAHDARA SAHARANPUR LIGHT RAILWAY.

357. ***Qazi Muhammad Ahmad Kazmi:** (a) Is it or is it not a fact that on the Shahdara Saharanpur Railway the menial and subordinate staff are entitled to a leave of only 15 days on all counts in one year? Can they get no other leave? If not, what is the extent of leave they can get?

(b) Is it or is it not a fact that the subordinate and menial staff have as a general rule been given no promotions during the last nine years?

(c) What is the total number of subordinate and menial staff, respectively, on the Shahdara Saharanpur Railway and how many of them were reduced during the last five years?

(d) Have Government considered the advisability of bringing pressure to bear on the Shahdara Saharanpur Railway Company for giving a better treatment to the subordinate and menial staff? If so, what measures have they taken in the matter? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) to (d). These are matters of detailed administration on which Government have no information. I am, however, sending a copy of the question to the Manager and Engineer-in-Chief, Shahdara Saharanpur Light Railway, for such action as he may consider necessary. I may also add for the information of the Honourable Member that the staff employed on this Railway are not Government servants, but are the servants of the Shahdara Saharanpur Light Railway Company.

PROVISION OF LATRINE FITTED COACHES ON NIGHT TRAINS ON THE SHAHDARA SAHARANPUR LIGHT RAILWAY.

358. ***Qazi Muhammad Ahmad Kazmi:** What steps have been taken by the Shahdara Saharanpur Railway administration to increase the proportion of latrine fitted coaches on night trains since the assurance kindly given by the Honourable the Commerce Member in reply to my question No. 405, replied to on the 16th September, 1936?

The Honourable Sir Muhammad Zafrullah Khan: The information is being collected and will be placed on the table of the House in due course.

BROADENING OF THIRD CLASS SEATS ON THE SHAHDARA SAHARANPUR LIGHT RAILWAY.

359. ***Qazi Muhammad Ahmad Kazmi:** (a) Will Government be pleased to state if they are aware that the recent steps taken by the Shahdara Saharanpur Railway administration in broadening the seats of intermediate class and raising the seats of the intermediate and second class compartments, have removed the grievance of the public?

(b) Are Government aware that the seats of the third class compartments still continue to be very narrow, *viz.*, 16 inches in old coaches and 14½ inches in new coaches, and are quite inadequate for the needs of the passengers, and prove very uncomfortable?

(c) Have Government considered the advisability of persuading the Shahdara Saharanpur Railway administration to look to the convenience of the third class passengers and make the seats broad enough for passengers to sit on?

The Honourable Sir Muhammad Zafrullah Khan: The information is being collected and will be placed on the table of the House in due course.

ISSUE OF PASSES TO THE REFRESHMENT ROOM CONTRACTORS ON THE NORTH WESTERN RAILWAY.

360. ***Pandit Nilakantha Das:** (a) Will Government be pleased to state whether it is a fact that the North Western Railway authorities have decided to change their existing policy concerning the issue of free passes to the Indian refreshment room contractors, with effect from the 1st February, 1937?

(b) Is it contemplated to withdraw passes in the case of all Indian contractors with the exception of only those cases where the contracts are not paying?

(c) Is it a fact that the European refreshment room contractors are entirely exempted from the operations of this new policy to the extent that in their cases the passes will continue to be issued as before?

(d) Is it a fact that free passes will be issued in the case of those Indian contractors whose contracts are not paying? If so, does not this principle also apply to European refreshment room contractors?

(e) Have the Railway authorities satisfied themselves that the European refreshment room contracts are not paying enough and that they should consequently continue to enjoy the concession of free passes, which is to be stopped in the case of Indian refreshment room contractors?

(f) Will Government be pleased to lay on the table a copy of the new rules governing the issue of passes to the Indian refreshment room contractors which are to come in force, with effect from the 1st February, 1937; and also state the reasons for exempting the European refreshment room and bookstall contractors from the operations of the new policy?

(g) Is it contemplated to introduce racial differences and preference in the matter of issuing passes to contractors?

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

(b) Yes, but only in regard to those refreshment rooms for which the issue of passes cannot be justified.

(d) The reply to the first part is in the affirmative. As regards the latter part, the Agent states that there is only one contractor for all European refreshment rooms, whereas Indian refreshment rooms are generally worked by separate individual contractors. In a few instances

where the same contractor has two or more refreshment rooms, each is in most cases, managed by a member of the principal's family residing at the place where the refreshment room is located.

(e) In view of my reply to part (d), this questions does not arise.

(f) I am placing on the table a copy of the instructions issued by the Agent to the Divisional Superintendents.

The bookstall contract for the whole line is, as in the case of the European refreshment rooms contract, held by one firm. Both these firms require passes to enable them to exercise effective supervision over their work.

(g) No.

Copy of the instructions issued by the Agent, North Western Railway to the Divisional Superintendents.

Indian Refreshment Room Contractors: No passes will ordinarily be allowed to contractors or their inspectors. In very special cases where a contractor has refreshment rooms at two or more stations at which the sales are not deemed to be sufficiently remunerative a pass between such stations may be allowed. The issue of such passes, which will be rare, will be decided by this office. *Third class crockery card passes* will be allowed as heretofore and will be issued by Divisional Superintendents who will see that the number of such passes and the length of sections for which they are made available are restricted to what is actually necessary.

Third class provision card passes will be allowed by Divisional Superintendents only at stations where fresh provisions are not obtainable locally and will be made available upto the nearest station where such supplies are obtainable, and not in any case beyond the nearest centre of supply fixed by this office from time to time. One provision pass for the staff of contractors at each station is considered ample. Two such passes should only be allowed when absolutely necessary; never more. These passes will be kept in the custody of the Station Master and issued only when required.

Indian Restaurant Car Contractors.—It is not proposed to make any change in the present policy which allows a second class or inter class card pass for the Contractor, one inter class card per Inspector and letter of identification for the Manager and servants for section of line on which Restaurant Car runs. These passes will be issued by this office.

SYSTEM OF SELLING VENDING CONTRACTS ON CERTAIN RAILWAYS.

361. ***Pandit Nilakantha Das:** (a) Is it a fact that Sir Guthrie Russell, as Agent of the Great Indian Peninsula Railway, stopped the system of selling vending contracts after a fairly long experiment?

(b) Is it a fact that the Bengal Nagpur Railway authorities tried a similar experiment and found it very defective?

The Honourable Sir Muhammad Zafrullah Khan: (a) The system of auctioning licences for vending was abolished on the Great Indian Peninsula Railway several years ago.

(b) Precise information as regards the previous practice on the Bengal Nagpur Railway is not readily available.

SALE OF VENDING CONTRACTS ON THE NORTH WESTERN RAILWAY.

362. ***Pandit Nilakantha Das:** (a) Has the attention of Government been drawn to the statements in the *Daily Herald*, Lahore, dated the 20th November, Nos. 25, 26 and 30, regarding the sale of vending contracts?

(b) Is it a fact that the members of the North Western Railway Advisory Committee were taken by surprise by the Agent and were not given enough time to consider and weigh carefully the proposal to tax food-stuff of the passengers?

(c) Is it not a fact that some members have subsequently sent in a notice of a motion to rescind the former resolution of the Committee?

(d) Is it not a fact that Lieutenant P. S. Sodhbans, lately a member of the North Western Railway Advisory Committee, has written to the press, (*Civil and Military Gazette*, Lahore, dated the 5th December, 1936) condemning the proposal to call vending contracts through tenders, and expressing the fear that the quality of food-stuffs would deteriorate and that corruption in the form of *dasturi* to officials will start?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government have seen certain of the articles that have appeared in the paper referred to.

(b) I understand that at a meeting of the Advisory Committee the matter was brought up by the Agent for discussion. It was open to the Committee to ask for consideration to be deferred.

(c) Government have no information.

(d) Yes.

AUCTION OF CATERING CONTRACTS FOR EUROPEAN REFRESHMENT ROOMS ON RAILWAYS HELD BY SPENCER AND COMPANY.

363. ***Pandit Nilakantha Das:** (a) Will the catering contracts for European Refreshment Rooms on Railways at present held by Spencer and Co., be also auctioned?

(b) Will these contracts be auctioned station by station?

(c) Are Government aware that Spencer & Co. charge rates much higher than bazar rates and make considerable profits and are in a better position to be taxed than contractors catering to the needs of poor lower class passengers?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). I am not aware of any such proposal being under consideration.

(c) No.

LORRY AND RAILWAY TRAFFIC.

364. ***Pandit Nilakantha Das:** (a) Do Government accept the complaint that the lorry traffic is gaining strength as against the railways because of the so many facilities that the lorry owners provide to the passengers?

(b) Are Government aware that the recommendation of the Advisory Committee, if accepted, would simply add to the existing grievances of the passengers and divert traffic to the lorries?

The Honourable Sir Muhammad Zafrullah Khan: (a) This is a matter of opinion.

(b) Government are not aware of any recommendation having been made by the North Western Railway's Advisory Committee, if this is the Committee referred to, which would have the effect suggested by the Honourable Member.

COMPLAINTS AGAINST VENDING OF BAD STUFF ON RAILWAY PLATFORMS.

365. ***Pandit Nilakantha Das:** (a) Will Government state what arrangements exist at present for redressing public complaints against vending of bad stuff on railway platforms?

(b) Is it a fact that Divisional Superintendents are the final authorities of appeal by the travelling public?

The Honourable Sir Muhammad Zafrullah Khan: (a) Every complaint is enquired into by or under the orders of the Divisional Superintendent concerned.

(b) No, representations may also be made to the Agent.

TENDERS FOR CONTRACTS OF HINDU TEA AND REFRESHMENT ROOM, ETC., AT THE DELHI RAILWAY STATION.

366. ***Pandit Nilakantha Das:** (a) Has the attention of Government been drawn to the notice issued by the Divisional Superintendent, North Western Railway, Delhi, calling for tenders for the contracts of Hindu sweetmeats and bread and Hindu tea and Hindu refreshment room at Delhi, in the face of comments in leading papers of the Punjab?

(b) Will Government state why tenders were not invited for a station where business could be normal all the year round?

(c) Will Government state why these particular contracts have been singled out and why tenders have not been invited for other contracts at Delhi, such as, European refreshment room, bookstalls held by A. H. Wheeler & Co. and other supplies at that station, and what is the reason for this distinction?

The Honourable Sir Muhammad Zafrullah Khan: (a) I have not seen the notice referred to, but understand that tenders were called for.

(b) and (c). I would refer the Honourable Member to the reply I gave to Mr. Sham Lal's unstarred question No. 11 on the 25th January, 1937.

HIGH PRICES CHARGED FOR BOOKS AND MAGAZINES, ETC., BY A. H. WHEELER AND COMPANY, LIMITED.

367. ***Pandit Nilakantha Das:** (a) Will Government state the amount realised from A. H. Wheeler & Co., Ltd., for their contract of bookstalls on the entire North Western Railway system, and what concessions are allowed to them in the shape of passes and concession in freight, and how do these concessions compare with the amount realised from this firm?

(b) Are Government aware that A. H. Wheeler & Co., is charging much higher prices for books, foreign magazines, and other wares sold at their various stalls than those prevalent in the bazar?

(c) If the reply to the above be in the affirmative, what steps do Government propose to take to bring their prices to the level of the bazar prices?

The Honourable Sir Muhammad Zafrullah Khan: (a) I would refer the Honourable Member to the agreement with Messrs. A. H. Wheeler & Co., a copy of which is in the Library of the House. Particulars of the extent to which passes and freight concessions are utilised are not available.

(b) and (c). I would refer the Honourable Member to the reply given by Mr. P. R. Rau, to Pandit Sri Krishna Dutta Paliwal's starred question No. 522 on the 19th September, 1935, and to the reply I gave to Mr. Joshi's unstarred question No. 88 on the 8th October, 1936. If the Honourable Member will let me have a comparative list of the other articles to which he refers, the question of taking further action will be considered.

CONCESSIONS ALLOWED TO SPENCER AND COMPANY AND INDIAN REFRESHMENT ROOM AND DINING CAR CONTRACTORS ON THE NORTH WESTERN RAILWAY.

368. ***Pandit Nilakantha Das:** (a) Will Government state the amount of subsidy allowed to Spencer & Co., for their dining cars on the North Western Railway and other concessions allowed to this firm?

(b) Are similar concessions allowed to Indian refreshment room and dining car contractors? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). I am placing on the table a statement giving the information required.

Statement.

(a) No subsidy is paid to Messrs. Spencer & Co., for dining cars on the North Western Railway.

The following concessions are allowed to this firm in connection with their contract for dining cars and refreshment rooms:

(1) They are allowed free use of dining cars, refreshment rooms, cellars and other offices connected therewith.

(2) Cleaners engaged by them to work in their dining cars are paid by the railway at the maximum rate of Rs. 15 per man per mensem. The total number of cleaners is fixed at eight—for the eight dining cars, or one cleaner per car.

(3) Cooking stoves and lamps are provided free by the railway.

(4) A sum of Rs. 25 per car per mensem is paid to the contractor for the supply and maintenance of utensils and table equipment in dining cars. The Railway is not responsible for any replacements of crockery broken in the dining cars.

(5) Free passes are allowed for the carriage of all articles for the first equipment of refreshment rooms and dining cars.

(6) Free passes are also allowed by the Railway for a suitable number of supervising and subordinate employees of the contractor for the proper and efficient conduct of business of the refreshment rooms and dining cars.

(7) Articles for *bona fide* use in the refreshment rooms and dining car services of the North Western Railway are charged over the North Western Railway at the following reduced rates by goods trains at owner's risk:

Aerated water Empty crates and bottles . .	At revenue rate.
Beer, wines and spirits	At half tariff rates.
Oilmanstores, etc..	Ditto.

(8) The following commodities are carried by the Railway free of charge:

(i) Twenty seers of fresh bazar provisions and poultry daily from determined sources of supply for each refreshment room when necessary.

(ii) All the ice used in refreshment rooms and dining cars.

(iii) All return empty boxes, baskets and other coverings in which the articles mentioned in (i) and (ii) above were carried.

(iv) All fish in ice sent from Karachi and other stations or game for the use of dining cars and for Lahore and other large rooms, provided such provisions are for the *bona fide* use for meals served in these rooms or cars.

(b) With regard to Indian Refreshment Rooms and Dining Car contractors, the concessions allowed to them compare as under:

(1) Yes.

(2) No.

(3) Lamps are provided free but not stoves, the reason being that stoves are not ordinarily used for cooking of Indian meals.

(4) No.

(5) No.

(6) Indian Dining Car contractors are allowed passes, but passes have been withdrawn from Indian Refreshment Room contractors with effect from 1st February, 1937. The reason for their withdrawal is that there is no Indian Refreshment Room contractor that has a large number of refreshment rooms to manage whereas Messrs. Spencer & Co., have Refreshment Rooms all over the Railway. There is thus not the same necessity for such constant travelling for the contractors of Indian Refreshment Rooms.

(7) No; except that aerated water for *bona fide* use of the Refreshment Rooms is booked at the first class goods rate.

(8) Items (i) and (iii) are allowed but not items (ii) and (iv).

In addition to the above, the following concession is allowed to contractors of Indian Refreshment Rooms:

In the case of a refreshment room situated at a station where fresh provisions are not obtainable locally, the Railway allows a third class free pass to the contractor or his servant, with 20 seers of fresh bazar provisions or oilmanstores for the refreshment room, available between that station and the nearest source of supply, which will be determined by the Divisional Superintendent.

DEMANDS FOR SUPPLEMENTARY GRANTS IN RESPECT OF RAILWAYS.

AUDIT.

Sir Raghavendra Rau (Financial Commissioner, Railways): Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 20,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Audit'."

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

"That a supplementary sum not exceeding Rs. 20,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Audit'."

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): I should like to know the reasons for this supplementary grant. The reasons, given in the foot note at page 1 of the Book of Supplementary Demands, are very scanty. They do not give us any idea as to why this additional sum is required.

Mr. N. M. Joshi (Nominated Non-Official): Please see the Standing Finance Committee report.

Dr. Ziauddin Ahmad: Even in that report, I could not find any valid reasons. Will it be possible for the Honourable Member to give us some idea why this thing was not foreseen at the time of the Budget? I do not want to say that the sum is not needed. But what I would like to know is, why it was not foreseen at the time when the original Budget proposals were laid? Why did these things come afterwards? After all whenever any demand is made by way of supplementary grants a case ought to be made out giving valid reasons for the same and why those things had not been included in the ordinary Budget? What were the circumstances under which this appointment was necessitated?

Sir Raghavendra Rau: I have given as much detail as was available in this office in the explanation to the supplementary demand. As my Honourable friend would have noticed, the excess is only Rs. 20,000 out of a total grant of 16 lakhs which is about one per cent. At least half of it was due to the payment of a gratuity which was provided for last year but which was actually paid only this year.

Dr. Ziauddin Ahmad: My point is not that the sum is not needed. My point is why it was not foreseen at the time of the regular Budget.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways): The Honourable Member himself has something to do with budgets and could he assure the House that he has always foreseen everything right down to one per cent. of the total? If he says, yes, then I admit we were to blame. If he has failed to budget correctly down to one per cent of the total, surely he can realise that an excess of Rs. 20,000—it is really only Rs. 9,000, because Rs. 11,000 is a transfer of liability from last year into this year—in a grant of over 16 lakhs is nothing to raise an objection about.

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

"That a supplementary sum not exceeding Rs. 20,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Audit'."

The motion was adopted.

MISCELLANEOUS EXPENSES.

Sir Raghavendra Rau: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 1,47,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Miscellaneous Expenses'."

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

"That a supplementary sum not exceeding Rs. 1,47,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Miscellaneous Expenses'."

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): Sir, I should like to know why no Indian was appointed in the Railway Enquiry Committee and why foreign experts have been brought in. Why are Government so much enamoured of foreign experts? Have they no experts in India on railway matters? I would also like to know what is the monthly salary which each expert is paid? When are they expected to finish their work? I would also like to know whether their terms of reference include revision of goods tariff rates.

Sardar Sant Singh (West Punjab: Sikh): Sir, from the accounts published about this grant under Demand No. 3, the House will know that about Rs. 2,18,000 are required for the purpose of the expenditure which has been incurred on the Railway Enquiry Committee. In this committee, three Members are working. Two are from England and one from South Africa. Here it is stated that this Enquiry Committee was appointed because the Public Accounts Committee demanded that such enquiry should take place in order to find out ways and means of increasing the revenues from railways. The Public Accounts Committee recommended that one expert should be called to go into this question. Instead of that, three experts have been invited from foreign countries to deal with this matter. Naturally, Sir, the question divides itself into two parts, the first is the question of policy and the second is the question of financial liability incurred in making such an enquiry. As regards the question of policy, the Honourable the Railway Member and the Railway Department are expected to enlighten this House on the main point whether the railways which are probably more in mileage here in India than in England or South Africa have not been able, during the last so many years of their working, to produce experts of the capacity and calibre which England or even South Africa can afford. By the appointment of foreign experts, the implication is that India has not been able to produce such experts in such a vast department where we spend about 90 crores annually on its maintenance. The second point is why, if the recommendation of the Public Accounts Committee was accepted, why was it not accepted in its letter? Why was not one expert called for, instead of three? The Honourable the Mover of this Motion has not yet given an insight into the question of policy which led the Government of India to depart from the recommendation of the Public Accounts Committee. Then, there is a serious omission, as pointed out by my Honourable friend, Babu Baijnath Bajoria, that not a single Indian was associated with this Committee of Enquiry. I think the Government could not have forgotten the boycott movement which was inaugurated when the Simon Commission came out to India to make enquiries about the constitutional position of this country. Then, all our public bodies, whether belonging to the extreme left or to moderate sections, resented this attitude of His Majesty's Government in appointing a Commission without associating any Indians with it. In the case of the present enquiry too, the voice of the people has been both from the press and the platform why no Indian was associated with this Enquiry Committee. Though there is no question of boycotting this Committee because I find that commercial bodies have been sending in representations to the Enquiry Committee, still the feeling of resentment is there in the country. I hope the Honourable the Commerce Member who is an Indian himself and who must have been consulted when the personnel of this Committee was decided upon will enlighten this House as to why he did

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not recommend the association of commercial bodies in this country with the Enquiry Committee which mainly concerns the vital interests of commerce and industry in this country.

The Honourable Sir Muhammad Zafrullah Khan: Recommend to whom?

Sardar Sant Singh: I am sure, the Honourable Member can get gentlemen in this country who are more competent than those who have been imported from abroad. Change places with me, and I will show how the personnel could be appointed.

The Honourable Sir Muhammad Zafrullah Khan: You are welcome.

Sardar Sant Singh: Now, coming to the financial side of the question, at my request my Honourable friend, Sir Raghavendra Rau, has been pleased to furnish the members of the Standing Finance Committee with a statement showing the expenditure on the Railway Enquiry Committee. I find that Sir R. Wedgwood, Chairman, gets £6,400, Mr. Stanier, Member, £3,400, Mr. Cheadle, Member, £840, Mr. Forbes Smith, Assistant to the Chairman for Rates and Statistics, £1,200, Mr. Kirkness, Joint Secretary, Rs. 15,000, Mr. Strouts, Joint Secretary, £600, Miss Thompson, Private Secretary to Chairman, £400, cost of passages Rs. 12,000, office staff,—pay Rs. 6,000, allowances and contingencies Rs. 15,000. Total £12,840, and Rs. 48,000, Grand Total Rs. 2,18,000. We have not been supplied with further information as to what time will be taken by this Committee to investigate and go into the matter and present their report so that we may be able to judge whether the huge sums that have been given to the members of the Committee are justified by the length of the time that they have to take and the services that they are required to render in order to write their report. I will, at the same time, ask the Honourable the Mover of this motion to enlighten this House as to whether the office staff which costs Rs. 6,000 consists of Indian personnel or foreign personnel.

Sir Raghavendra Rau: All Indians.

Mr. N. M. Joshi: As *chaprasis*.

Sardar Sant Singh: Stenographers and *chaprasis* probably. One point more. I want to know whether it was the decision of the Government of India that these esteemed friends of ours, the experts, who have come from foreign countries should bring their own Joint Secretaries and Private Secretaries at the expense of this country, and whether the Railway Board could not furnish them even with this personnel.

Sir Raghavendra Rau: One of the Joint Secretaries was from India—Mr. Kirkness.

Sardar Sant Singh: Thank you. May I ask why others also could not have been furnished by the Railway Board?

Mr. F. E. James (Madras: European): There is one small point which I should like to raise. I did try to raise it in the Standing Finance Committee, but failed to get a satisfactory reply for quite obvious reasons. The point is why this charge should be debited to the Railway Budget and not to general revenues. The Committee was appointed largely on account of the failure of the railway finances to contribute to the general revenues; its terms of reference were certainly wide. I believe they included a reference to the general problem of road-rail transport and it seems to me that this amount should properly be debitable to general revenues and not to railway revenues. I wonder whether anybody on the Government side could explain what was not explained to me in the Standing Finance Committee. I do not want to indulge in the pleasant pastime of criticising any Committee that is appointed for lack of Indian members, and I should like to say that, so far as this Committee is concerned, it is difficult to conceive under the circumstances a better Committee for the particular purpose for which it was chosen. But this question of debiting this amount to the railway revenues is one that I should like to hear more about. Is it to form a precedent in future when such Committees are appointed,—for instance if a Banking Committee be appointed, will the expense of such a Committee be debitable to the Reserve Bank, and so on?

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): I will add a few remarks to what has fallen from my Honourable friend, Sardar Sant Singh. I share fully his remarks with regard to the importation of experts from England. I do not think that there are not men in this country who are competent to have joined this Committee. As one at least has been associated, it means that we have got experts in India, though I do hold that there are experts in the country who could have worked exclusively without foreign aid. The second thing that I desire to say is as regards the procedure adopted by this Committee. They have issued no regular questionnaire. Ordinarily, Committees issue questionnaires and they are answered by those concerned. The Honourable the Commerce Member said the other day that any man could send in his representation and it would be considered. That is not proper. The more regular thing would have been to issue a questionnaire and then also to examine witnesses. After all, the questions that the Committee are considering have been brought forward and agitated by the commercial bodies and the public from a very long time and therefore on such an important matter there should be no witnesses examined is another defect. I also submit that in this matter it was very necessary that the members of the Railway Federation or of the railway unions, who have all along been making representations to the Railway Board and pointing out defects, should have been called and examined.

Sir Raghavendra Rau: The Committee met the Railwaymen's Federation on the 1st.

Mr. Lalchand Navalrai: I am glad to hear that, but I do not know if they were regularly examined. Some of them should have been examined on certain points so that we might have known what they actually placed before the Committee. I think it is, therefore, a very serious matter that such an important Committee should do things so perfunctorily.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Sir, I would like to know if the Committee are examining freight rates, and if they are to advise the Government on this very important aspect of Railway Administration, whether the Honourable Member will place its report before this House for their consideration before he applies his own mind to it, and whether he will take the views of this House into consideration before any decisions are taken. I must also echo the sentiments expressed here that it might have been advisable to associate an Indian financier with this Committee.....

The Honourable Sir Muhammad Zafrullah Khan: Nobody has so far given expression to that sentiment; other Honourable Members have so far suggested railway experts?

Sir Cowasji Jehangir: There may be just that slight difference, but an Indian, at any rate, who could have seen and explained the Indian point of view, should have been associated with this Committee. These gentlemen or most of them come to India for the first time and are to consider a very intricate problem, a problem which has baffled several Finance Members . . . . .

The Honourable Sir Muhammad Zafrullah Khan: I am not objecting to what the Honourable Member is saying, I merely stated that no other Honourable Member has so far suggested a financier . . . . . .

Sir Cowasji Jehangir: The Honourable Member, I think, was making a mis-statement, when he said . . . . . .

The Honourable Sir Muhammad Zafrullah Khan: I was not. I said that no previous Honourable Member had said that a financier should have been associated.

Sir Cowasji Jehangir: If the Honourable Member will sit down and not interrupt me, I shall finish in two minutes. What I did say was that I echoed the sentiment that an Indian should have been associated with this Committee, and then I said that I think an Indian financier might have been associated with this Committee, if a railway expert in India was not to be found—and I can understand that—two railway experts have had a hand in this now and they have been advising Government but they could certainly have found an Indian financier to be associated with this Committee who would have looked at the whole question from the Indian point of view and explained to his colleagues what the feelings, in India, have been on the railway question. Of course, I should have thought that from past experience such a suggestion might have occurred to Honourable Members of Government and they need not have been reminded of it after it was too late. I do not mean to make any reflections on the personnel of this Committee. I have no doubt that it is the best Committee that the Honourable Member could have got for the purpose but that does not in any way decrease the validity of the argument that an Indian, whether he be a railway expert or he be one with financial experience, might have been associated, in order, if not for the benefit of the Government, at least to inspire confidence in the Indian public in the report that will be received. I should be glad to have an answer to this question that I have already put to the Honourable Member, *viz.*, whether the Committee's report will be placed before this House for their consideration.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, although I may be guilty of repitition, I cannot record a silent vote on this important question before the House. Sir, I must associate myself with the general feeling of resentment that prevails in this country over the exclusion of Indians from the Railway Enquiry Committee. I do not object to the inclusion of one or two foreign experts from England or other countries but there is no reason why an Indian could not have been associated with the Committee. In the first place, the Honourable the Financial Commissioner for Railways—whom I wish to congratulate on his being recently knighted—has not explained to the House why no Indian was available. He has also not explained what is the past experience of the Members who have been appointed to this Committee, as regards railways in India. Have they ever travelled in India? Do they know the climate of the various provinces of India? Do they know the conditions in which the rail-road motor competition is going on in the country? Do they know the conditions of the slump in trade in this country which has reduced the tariff receipts of the railways? I do not doubt that these gentlemen are experts in their own countries, that they know their jobs very well, but I cannot agree with my friend, Sir Cowasji Jehangir, when he says that it is the best Committee which could have been selected. . . . .

Sir Cowasji Jehangir: I did not say it was the best; I said I assume so—since these Honourable Members are in the best position to know. I cannot guarantee that it is the best Committee.

Sir Muhammad Yakub: I am glad you have explained your position, but then there is one thing to which I must give expression and it is the feeling that we, in India, strongly resent the inclusion of a gentleman from South Africa in this Committee. We know how the South African Government have been treating Indians; we know what laws are being enacted in South Africa derogatory to the position and status of Indians there. Just at present, we find that there is a piece of legislation before the South African Parliament which prevents inter-marriages between Europeans and Indians. So if a country has been treating Indians so shabbily, it is adding insult to injury if a man from that country is taken on this Committee and I strongly protest against the inclusion of a gentleman from South Africa. I do not say anything derogatory to the gentleman himself. I think personnally he must be a very good man; but when these are the feelings of people in South Africa against Indians, I think it is against our self-respect that we should invite a gentleman, however great an expert he may be, from South Africa to India to sit on any Committee in our country. It is really a great pity that the British Administration of 150 years in this country has failed to produce any prominent expert to give opinions on railway matters. We are not responsible for this. It is, in fact, the responsibility of the British Government that they have brought such inefficient men into the country or that they have not been able to train men, even after 150 years of British administration, who can be called experts. There is one more point which I would like to know from the Honourable the Financial Commissioner for Railways and the Honourable the Railway Member and it is this. Why was this sum not included in the annual Budget? When was it decided that such a Committee would be appointed? Before the Railway Budget was presented to the House last year, I think it had been decided that such a Committee would be appointed and that

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people would come from outside. So on a matter of such great importance, why was it not included in the proper Budget in order that the full House could have got a greater opportunity to discuss this question? With these remarks, I enter my protest against the way in which this matter has been dealt with.

Mr. N. M. Joshi: Mr. President, in the first place I would like to know from the Honourable Member in charge of the Railways whether this Railway Enquiry Committee is considering the question of the treatment given to the third class passengers and how the neglect of the third class traffic and how the undue favour shown to the second class and first class passengers adversely affects the revenues of the Indian railways. You know, Sir, I have been trying my very best for several years to make the Government of India realise that their best customer from the point of view of passenger traffic is the third class passenger and how I have been pointing out how the Government of India have been neglecting this traffic and it is on that account how the Indian Railways are suffering in their revenues. I would like to know whether this Committee is considering this question of passenger traffic and the question of the partiality shown by the Government of India towards second class and first class passengers and the neglect of the third class passengers. I would like this Committee to go thoroughly into this question and find out in what direction the neglect shown by the Government of India so far for the comforts of the third class passengers can be removed. Secondly, I would like to say a word about the habit which is growing on the Government of India of bringing experts from outside whenever we want any problem to be investigated. I am not suggesting for a moment that we should not secure the advice of an expert from outside on any occasion. I have also no desire to criticise the personnel of this Railway Enquiry Committee from the point of view of their knowledge of railway affairs in Great Britain. But I do feel that it is a wrong practice and it is not to the interest of this country that we should follow the practice of bringing experts whenever we have to make any inquiry in this country. I would like you to remember, Sir, how many experts are, at present, touring in this country at the cost of the Government of India on various kinds of inquiries. If we want to investigate the problem of education we want to bring an expert from outside. If we want to investigate the problem of agriculture, we must bring an expert from Great Britain. Take any problem which we want to investigate and you will find that foreign experts are brought to solve it. In this country a number of foreign experts have been brought from outside as if there are no experts in this country. I feel it is the duty of the Government of India to make out a case when they bring an expert from outside as to why that expert was brought from outside. The country suffers in two ways when we bring experts from outside. In the first place, however eminent an expert from outside may be, that expert has very little knowledge of the conditions prevailing in this country. After all, if that expert is going to help us satisfactorily in solving our problem, it is absolutely necessary that that expert should have knowledge of our country. If he first tries to secure knowledge of our country and then do his work, then certainly we have to pay much more than we ought to pay for an inquiry of this kind. Secondly, when an expert from outside investigates a problem and he gets knowledge of that problem, the country does not get any continued benefit from his knowledge. That expert returns to his country

and his country benefits at our expense. But if we have experts from our own country and if they get any knowledge of the Indian railways, their knowledge will be available to us even in the future. I, therefore, feel that the practice, which the Government of India are following at present, of bringing experts from outside is harmful to the interests of this country because, as I said, we suffer in two ways. Moreover, I feel that if it is quite necessary sometimes for the proper knowledge of our own problems that we should have some knowledge of the conditions outside in that case, what I would suggest to the Government of India is that they should send our own experts to foreign countries. Let them learn there the conditions of the railway management or of any other problem in that country and come back. They will come back and remain in this country and we shall get the advantage of their knowledge not only on that particular occasion but always in the future. I, therefore, hope that the Government of India will change the policy which they have been following. There is no doubt that it is a question of policy. If you find out the number of experts who have come out to this country this year, you will recognise that we are not objecting to one particular expert being brought but we are objecting to the policy of bringing experts from outside on every occasion when we want to investigate any problem. I hope the Government of India will change their policy.

Mr. J. Ramsay Scott (United Provinces: European): Sir, part of the terms of reference of this Committee is road-rail competition. The report of a Railway Committee on this matter must be prejudiced in favour of the Railways. I would like to see the Road side on this question fully examined and put before us.

Dr. Ziauddin Ahmad: Sir, in the year 1931, when we were discussing the questions relating to railways in the Retrenchment Committee, we had the opportunity at that time to discuss this matter only with the Railway Board. When the members of the Committee desired to go to the running lines and discuss the matter with the Agents, we were given to understand that it was a very big problem and the whole thing will be examined in all its details by an expert committee which will be brought out in the year 1931. Instead of bringing out the expert committee in 1931 the Government of India brought out only one person, Mr. Pope, and he examined the railway questions from a very narrow point of view, that is to say, only the job work and a few other things related to it. But the bigger problem of the railways with which we were concerned at that time was not examined. When this question was again taken up this year when the Government were going to appoint another Expert committee, then also we contemplated that this committee will be of the type of the Acworth Committee which was appointed in 1920, and it will examine the entire question of railway policy which the Acworth Committee did sixteen years ago. But when I looked at the terms of reference of this committee, I found that they were vague, very limited and the committee was not going to examine all the aspects of the railway problem. No doubt, the Acworth Committee's report is a landmark in the history of the Indian Railways because that committee laid down a certain policy after a good deal of discussion and the Government of India accepted the major portion of their recommendations which they have been following since that time. We are now on the eve of a big change in our railway administration. We are going to hand over

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the whole of the railway administration to a small committee with a managing agent, who will be the Chief Commissioner, and I am afraid all the troubles which are associated with the managing agents will be reproduced in our future railway administration. Therefore, I expected that there will be some investigation of these bigger problems by an expert committee whose members are familiar with the working of the administration of the railways in different countries and their advice will be very valuable to us. But instead of attacking the bigger problem and the broad principles of administration, their terms of reference are limited to only a few questions which we could have solved without their assistance and perhaps in a better way. Had their attention been invited to bigger problems, then certainly their experience would have been of great value to us. But their terms of reference have been so much narrowed down that, really speaking, we do not gain so much as we ought to have gained by the experience which these gentlemen possess. So, my first point is that the terms of reference of this Committee are exceedingly narrow. The terms of reference ought to have been much wider; at least they should have been the same as the terms of reference of the Acworth Committee, and this Committee ought to have reviewed the entire policy of the Railways, they ought to have examined the present position carefully in order to prepare us for the future step which we are going to take in the coming year.

Sir, India is becoming exceedingly nervous at the present moment about the contemplated change in the policy of the Indian Railways. We do not know what we are going to do; we are certainly taking a leap in the dark. The Parliament has passed an enactment for us, but we do not know how it will work out in practice. At present, the responsibility rests with the Governor General in Council and also to a certain extent with the Legislature as representatives of tax payers. In future that responsibility in regard to railways will be handed over to a body of directors like the Company Directors who will come to attend meetings, draw daily allowance and then go away, and the entire work will be done by a single individual who will be called the Chief Commissioner of Railways and who will be like the managing agent of the company. This is really a question on which we should very much have liked to get the advice of experts; that is to say what should be the constitution of the new Railway Authority. Now, these gentlemen have got the experience of the working of railways not only in England, but all over the world, and on this question their advice would have been extremely useful to us. We expected that they would examine this question and discuss it with us and consider our point of view as well, but they are not going to do it. After all, Sir, the deficits of the Railways in India will fall on the Indian taxpayer, and he will have to pay for all the follies and mistakes of the future Railway Authority, and, therefore, I feel that we, as the representatives of the Indian taxpayer, have every right to be heard, and that we should not be taxed without being heard, without giving us an opportunity to express our opinion on this point. This is really one of the biggest issues which I think this Committee should consider and give their mature opinion, but their terms of reference preclude them from expressing their views on this momentous question.

Then, the second question on which we expected they would express an opinion is the purchase of the railways. Of course, opinions differ as

circumstances differ, but the opinion of the Committee would have been very useful. The Acworth Committee definitely stated that we ought to purchase the Indian Railways as and when their contracts terminated. This policy was negatived, in practice, by the Government in 1931 and again this year. I do not suggest that they were wrong this year, because opinions change with the change of circumstances, but at any rate we ought to have had the opinion of this Committee as to whether we should adopt the suggestions made by the Acworth Committee or we should now change our policy. If so, why?

The third important thing which should have been included in the terms of reference is the question of the amalgamation of the Railways. These gentlemen have got the experience of the working of their own railway lines in their country, and they have seen the working of the four amalgamated Railways, in England, and with their experience they could advise us what we should do. What was good for England would or would not be good for this country. Anyway, we ought to have some kind of advice from these experts and they may tell us the reasons why they recommend a policy different from that which they follow in England or in other countries.

Then, the next important thing, is the question of the safety of the passengers. In this matter, our railways are, at present, placed in a very difficult position. They have retrenched the staff to such an extent that travelling on railways has become rather dangerous. I myself had been a victim of an accident and that, to my mind, was entirely due to the retrenchment policy pursued by the Railways. They have reduced the staff to an extent that Railway running has ceased to be efficient. Let these experts who are now in India remember one fact. If they will examine this point, they will find that, man for man, we are inefficient, but money for money we are more efficient. Whatever amount of work one man may do in England, one single man in India cannot do the same, but consider the expenditure, what can be achieved by paying certain amount, we achieve the same thing by smaller expenditure; they will find we are far cheaper and more economical. This is really one of the problems they ought to have examined, as to how far economy has been effected and whether it has not touched the fringe affecting the safety of the passengers, and this question ought to have been included in the terms of reference.

Then, the next point, which is very important, and which was alluded to by my friend, Mr. Joshi, is about the amenities to passengers. The experts ought not only to investigate the extent of competition between the rail and road, but they should also examine the causes that have led to the diversion of the railway traffic to road, and I do not know whether this Committee would examine all these points.

In addition to these things there are several other problems they should have examined; at least, they ought to have examined the view point of the Members of the Legislature who have been discussing these matters, year after year, in times of deficit budgets. We do not know whether our point of view has been placed before the experts, but it would certainly give better satisfaction to the Members of the Legislature if they know that their point of view has been placed before the experts and that it has been considered by them. My friend said that every member has a right to send his opinion? Sir, I have been a member of several Committees, and my

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friends over there have also been members of several Committees, and we know the value which is attached to these written opinions. If every member receives large volumes of literature to read, they only pick out a thing which is of pressing nature, unless their attention is drawn by one of the members of the Committee to other points of view as well.

This brings me, Sir, to the question of non-appointment of an Indian on the Committee. It has been repeatedly pointed out that not a single Indian was found competent to serve on this Committee who could be called a railway expert. Sir, this question of railway experts is as humbug as the question of educational experts. (Laughter.) Really, you want a man with common sense, a man who has enough intelligence. Put such a man on to any job and he will do it. This is exactly the position with the I. C. S. people. An I. C. S. is not an expert, but as soon as you put him on to any job he becomes an expert in it, and he does the work nicely, because he has got the intelligence to do it. Of course, a man may not be able to build bridges or design locomotives unless he has had experience and training in engineering, but a man with sound common sense will be able to chalk out a policy to be pursued by a technical person. . . .

The Honourable Sir Nripendra Sircar (Law Member): You are an expert in education. Don't cry down experts.

Dr. Ziauddin Ahmad: Just as much an expert in education as you are in law. (Hear, hear.)

Sir Muhammad Yakub: But he thinks that all experts are humbugs.

Dr. Ziauddin Ahmad: I may also point out that in 1920, when the Acworth Committee was appointed, there were Indians available in this country who were associated with his Committee. That Committee wrote a really very good report. Now, if persons could be found in 1920 to serve on that Committee with Mr. Acworth, I fail to see why no Indian could be found competent enough throughout the length and breadth of India to be associated with these experts who are now in India. Several Members who served on the Acworth Committee are still alive and are still working for the good of the public, and they could still have been asked to serve on the Committee. Therefore, I do not agree with the argument of the Government that no Indian gentlemen who may be called Railway experts could be found in this country. If the desire to appoint an Indian is not wanting, they will always be found; but if you don't wish to put Indians on any committee, then you can advance some arguments against the inclusion of Indians. If you do appoint Indians on any Committee, you will find that they do come up to your expectations and they will be useful members of the Committee. Therefore, this question of leaving out Indians will not appeal to any Indian. One of the reasons is, as pointed out by previous speakers, that we do require in this country some persons who know these railway problems, and the only way in which experience can be gained is to give them opportunities to gain experience. One can learn a great deal in these committees and such persons will be useful to the country in future.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): Why have a Railway Board?

Dr. Ziauddin Ahmad: I suppose the Railway Board will not exist in future and it will soon be a back number.

One point which has been dealt with by previous speakers and which I want to emphasise is that if you give opportunities to an Indian to serve on this Committee he will rise to the occasion and he will be an useful asset in future, because by coming in contact with the experts of the world he will gain and he will be always available to the Railway Department whenever his services are needed. If we appoint another committee it will not be possible to bring out the same experts who are here. They may not have the time to come again, but if we have somebody in the country, his services will always be available for all problems. Therefore, I think it is a great mistake which the Government of India have done in not associating any Indian on the slender excuse that no suitable Indian is available.

The next thing that I should like to mention in this connection is that if you have a committee consisting of experts from outside, their whole programme, their whole point of view, is regulated by the Railway Board and Government, and the other side of the question will not be prominently brought to their notice. They get a series of papers to read; these papers are selected naturally by the Railway Board; they look into the problem in the same manner . . . .

The Honourable Sir Muhammad Zafrullah Khan: The Railway Board have nothing to do with the selection of papers which they should or should not read.

Dr. Ziauddin Ahmad: How will they read papers not sent to them? I wonder whether any Member of the Assembly was ever asked to send them all this literature which was sent to them. I understood that all this literature was sent to them either by Government or by the Railway Board and not by a Non-Official Member of the Legislature or by a commercial body.

The Honourable Sir Muhammad Zafrullah Khan: Commercial bodies all over the country and other people who are interested in this question sent up papers.

Dr. Ziauddin Ahmad: Did they send these papers to England?

The Honourable Sir Muhammad Zafrullah Khan: Does any particular harm attach to anything which is sent to England?

Dr. Ziauddin Ahmad: The thing is that they do not hear all sides of the question, and the general public would have greater satisfaction if all sides of the question were clearly considered by them before they gave their judgment.

There are two more points to which I should like to refer. One is the question of tariff. It is a very important question and I do not remember just now whether it is or it is not included in the terms of reference.

The Honourable Sir Muhammad Zafrullah Khan: It is a question of the construction of the terms of reference. I cannot give any opinion to the Honourable Member off-hand.

Dr. Ziauddin Ahmad: Who drafted the terms of reference?

The Honourable Sir Muhammad Zafrullah Khan: Sir, I intended to deal with that matter when my turn came, but as the question has been put in the middle of the debate, I may point out to Honourable Members that the terms of reference are in very close accord with what the Public Accounts Committee suggested.

Sir Cowasji Jehangir: May I ask just one question? Does my Honourable friend mean to say that he cannot give us his own interpretation of these terms of reference?

The Honourable Sir Muhammad Zafrullah Khan: Surely Honourable Members will realise that it would not be proper on my part to say, "This is what the Committee must have considered or should consider or are bound to consider". They were themselves in the best position to put and interpret their terms of reference; and I have not the slightest doubt that everything relevant to the terms of reference will be examined by the Committee.

Dr. Ziauddin Ahmad: I will not enter into any details about tariff, but there is one point which I would emphasise at the present moment, and that is that the fixation of tariff should never be left to the railway authorities alone. It should be done by Government, because the railways are commercial bodies. They will consider only one point and that is the point of maximum profits. In fixing the rates we have, of course, to consider in the first place the profits of the railways, but we have also to consider the development of industries. And the development of industries can only be considered by Government which really has every point of view in consideration. Therefore, this is one point which I should like to emphasise, that the fixation of rates must be left to Government and never to the railway authorities themselves. At present they say that Government have fixed the maxima and the minima, and they have left the railway authorities to fix anything between the maxima and minima. But the maxima and minima are so wide that, as was said by our old friend, Mr. (now Sir) Ramaswami Mudaliar, who is now in the India Office, that even an elephant can pass through these two limits, *i.e.*, the maximum is about 18 times the minimum. Of course the difference between the maxima and minima should be very narrow, say 5 to 10 per cent. on this side or that side, but to make it 18 times, *i.e.*, 1,800 per cent., is really not fixing of limits but leaving it to be settled in an arbitrary manner. Therefore, whatever may be said about it, I hope this Committee will consider,—and it is not too late to emphasise this fact now,—that the fixation of rates should be left to Government and the railway authorities may be allowed to arrange it only between certain limits.

Before I finish with this question of rates and come to my next point of road and rail competition, I should like to know very definitely from the Honourable Member, because I should like to make some remarks upon it, whether the question of fixation of rates is or is not within the terms of reference of this Committee, because my speech depends upon this fact.

The Honourable Sir Muhammad Zafrullah Khan: Then the Honourable Member should have started his speech after he obtained the information.

Dr. Ziauddin Ahmad: Will the Honourable Member be good enough to give me that information now? As Government refuse to give us that information on the floor of the House as to whether . . . .

The Honourable Sir Muhammad Zafrullah Khan: I have already stated that it is for the Committee to construe their terms of reference. Their terms of reference are almost exactly those that were laid down by the Public Accounts Committee. Surely, it cannot be made a grievance that they have not been narrowed down and Government have not put down certain specific questions to be considered by this Committee. A grievance has already been made that the terms of reference are very narrow, by the Honourable Member himself; and when I point out to him that the Committee have been left to interpret them in any manner they choose and that whatever is relevant to those terms of reference they are at liberty to inquire into, he turns round and makes a grievance of it. I do not know what his position is.

Dr. Ziauddin Ahmad: This question of fixation of rates is one of the most fundamental questions in the whole discussion. And when we are told that the Committee are free to interpret the terms of reference in any way they like, we are in an exceedingly difficult position. I shall not press this particular point.

I now come to the next issue, rail road competition. My Honourable friend, Mr. Scott, pointed out that the deliberation of this problem by a committee of railway persons alone will not be very satisfactory; they will examine the question only from one point of view. Before coming to any judgment on this matter, we ought to take into consideration the view points both of road and rail, and any committee appointed to consider this problem must include representatives both of road and rail: and in the absence of any representation on the roads side, the deliberations of the committee will not satisfy the general public and they will believe that it is a one-sided report. One chief difficulty which the members of this committee may have is that it is difficult to have any co-ordination because of the fact that the railways are owned by the Government of India—in future they will be owned by the Federal Government—while the roads will always be regulated by the Provincial Governments. Any kind of co-ordination between these two is exceedingly difficult to obtain. My province has passed a Resolution establishing a board of co-ordination between rail and road, and I said then that that would be no better than a board of co-ordination between the police and the Indian Army, because the police would be regulated by the Provincial Government, while the Army is regulated by the Indian Government. The same is the case here: unless you provincialise the railways it will not be possible to have any satisfactory board of co-ordination between the roads and rail. The second point is that the difficulties of travelling by road have not been realised: and that is a point on which the Indians can give better advice than foreigners who have never seen the country side, they do not know the condition of the roads here and the problem of the villagers in bringing their articles to towns: there are a large number of villages which are shut out from

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traffic for about three or four months in the year and they have no roads whatever. A foreigner cannot even conceive that there are appreciable number of villages in this country which are shut out altogether for any wheeled traffic for several months in a year. There are a large number of other problems which really require consideration; perhaps it is premature for me to express an opinion now on them. But I would very much like that these questions should be examined in greater detail and in sympathy with the problems which are facing our country: and the most important of them is the question of unemployment: a large number of persons who drive these motor cars get just sufficient wages to live, and they are thrown out of employment, then . . . .

The Honourable Sir Muhammad Zafrullah Khan: With all respect to the Honourable Member who is addressing the House, may I point out that the general questions he is discussing have really nothing to do with the motion now before the House? Starting with what should have been the terms of reference, the Honourable Member has gone on to express his views on certain aspects of some very general questions, such as the question of unemployment.

Sir Muhammad Yakub: Were the Honourable Members on this side of the House given any opportunity to express their opinion on this extremely important question?

The Honourable Sir Muhammad Zafrullah Khan: The Public Accounts Committee formulated the terms of reference.

Sir Muhammad Yakub: Not the Public Accounts Committee: I say the Members of this Honourable House.

The Honourable Sir Muhammad Zafrullah Khan: But that is no reason for the discussion to travel beyond the scope of the grant.

Mr. President (The Honourable Sir Abdur Rahim): Since a point of order has been raised, the Chair quite realises that the Honourable Member is now and then touching on questions which perhaps are a bit outside the scope of the motion. But, at the same time, this being a new service, and as it is an important question that is being raised, it will perhaps be very difficult, especially having regard to the terms of reference to which reference has been made, to limit the discussion in the way which is desired by the Honourable Member in charge of the motion.

Dr. Ziauddin Ahmad: I think I am suffering from extreme tyranny. The Honourable gentleman takes shelter under the findings of the Public Accounts Committee. The Public Accounts Committee Report ought to have been discussed on the floor of this House. The Government never gave us an opportunity . . . .

The Honourable Sir James Grigg (Finance Member): That is not true, if I may say so with all respect. The reports of the Public Accounts Committee have been put down on at least three occasions and postponed in accordance with the desire of Honourable Members of this House and not of Members of the Government.

Dr. Ziauddin Ahmad: That was only at the fag end of the Session at Simla, when the Government consulted the Leader of the Opposition and the Leader of the Opposition thought that this thing should be postponed and brought up this Session. But in this Session it has never been brought. That is about the last year's report. The report of the year before last was not discussed either by the Assembly. So for the last two years, for some reason or other, the report has not been discussed: I do not blame the Government, I do not blame the Opposition. Therefore, it amounts to this: my Honourable friend takes shelter behind the report of the Public Accounts Committee which we have never had an opportunity to discuss and express our opinion upon. Had this report been discussed we would have been able to give better terms of reference and certainly clearer terms of reference than has been done. So that, really speaking, the whole thing has been deliberately shut out from the Members of this Assembly so that we may not be able to express our opinion on this particular point. And now we are not going to have any opportunity to express an opinion. No doubt the Assembly is only an advisory body: it is open to the Government to take our advice or not and if the advice is given, it is open to the Government to follow it or not to follow it. In this case, they are not even prepared to listen to us and so I sit down.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, the question has been discussed threadbare, but it is of such importance that I should not be justified in casting a mere silent vote. The feeling of resentment against the exclusion of Indians from this Committee has been so deep, so intense and so universal, that I feel I should be failing in my duty if I did not support our friends in giving expression to our feeling of resentment. What I wonder is, what is, after all, the definition of an expert, not in the abstract sense of the term—an expert for the investigation of Indian problems and for the solution of Indian problems. I feel there is something fundamentally wrong in the conception of bringing out experts from outside for the solution of Indian problems. One may be an expert in his own country with regard to the state of affairs in his own country. At the same time, it does not follow necessarily that he will be an expert elsewhere. An expert may not always be a humbug . . . .

Mr. N. M. Joshi: But sometimes he is?

Mr. Akhil Chandra Datta: But there is at least some truth in this, that an expert in South Africa may possibly be a humbug in India with regard to Indian problems. Of course, a prophet is never honoured in his own country: that is true all over the world. But that sin is a besetting sin in India where an Indian is not only not honoured in his own country, but I should think he is dishonoured. It is a disqualification in India to be a child of the soil and to be an Indian. If you say "Oh, he is an Indian", the presumption is he must be incompetent, but if you say, "he comes from outside, from England or America", or for that matter, from any uncivilized country, the presumption is he must be an expert. It is high time that there was a change in the mentality of the Government in regard to the conception of an expert. In fact, the complaint is, wherever a Committee is to be formed, it must get an expert from outside. As I have said, I do

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not wish to dilate on this aspect of the question and take up the time of the House on this occasion, but there is one very important matter about which I am very keen, and that was referred to by my friend, Sir Cowasji Jehangir, and that is this. We are all over keen that the Report of the Inquiry must be placed before this Assembly and we must be given an opportunity to express our opinion on it . . . . .

The Honourable Sir Nripendra Sircar: As experts?

Mr. Akhil Chandra Datta: If that is the idea, let this House be dissolved. Let there be only experts from outside, and let there be no Legislature and no Assembly.

Sir Cowasji Jehangir: May I point out, Sir, that there is no Indian on this Committee, and these observations are only justified.

Mr. Akhil Chandra Datta: The complaint here is two-fold. In the first place, experts are invited from outside. That is complaint No. 1. Then complaint No. 2 is that no Indian is associated with it. Even an expert requires information on material points. Therefore, there is this twofold complaint, namely, about getting out experts from abroad and about the non-inclusion of Indians on the Committee. This is a very important matter, and I do not think that it will be denied by any Member of the Government that the feeling of resentment is universal amongst Indians on these two points.

The Honourable Sir Muhammad Zafrullah Khan: Sir, before I take up the various questions raised on this motion, may I say one word with regard to my having unfortunately caused some irritation to Sir Cowasji Jehangir during the course of his speech. I was not in any way taking objection to the validity, or otherwise, of the point he was seeking to make. I merely tried to point out, and I believe, I was right in that,—though the Honourable Member had a different recollection of the matter,—that when he referred to echoing the sentiments of other Honourable Members in that no Indian financier had been associated with this Committee, he was in error and that the objection taken by other Honourable Members was that no Indian railway expert had been associated with the Committee. That is all that I wanted to make clear to the Honourable Member on that occasion.

Now, Sir, the criticism put forward on this motion might be divided into two main heads,—the personnel of the Committee and the terms of reference of the Committee. One or two other points were also raised to which I shall advert later, but those are the two categories under which the main criticism has been put forward. Some reference to appointing an expert or an expert committee to look into the finances of the Indian Railways was made as early as the budget discussions of last year. I cannot vouch for the correctness of my memory on this particular matter, but I do believe that it was Mr. B. Das who said that some super-expert like Sir Josiah Stamp or some one of that kind should be asked to come out and

make an inquiry into railway finances. Subsequently this matter was taken up by the Public Accounts Committee, and the Public Accounts Committee recorded an opinion with regard to this matter in these words:

"This is an alarming prospect and in our view things cannot be left where they now are. We would urge therefore that the Government of India should immediately obtain the services of an acknowledged expert in Railway management to conduct an examination of the whole field and recommend steps which will secure definite (*i.e.*, other than mere hopes of increased revenue due to improving trade) improvements in railway finances to the extent of something like 3 crores a year immediately and ultimately of such magnitude as is required to maintain full solvency on a strict accounting basis. And to avoid misconception we add that the terms of reference should exclude the possibility of securing this end by a mere transfer of liabilities to general revenues.

In making this recommendation that there should be such an inquiry, we do not wish to imply for a moment that railway administrations have made no attempt to restore railways to a position of financial stability. We are satisfied from the evidence which has been placed before us that strenuous efforts have been made during the past few years to effect economies and to stimulate railway revenues, but we feel that nothing should be left undone to secure a re-establishment of the commercial solvency of railways, and we consider that an independent inquiry conducted by a railway expert which we have suggested will be of great value in attaining the object we have in view."

Now, in pursuance of that recommendation, this Committee was set up . . . . . .

Sir Muhammad Yakub: Instead of a Railway expert.

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member is impatient. When he discovers a lapse of memory on my part indicating that I have forgotten one of the main criticisms of this matter, I shall be very grateful to him if he draws my attention to it, and then I shall attempt to deal with it. Sir, as I have just read out this extract from the proceedings of the Committee and it is fresh in the minds of Honourable Members, I might perhaps here draw attention to the terms of reference of the Committee in order to show that the terms of reference follow very closely the recommendation of the Public Accounts Committee. The terms of reference of the Wedgwood Committee are as follows:

"To examine the position of Indian Stateowned railways and to suggest such measures as may, otherwise than at the expense of the general Budget,

(i) secure an improvement in net earnings, due regard being paid to the question of establishing such effective co-ordination between road and rail transport as will safeguard public investment in railway while providing adequate services by both means of transport; and

(ii) at a reasonably early date place railway finance on a sound and remunerative basis."

The first objection taken is, if this is a Committee that was appointed in pursuance of the recommendation of the Public Accounts Committee, why have you construed the expression "a railway expert" as meaning a Committee of experts. It has not been suggested that the appointment of a Committee consisting of three members was in any way a sinister evasion of the recommendation of the Public Accounts Committee; it is merely raised as a matter of objection. Now, Sir, if it had been the other way about and the Public Accounts Committee had recommended an expert Committee and Government had found that the most feasible way of carrying out the recommendation was to appoint a single expert, I can

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equally well visualise the kind of criticism that might have been put forward. Here is the Committee's recommendation. You choose one particular man who cannot possibly have all the requisite experience of the many-sided problem he has to deal with, and, because you think that one man may be amenable to your wishes in this matter, you have discarded the recommendation and appointed a one-man Committee instead of say, a committee of 3 or 4 or 5 as the case may be. Today the criticism is "The expression used is 'a railway expert' and you have appointed three experts, what is your explanation?" The explanation is this. There was no desire on the part of Government to depart even in that respect from the recommendation of the Public Accounts Committee, though it might well be construed as meaning an expert, or experts, in the sense that if a single expert could not be found who would be willing to undertake this enquiry in all its aspects without assistance, that . . . .

Sardar Sant Singh: May I point out to the Honourable Member what the comment is . . . . .

Some Honourable Members: The Honourable Member is not giving way.

The Honourable Sir Muhammad Zafrullah Khan: That is the second aspect of the question. I am quite conscious of the second part of the criticism, namely, if you eventually decided to have more persons than one, why did you not appoint any Indian?

Sardar Sant Singh: That is so.

Sir Muhammad Yakub: Male also includes a female

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will go on.

The Honourable Sir Muhammad Zafrullah Khan: I do not think that it is the point of Honourable Members that if a female is found to be an expert on any particular subject she is not to be appointed, simply because she is a female, to conduct an enquiry into that subject. The point I was making was this. Government had no desire to depart from the recommendation of the Committee even with regard to the numbers, but when they took up the question of the selection of an expert, they found that, having regard to the problem that had to be investigated, there was no escape from the position that more people than one would have to be appointed in order that they might pool together all their previous experience as well as the observations of Indian conditions which they would conjointly carry out in order to make useful recommendations in this respect. There was no question of policy whatsoever involved in the question of the number of people to be selected. Government's only anxiety was to select a person or persons, one if such could be found, more than one if that became necessary, who would be able to bring by himself or among themselves the necessary experience to bear upon the problem that had been formulated by the Public Accounts Committee. There is nothing whatsoever beyond that in Government having appointed three persons instead of one to conduct this enquiry.

The next piece of criticism was, having appointed three, why did you not select an Indian as a member of the Committee, or, as some Honourable Members have said, to be associated with the Committee because the Committee would require information of all kinds which would have to be supplied to it. One Honourable Member said that Government should have been conscious of the resentment aroused in the country on the occasion of the appointment of the Simon Commission because no Indians were appointed as members of the Simon Commission. Without entering into the merits of the question whether the resentment occasioned by the appointment of the Simon Commission on which no Indians were appointed was or was not justified, may I use that very illustration to show that no questions of the kind that were raised in connection with the Simon Commission could possibly arise in connection with this Committee? The Simon Commission was appointed by His Majesty on the recommendation of Parliament and was to report to Parliament and was, more or less, to make an award. That is to say, though Parliament would still have the final authority to decide what the next stage of constitutional advance in the country should be, nevertheless, the report of the Commission was to be somewhat in the nature of an award between Indian aspirations and the practical possibilities of the situation. India was one party to the matter upon which the Simon Commission had to pronounce an opinion. The character of this Committee is entirely different. To begin with, no political or racial question whatsoever arises in this connection, it is purely an expert Committee. It is a Committee that is to give advice to the Government of India, not to an outside body. For the purposes of the final decision on this matter all available advice in India would be considered and Government would come to a decision not merely on the report of the Committee but upon the whole material available to them contained in this report and otherwise available. So that it is wholly illogical to try to institute a comparison between the composition of the Simon Commission and the composition of this Committee. The Public Accounts Committee themselves quite obviously were reconciled to the situation, as a matter of fact, contemplated the situation, as the second paragraph which I have read out indicates, that the person or persons who may be selected to carry out this investigation may be an outsider or outsiders. The criticism, therefore, that the moment you found that the requisite experience was more likely to be found in two or three persons than in a single person you were committed to the proposition that you must appoint an Indian on the Committee really loses its force. All the advice and all the experience within India are, nevertheless, available to Government and will certainly be kept in view when final decisions are arrived at.

What was the problem before the Public Accounts Committee and why was the appointment of this Committee recommended? The problem was this. It was felt that the finances of Indian railways, in spite of all the experience available inside India, had reached a stage which was causing a great deal of anxiety to Government as well as to Members of this House and the public and it was considered desirable to obtain expert outside advice, ask somebody to diagnose what in their opinion was wrong with the finances of the railways and to give advice with regard to their improvement. That is the sort of thing that the Public Accounts Committee visualised. Well, the Committee has been appointed for that purpose, to give advice after examining the conditions here. That advice along with other material available to Government, will be fully considered

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by Government before they arrive at decisions on their side. I need not repeat that in the composition of this Committee there was no question of Indian *versus* anybody else which need cause any anxiety to Honourable Members that factors might be ignored which might have been brought to the notice of the Committee if an Indian had been on the Committee. There was no exclusion of Indians from the Committee; there was no question of exclusion or inclusion; the object is to obtain the advice of these experts, to consider it along with such other material as might be available and then to arrive at decisions. With regard to the question of association with the Committee, apart from the personnel of the Committee, Honourable Members are aware that among those officers who were associated with the Committee during the greater part of their tour there was a very distinguished Indian officer, Sir Raghavandra Rau.

Then, objection has been taken to the procedure that was adopted by this Committee. It has been said—what is the use of telling us that any material that was forwarded to this Committee would be considered by them? But, after all, when a Committee is set up, unless something is done by that Committee to justify the suspicion that they have been indifferent to or have neglected material that was placed before them, the presumption should be that any material that is forwarded to them or placed before them will receive due consideration. The moment the Chairman of the Committee landed in India he issued an invitation to all commercial bodies and individuals interested in this matter to forward their views to him, and a very large volume of views has been forwarded to him. The Committee has taken the opportunity to discuss various aspects of the problem with railway people, with commercial people and other people interested in the question and I have not the slightest doubt that the views that have been placed before the Committee will be fully considered by it. As a matter of fact one Honourable Member who has spoken has told us that he himself has sent his views to the Committee. Of course, nobody can foretell to what extent the Committee might find themselves in accord with any particular view, but I am perfectly certain that any views that have been submitted to the Committee will be fully considered. I do not see why it should have been thought that a general invitation of that kind was not sufficient. The same Honourable Member has enumerated a list of subjects which he thinks ought to have been specifically included in the terms of reference. As I have pointed out, the terms of reference are in accord with what the Public Accounts Committee themselves said that this Committee should inquire into. That being so, I think that, if Government had proceeded to limit these terms of reference by saying that they were to inquire into certain matters and only into certain matters, and that they should pay particular attention to certain questions, it might have been a valid piece of criticism to say —"when the Public Accounts Committee said themselves that this body should be left at liberty to investigate whatever problems they considered necessary, why did you limit their discretion in any manner". I do not for one moment wish to be understood to mean that the Committee have been debarred from entering into the questions to which Honourable Members have made a reference. All I mean is that Government have not specifically said "you must look into this and you must not look into that", and I can only express the hope at this stage that the Committee are considering such aspects of all these questions as bear directly upon the state of the finances of Indian Railways, and to that extent, all these

matters, I am quite sure, will receive their attention; but, obviously I am not in a position to stand up and say—not being in possession of the minds of the Committee—that they are considering this matter, that they will consider that matter and express an opinion upon a third matter and that they will formulate certain conclusions upon a fourth.

Sir, another objection raised was—why was this estimate not included in last year's Budget estimates? Why was it left to be brought up by way of a supplementary grant? I hope I have made it clear that it was in the Budget discussions last year, after the Budget had been presented, that the necessity was urged upon Government of appointing a Committee of this kind and a definite recommendation was made as late as September, 1936, by the Public Accounts Committee. It was, therefore, impossible to make a provision in last year's Budget estimates merely upon the assumption that it was possible that certain Honourable Members might urge upon the Government the necessity of appointing a Committee to look into this and that therefore during the course of the year Government might have to appoint a Committee. Surely Honourable Members must realize that that was out of the question. References have been made to certain matters, e.g., rail-road co-ordination, the comfort of third-class passengers, the amalgamation of Railways, the safety of passengers, maxima and minima rates, and so on. This is not the occasion for me to express any opinion on these points and all I can say concerning these matters is that I have no doubt that the reports of this debate as well as previous debates on this question will be available to the Committee and that the Committee will pay such regard to these matters as the problems that they have to investigate into might necessitate. A reference was also made to the cost of the Committee. It was asked—what were the salaries that these gentlemen were receiving? Babu Baijnath Bajoria, I think, used the word "salaries". I do not know whether he meant the allowances to be paid to them in respect of their work on this Committee, or whether he desired to know the amount of the salaries that they receive in their own countries, but may I assure him that the Government of India have shown no generosity to these gentlemen in fixing their allowances. The position that the Chairman of the Committee occupies in England carries a very high salary indeed, and the allowances that have been fixed here have been fixed at the lowest possible limit at which they could be fixed having regard to the remuneration drawn by the Chairman and the members of the Committee.

The last question that was specifically addressed to me was—what was the procedure that Government intended to adopt with regard to the report of this Committee and whether Government would undertake, here and now, to place this report before the House and to obtain the views of the House before any action was taken on this report. Well, Sir, I am afraid I am not in a position just now to say what the exact procedure will be, nor can I give an undertaking that before any action whatsoever is taken upon any of the recommendations that might be contained in this report, the views of this House will be ascertained, though I imagine that an opportunity would be found to place the report of the Committee before the House and to obtain the views of the House on it, but until the report is received and one is aware of the character of the recommendations made and so on, I am afraid it would be out of the question to give an undertaking that Government would do nothing on this report till the report had been discussed in the House.

Babu Baijnath Bajoria: May I know when the report is expected to be published?

The Honourable Sir Muhammad Zafrullah Khan: I understand that the Chairman and the members are sailing on the 20th of February but I do not know the exact date by which the report might become available, possibly towards the end of April or the beginning of May.

Sir Muhammad Yakub: Not during the course of this Session?

The Honourable Sir Muhammad Zafrullah Khan: I do not think that likely, but if it is, Government will then consider whether it may be possible in some manner to obtain the views of the House on the report during the Session.

Dr. Ziauddin Ahmad: May I know when this Committee is likely to come to Delhi?

The Honourable Sir Muhammad Zafrullah Khan: The Committee is now in Delhi.

Mr. F. E. James: May I ask the Honourable Member if he will, perhaps, answer the question raised by me?

The Honourable Sir Muhammad Zafrullah Khan: Mr. James raised the question why the cost of this Committee was debited to Railways rather than to general revenues? He said that for obvious reasons he was unable to obtain a reply to this question in the Standing Finance Committee. The same obvious reasons still hold good. The Committee have been appointed on the railway side to look into railway finances and it is expected that the benefit of any recommendations that the Committee might make would accrue to railway revenues, naturally, therefore, the Railways are paying for the Committee.

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

"That a supplementary sum not exceeding Rs. 1,47,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Miscellaneous Expenses'."

The motion was adopted.

REFUNDS.

Sir Raghavendra Rau: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 3,35,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Refunds'."

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

"That a supplementary sum not exceeding Rs. 3,35,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Refunds'."

Babu Baijnath Bajoria: Sir, I would like to know whether the Government have issued instructions and directions to the various railway administrations about the grant of refunds promptly and speedily in case of overcharges in terms of my Resolution which the Honourable the Railway Member was very kind enough to accept in the Central Advisory Council for Railways. This question of refunds is a great grievance of the public in general and of the commercial community in particular and I would like to know whether the Government has acted in terms of that Resolution. Sir, I also take this opportunity of congratulating my Honourable friend, Sir Raghavendra Rau, on the high honour which has been bestowed upon him in the New Year's Honours List.

The Honourable Sir Muhammad Zafrullah Khan: And express the hope that the refunds should be made more speedily!

Babu Baijnath Bajoria: I would also like to say that my Honourable friend, Sir Raghavendra Rau, would have been a proper person to adorn the Railway Inquiry Committee with distinction and credit to himself and to the country. Instead of playing the second fiddle only to the Railway Inquiry Committee, he ought to have been one of its personnel and then he would have met the point raised by Sir Cowasji Jehangir. He is a financier and he knows the finances of the railways and he is also an expert in all railway matters. I am sure his help would have been very much appreciated by the Railway Inquiry Committee.

The Honourable Sir Muhammad Zafrullah Khan: He has been helping the Committee all the time.

Babu Baijnath Bajoria: He is only advising.

Sir Raghavendra Rau: Sir, I have really nothing to say in addition to what has been mentioned in the note to this supplementary demand but I can assure my Honourable friend, Mr. Bajoria, that if instructions have not already been issued as regards speedier refunds, they will be issued as soon as possible.

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

"That a supplementary sum not exceeding Rs. 3,35,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Refunds'."

The motion was adopted.

Payments to Indian States and Companies.

Sir Raghavendra Rau: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 29,73,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Payments to Indian States and Companies'."

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

"That a supplementary sum not exceeding Rs. 29,73,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Payments to Indian States and Companies'."

The motion was adopted.

WORKING EXPENSES—MAINTENANCE AND SUPPLY OF LOCOMOTIVE POWER.

Sir Raghavendra Rau: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 3,75,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Working Expenses—Maintenance and Supply of Locomotive Power'."

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

"That a supplementary sum not exceeding Rs. 3,75,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Working Expenses—Maintenance and Supply of Locomotive Power'."

Dr. Ziauddin Ahmad: Sir, I should like to put one question. In the Note on page 5, it is mentioned:

"this is required to meet an excess due to more expenditure on cost and freight on coal."

I should like to know whether consumption has increased on account of which we have to pay more money in price and more money in freight or whether it is due to the fact that the prices have increased, the quantity remaining the same. If the quantity has also increased, then this means there is more traffic which means really more income. I should like to know whether this is a fact.

Babu Baijnath Bajoria: Sir, this House passed a Resolution in Simla Session that steps should be taken to manufacture locomotives in this country.

Sir Raghavendra Rau: That has nothing to do with this Demand.

Mr. President (The Honourable Sir Abdur Rahim): The question of policy cannot be discussed now.

Sir Raghavendra Rau: With reference to the question put by my Honourable friend, Dr. Ziauddin Ahmad, I am sure he is aware from the statements published in the papers that our earnings have up to date been about 3¼ crores ahead of last year and naturally to carry extra traffic we have to use more coal.

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

"That a supplementary sum not exceeding Rs. 3,75,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Working Expenses—Maintenance and Supply of Locomotive Power'."

The motion was adopted.

WORKING EXPENSES: TRAFFIC DEPARTMENT.

Sir Raghavendra Rau: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 7,25,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Working Expenses—Traffic Department'."

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

"That a supplementary sum not exceeding Rs. 7,25,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Working Expenses—Traffic Department'."

The motion was adopted.

WORKING EXPENSES: MISCELLANEOUS EXPENSES.

Sir Raghavendra Rau: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 12,75,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Working Expenses—Miscellaneous Expenses'."

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

"That a supplementary sum not exceeding Rs. 12,75,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Working Expenses—Miscellaneous Expenses'."

Babu Baijnath Bajoria: Sir, I should like to know the explanation for item (d) on page 7 of the Supplementary Grants:

"More gratuity payments and compensation to colliery lessors for loss of interest and royalty due to restricted working of colliery."

I am not able to understand this.

Mr. C. H. Witherington (Assam: European): Sir, I should like some information with regard to the Eastern Bengal Railway, a railway which operates in my Province. The excess expenditure is explained in page 7 of the list of Supplementary Grants as due to more gratuity payments, more rates and taxes and adjustment of share of sleeper control office. I should like some information about the gratuities and how they are arrived at. On page 55 para. 3 of the proceedings of the Standing Finance Committee on Railways, it is mentioned that "an increase of five lakhs is due to more gratuity payments". In para. 4 on the same page, it is stated: "the budget provision for gratuity has proved to be far out, the difference between the revised and the original estimate being 11 lakhs". I should like to have some information on these two points from the Honourable the Mover.

Sir Raghavendra Rau: Sir, the first question that has been put to me is with regard to the compensation to the colliery lessors for loss of interest and royalty due to restricted working of colliery. This is due to the fact that there was a suit against, I believe, the East Indian Railway, with regard to compensation for coal which the Railway could not afford to allow to be extracted because of the risk to the railway line above. It was a case that went up to the Court and this is the decree of the Court which has to be honoured. As regards the gratuity payments, I am afraid that this is a matter in which accurate estimating is almost impossible. These payments vary from year to year and there is no certain mathematical rule by which we may say how many people will retire in the course of the year to whom gratuities will be due. The payments in the last few years have been a little bit higher than usual owing to the fact that retrenchments were taking place. We had anticipated that as a result of the slowing down of retrenchment, the payments would come down much more steeply than they have actually come down.

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

"That a supplementary sum not exceeding Rs. 12,75,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Working Expenses—Miscellaneous Expenses'."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 4th February, 1937.

LEGISLATIVE ASSEMBLY.

Thursday, 4th February, 1937.

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

MEMBERS SWORN.

Mr. Mead Slade, M.L.A. (Government of India: Nominated Official); and

Mr. Joseph Ernest Parkinson, M.L.A. (Government of India: Nominated Official).

AMENDMENT OF INDIAN LEGISLATIVE RULES.

PRESENTATION OF THE REPORT OF THE ASSEMBLY COMMITTEE.

The Honourable Sir Nripendra Sircar (Leader of the House): Sir, I present the Report* of the Committee on the proposed amendments of Rule 8 of the Indian Legislative Rules:

THE HINDU MARRIAGE VALIDITY BILL.

Dr. Bhagavan Das (Cities of the United Provinces: Non-Muhammadan Urban): Sir, the immortal Omar Khayyam has sung to the effect that:

> "A book of poems, and a bowl of wine,
> And one true friend even in a wilderness—
> And wilderness were company enow."

If, Sir, I were ten years younger like the Leader of the House, I would be able, in humble imitation of Omar Khayyam, to sing:

> "These bulky volumes and this coffee flask,
> Are all I ask to carry on my task,
> And keep the House engaged till the day ends,
> And dewy eve to respite my Bill sends."

But, unfortunately, I am no longer so young as my highly respected reformist, and, at the same time, Sanatanist friend, the Honourable the Law Member.

**Vide* Appendix "A" at the end of the debates for the day.

The Honourable Sir Nripendra Sircar (Law Member): I am very old.

Dr. Bhagavan Das: But you are ten years younger than I am. If I were 25 or 26 years younger, and had the youthful exuberance of my very good-hearted and sincerely religious minded, but I am afraid very short-sighted, friend, Mr. Bajoria, I would then talk not only the whole of this day, but take the whole of the next non-official day also within my purview, and say, like the hero of Sir Walter Scott's poem, even on the 11th:

> "Come one, come all! This House shall fly
> From its soft seats sooner than I!"

But, Sir, I am afraid I cannot trust either my brains or my lungs to enable me to say these things with any confidence.

Sir Abdul Halim Ghuznavi (Dacca *cum* Mymensingh: Muhammadan Rural): But the Honourable Member occupied the whole of the last non-official day.

Dr. Bhagavan Das: It was your unexpected help and unexpected opposition that enabled me to entertain the House till the end of the day's sitting. I may not have a chance of doing that today.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Was the opposition also unexpected?

Dr. Bhagavan Das: To a certain extent, yes.

I feel I should mention at this stage that a suggestion was made to me that the further discussion of my Bill should be postponed as the Arya Samaj Marriage Validation Bill was postponed.

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): Who made the suggestion?

Dr. Bhagavan Das: That is not necessary to say. I passed on the suggestion to the proper quarters, but I was given to understand that Government were not willing, and my good brother, Babu Baijnath Bajoria, was not willing either; and I was also given to understand that the conventions and the Standing Orders of this House require that there must be unanimous agreement, among all the Members, before such a postponement could be granted. Therefore, I was left without option to plough my lonely furrow through the serried ranks of the Government benches. I should have been happy to accommodate the Movers of all the Bills that follow mine on the order paper of the day. Some of them are ripe for further consideration, others are ready to be referred to Select Committees without much difficulty,—they are not so contentious as my Bill,—and many others have simply to be sent into circulation. I feel some compunction in taking up the whole of this day, because that will cause very great disappointment to those other friends who have all these private social Bills on the anvil, and it may even bring me their ill-will. But I am afraid duty compels me to incur all these risks.

I shall try first to confound the Government out of the mouth of the Government itself, and then I shall deal with my Sanatanist opponents. These two are the main heads under which the opposition to my Bill may be classified, *i.e.*, Government and Sanatanist, and, among the latter, I have the agreeable as well as disagreeable surprise of having to place such good friends as Mr. Umar Aly Shah and Sir Muhammad Yamin Khan, side by side with Mr. Bajoria. If, after having quoted his precessors against himself,—incidentally, I prefer the word "precessors" to the word "predecessors"; I think the word "predecessors" is often used very wrongly: we do not say "sudecessor" but successors; and, similarly, we ought to say "precessors": "predecessors" would be correct only if we were to say that Alexander predeceased Napoleon and so was his predecessor, both being deceased now . . . . . .

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member wants to take up the time of the House in this way, so that he may take the whole day, the Chair would point out that this is not relevant. The Honourable Member ought to confine himself to the provisions of the Bill.

Dr. Bhgavan Das: I stand corrected. It was not deliberate intention, to take up more time than I should, that led me into stating the distinction between 'pre-de-cessor' and 'pre-cessor' but a wish to proceed to the more correct use of the English language, which we use in this House; and the wish was the result of a sub-conscious pedantic habit which life-long professional and literary work has developed in me, and for which I begged the kind indulgence and forgiveness of the House at the very outset of my first speech on the 28th ultimo. I will try to be more strictly relevant, Sir. Very well, then I try to quote the Law Member's precessors in office against himself, first; and if, after having considered their views, he thinks it fit to reconsider his own, and helps me to let this Bill go to the Select Committee, then I shall be deeply grateful, and that will save the time of the House completely for every one concerned. I find that when a Bill in precisely these words was brought forward by the Honourable Mr. Patel, and was discussed in the pre-reform Council, on the 25th February, 1920, the Honourable Sir William Vincent, in moving an amendment to the motion made by Mr. Patel, that the Bill should be referred to a Select Committee made up of officials as well as non-officials said as follows: "I should like....."

The Honourable Sir Nripendra Sircar: If my friend will allow me to point out, that was in 1920. After that, in 1923, we had the Special Act, and my point is that this Bill is wholly unnecessary.

Dr. Bhagavan Das: I will deal with that point. Sir William Vincent moved his amendment (to the motion placed by Mr. Patel before the Council), that the Bill be referred to a Select Committee consisting of the Honourable Sir George Lowndes as *ex-officio* Chairman, and the non-official Members only. He said:

"In moving this amendment I should like to explain the position of the Government in regard to this measure. The Government of India regard the Bill as a *liberal* measure with which individual Members of the Government have every sympathy. It is a *permissive* measure as I understand it. In *no sense* is it *obligatory* upon any

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person. My own experience is that *the best educated Indian opinion* I have met, at any rate in the province with which I am familiar, *is strongly in favour* of the proposals. Many of us indeed feel that it is *unreasonable* that adult persons who desire to marry should be *prohibited* by law from doing so because they happen to belong to different castes. *Nor am I* myself much *impressed with the argument that this law will strike a blow at the foundations of the Hindu religion.*"

This last is the argument that has been advanced very persistently by my friend, Babu Baijnath Bajoria, on the 28th ultimo. Sir William Vincent goes on:

"This argument has been used too often. It was advanced when *Sati* was prohibited, at the time of the Widow Remarriage Act, when the Civil Disabilities Act was enacted, and later on when the Age of Consent Act was passed. We are many of us unwilling to believe that *the Hindu religion* does not rest on some *more solid basis* than that. I am told also that in some Indian States there is legislation comparable to the Bill before the Council."

This was in 1920. As I mentioned to the House, the other day, *i.e.*, on the 28th ultimo, the State of Baroda has passed a number of Acts which are much more radical than the modest Bill which I have brought before the House. I have no definite information as to other States. Then he says:

"I have now placed before the Council the views of the Government on the Bill. There is naturally a feeling of sympathy with this measure, but in view of the opposition from the orthodox community, we seek to obtain the views of non-official Members of this Council as to our wisest course, and for this reason. I have moved the amendment now before the Council. *We* shall largely be *guided* by the opinion of the *non-official Members* who *represent* largely the *educated opinion* of the country. It is for that reason and in order to secure an effectual presentment of that opinion that I have proposed that this Bill should be referred to a Select Committee consisting of the Honourable Sir George Lowndes, who as Honourable Members know, is bound under the rules to be Chairman of every Select Committee, and of non-officials. Otherwise, indeed, it is very difficult for Government to ascertain the views of individual members. I must, however, say that while I propose this course, we retain liberty of action, if we think necessary owing to circumstances, either to defer the further consideration of this measure until the *enlarged Legislative Councils* come into being"—(*and they have now come into being, so that in any case the re-presentation of such a Bill to the enlarged Legislative Councils was already contemplated by Sir William Vincent*)—"or to republish it or to take any other line that may appear to us to be most proper in the whole circumstances. *I should be glad if this motion is carried,* and I may say that it will be carried, because I shall use *the official majority,* and I have reason to believe also that my Honourable friend, Mr. Patel, will not oppose it."

Sir, this is all that I am asking for now. As Sir George Lowndes would have been and was the official chairman of the Select Committee, then appointed, so the present Law Member and Leader of the House will be the official chairman of the Select Committee that I am pleading for; and we all know how much power there always is in the hands of the chairman or president. He continued:

"Finally, I wish to make it clear that, while the Government are referring this matter entirely to the non-official committee, they quite realise that the responsibility for the ultimate decision will rest with them. So long as the present form of Government remains, it would be idle for Government to attempt to get rid of responsibility in this matter. But what we seek in this matter is the advice and help of all the non-official Members of this Council on a question of very great difficulty, the difficulties, the intricacies, and the perplexities of which we as foreigners possibly cannot understand as fully as many members of this Council."

When the discussion was continued on the 26th of February, 1920, speaking, again, Sir William Vincent said:

"I turn now to the speech of my friend Mr. Sarma, and I must confess to being much impressed by many of the arguments that he put forward. He has supported the Bill, but at the same time he put forward practical difficulties which must have appealed to every Member of this Council, to minimise which would be idle. He referred, for instance, to the difficulties about inheritance, adoption, and legitimacy. Then we had the question, raised by my friend Mr. Sastri, as to the necessity of registration and confining this law to monogamous marriages, and he also raised the question whether such marriages should only be permissible to those who have attained majority. And while I am speaking of monogamous marriages I am quite sure that the Honourable Mr. Patel does not endorse the suggestion made by Mr. Chanda on this matter. Mr. Chanda apparently had in his mind, not a system of pologamy, but of polyandry, for if I understand him correctly, he referred to the suggestion that no man or woman should be allowed to marry outside his caste, if he or she has a wife or husband alive. This was, I think, a mistake of the Honourable Member . . . . ."

Dr. Ziauddin Ahmad (United Provinces: Southern Divisions: Muhammadan Rural): On a point of order, Sir. The quorum is not present.

[Under instructions from the Honourable the President (the Honourable Sir Abdur Rahim) the bell was rung, and the requisite number of Honourable Members soon entered the Chamber and took their seats.]

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can now go on with his speech.

Dr. Bhagavan Das: Sir William Vincent went on to say:

"All these are, however, matters of detail which will have to be considered by the Select Committee, and if the Committee think it necessary to alter the Bill very much in these respects, the question of re-publication and inviting public opinion on the new provisions will have to be considered, as was suggested by the Honourable Rai Sita Nath Roy Bahadur. Many of the questions involved are of great intricacy and complexity. We are, speaking as a Government, in no way anxious to press a measure of this kind on an unwilling people. We are also well aware of the force of the remarks made by Raja Sir Rampal Singh that, whatever people may say or do now, in the end it will be the Government which will be responsible for the measure. If there is any odium excited, Government will have to bear it, and Honourable Members who support the Bill in the Council will escape the responsibility which must attach to Government in such a matter. *What we want* at first is to get the Bill referred to *a Select Committee* where it will, I hope, be examined with the greatest care. If the Committee think it ought to be re-published, then we are prepared to re-publish it. If they think that material additions are necessary to provide for the difficult questions raised by my friend Mr. Sarma, then we shall pay the greatest attention to the wishes of the Select Committee, but I hope for the present that the Honourable Member will accept the amendment I have placed before the Council."

Sir, I echo the hope of Sir William Vincent as regards the substantive motion I have made. You will notice that difficulties about inheritance, adoption, legitimacy, etc., are contemplated in Sir William Vincent's speech, and he expressly says that these could be solved in the Select Committee. That is all that I want, Sir.

The Honourable the Leader of the House said that Gour's Act deals with all those things, and makes it unnecessary now to go over the same ground. I respectfully submit that the net effect of Gour's Act is that it does not help the Hindu community at all. It adds to its fissiparousness. It only creates a new small sub-caste of what we may call Gourians or Indian-Succession-Actists; or some other such name may be given to them.

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They will become like another Brahma Samaj, without any solidarising, articulating, liberalising, uplifting influence on the Hindu masses, vivisected and microtomised as they are today into three thousand mutually untouchable, exclusive, repellant castes and sub-castes. That is not what the Hindu community needs today. It needs the shifting back of the caste system, from the wrong basis, the very wrong and very false basis, to which it has now become perverted, of crass and sheer heredity alone, to its real original, true basis of vocation. What is called the caste system needs to become again what it was in ancient times, a vocation-class-system. Such measures as Gour's Act—I do not want to be impolite, Sir, but there is no help for me but to say—are retrograde and mischievous, and not my Bill, which was characterised in these terms by my highly respected friend, the Honourable the Law Member. Gour's Act indeed means the victory of the Sanatanists who are always intolerantly and fanatically eager to exclude, not the victory of those who wish to include. Persons who marry under Gour's Act are cut away from their community. What is the gain to them? They are only able to retain the name Hindu, but for all practical purposes the 'attributes', as we may say, of Hinduism, are lost to them. They lose the power of adoption; they lose the power of remaining in the joint family to which they may belong. They are automatically cut off from that joint family, even if the joint family be willing to retain them within its fold. The Honourable the Law Member raised difficulties about it. I am afraid either his speech was not properly reported or I am unable to understand it. He said:

"Now, looking at it from this point of view, the daughter of a Mochi marries in a Brahmin family. It is the idea of Dr. Bhagavan Das that this couple will have the right of adoption and the Mochi-Brahmin combination will lead to an issue whom the other *co-parceners will be bound to adopt* for purposes of partition and succession."

I have not been able exactly to understand the significance of "co-parceners will be bound to adopt". Would the other coparceners be bound to adopt the issue of such a marriage under my Bill? Why need they? If any of the other coparceners wants to adopt any other boy, in accordance with the conditions of the law, nothing in this Bill would prevent him from doing so. Why should he adopt the issue, or be compelled to adopt the issue, of this Mochi-Brahmin alliance? This is an extreme case that has been taken, but really it is not right to think that only such extreme cases will be of frequent occurrence. In any case we are advancing to the time when Mochis will no longer be held in the contempt in which they have so far been. My Honourable friend, Mr. Bajoria, also postulated a similar case. He used the word Chamarin instead of Mochi. My argument applies to his words also. Chamar means etymologically Charmàkar; it is a translation of the old Sanskrit word. Charmamkar, a maker of or dealer in leather goods. I find today that Brahmana and Vaishya gentlemen are in the leather trade; perhaps also some Kshattriya or Khattri gentlemen. If the proper significance of the name were clearly understood, then, whatever their hereditary name may be, their real varna-name, real caste-name, would be Charmakar. Any way, the fact remains that the scorn and contempt which have so far attached to the names Mochi, Chamar, etc., are slowly disappearing, and quite rightly disappearing.

Babu Baijnath Bajoria: There is no contempt against Mochis or Chamars. The politicians have agitated them.

Dr. Bhagavan Das: I fail to see the significance of my Honourable friend's remarks. Further, we have to consider that, even if Gour's law automatically severs the connection, with the joint family, of such a pair as has contracted an inter-caste marriage, it does not automatically effect a partition of the property, does it? I am ignorant of matters of law, and I should be very happy to be enlightened by some of my colleagues who have more learning in this matter, but I believe that it does not effect an automatic partition of the property. If a partition of the property is wanted, the coparcener in the property who desires it, whether one of the inter-caste-marriage pair, or another, will still have to go to the civil Courts, so that that difficulty is not avoided. If the newly wedded pair are living in the family-house, they will not be automatically turned out of it by Gour's Act? In the Select Committee, if my Bill is very kindly permitted by the House to go to a Select Committee, we could easily make provisions which would be in advance of Gour's Act, which would enable two persons who enter into such an inter-caste marriage to remain in the joint family if the joint family is not unwilling to keep them within its fold. Some simple measure could be devised by which any member of the joint family might express his or her unwillingness to remain joint with such a pair, and then the pair would be compelled to go out of the family, and all the parties concerned would have to arrange for a partition of the property. Even after the partition of the property, I am not convinced that there is sufficient reason for compelling them to be governed by the Indian Succession Act. Why should they not continue to be governed by their own old Acts the Mitaskhara law or Jimuta-Vahana's Dayabaga, or any other laws that are prevailing in the Maharashtra, or that law of matriarchal or matrilineal inheritance which, as a very remarkable exception, is prevailing in the southernmost part of this country? Incidentally, I would like to know how my Honourable friend, Mr. Bajoria, and those of his way of thinking, who insist upon "the Shastras" so insistently and persistently—how do they reconcile all these very *different* Shastras which are prevailing in different parts of the country? He quoted a verse from the Gita, which is very much on the lips of orthodox Pandits, which lays down that the Shastra is to decide what should be done and what avoided. But what *Shastra*? Now, the word Shastra occurs in the Gita only five times; once in a question by Arjuna, and four times in the verses spoken by Krishna; and Krishna expressly defines the Shastra he is speaking of as "Idam guhya-tamam shastram *i.e.*, "This Gita-shastra or Adhyatma-Shastra that I am teaching to you". So, it seems to me that Gour's Act is really retrograde in that it helps the process of cutting off people from the Hindu community, and it is also *mischievous* in that it prevents the up-lifting, to a higher level of scientific understanding of the real significance and purpose of the class-caste system, of the less instructed, the less thoughtful, and the more blindly following masses of the people who would otherwise have been beneficially influenced by these advanced persons remaining in their midst. Therefore, I hold that that Act is retrograde; I would rather not use the harsh word "mischievous"; let us say it is very harmful. My Bill avoids those things. It tries to retain these people within the fold of the Hindu social organisation, and thereby to influence others to advance also. Instead of

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being retrograde and mischievous, it is really very progressive and beneficent. The Honourable the Law Member said, "It is no good merely repeating the *parrot cry* that it is permissive". He will recognise that I have been only imitating the *eagle scream* of Sir William Vincent; not that I consider a parrot to be an inferior bird to an eagle. According to Hindu belief, as my Honourable friend, Mr. Bajoria, will agree, a parrot is of the Brahmana caste, whereas an eagle belongs to the Kshattriya caste; and for a good reason. The eagle is obviously not so intelligent as the parrot; it cannot speak with the human voice, as the parrot can . . .

Babu Baijnath Bajoria: I do not know the sociology of animals, beasts and birds.

Dr. Bhagavan Das: If my Honourable friend would only take the trouble to read his own Shastras properly, he would acquire a lot of very useful and interesting and instructive information. Animals are divided into castes, stones are divided into castes, quadrupeds, horses, elephants, are divided into castes, cattle are divided into castes. That is the old way of making classifications of different qualifications. An animal, a stone, of such and such a caste is useful for such and such a purpose; that is the old technology. As modern science has its own technical terms, so these were the old technical terms. The parrot is dedicated to the Goddess of Learning, Sarasvati, for this very good reason. She is the Goddess of Learning and the parrot is a very intelligent bird: an eagle is not such. The eagle is dedicated to the war-like Vishnu when he is in his martial moods. I hope I have sufficiently disposed of the depreciatory and decrying effect of the expression "parrot cry" as used against my poor little Bill. I might even mention how the other members of the joint family may benefit materially, now and then at least, if they allow such a pair to remain within their fold. Obviously persons entering into such a marriage would be educated and enterprising, probably able to make a lot of money, which is the great God of modern civilisation and has by no means been despised in the Kali age in India either. Well, if these people remain in the joint family and if they happen to have no issue, all their savings would go to the other members of the joint family. They would benefit by it, but if the inter-caste pair are automatically cut off from the joint family, the joint family loses these reversionary rights. The Law Member has said: "Although they will marry according to the rites which are not acceptable to Hindus, yet they must continue to remain in the Hindu fold against the wishes of the other members of that community". But, Sir, many of these people marry according to the rites which are very acceptable to Hindus, and many Brahmanas, who are advancing in thought with the times and are professional purohitas and priests, are quite willing to take part in, and as a fact, I know of cases in which they have actually officiated at, the ritualistic and ceremonial celebration of such marriages according to the Vedic rites. Surely, Babu Baijnath Bajoria is not a better Hindu than Mahatma Gandhi or Mr. Rajagopalachariar. Mahatma Gandhi is undisputedly the greatest leader today, not only of Hindus, but of the whole Indian people, and Mr. Rajagopalachariar is also one of the foremost in the rank of leaders that comes next after the unique Mahatmaji. He is very highly honoured by the Indian people and of course by the Hindus. Now, these two great leaders have permitted their children to contract an inter-caste marriage and one is a Brahmana and the other is a Vaishya.

Babu Baijnath Bajoria: My views about sociology are quite different from those of Mahatma Gandhi and Mr. Rajagopalachari.

Dr. Bhagavan Das: As there was no such provision in the Statutebook as my Bill endeavours to place upon it, these two young people, the son of Mahatma Gandhi and the daughter of Sri Rajagopalachari, were compelled to perform a civil marriage first before a Registrar; but they were not satisfied. They took the sacramental view of marriage, and therefore they were married again according to the old Vedic Hindu rites and Brahmana priests officiated at and blessed that marriage.

Babu Baijnath Bajoria: That marriage was condemned throughout the country.

Mr. Bhagavan Das: It was not. If he says 'in his particular household' or in a number of households of his way of thinking, I am willing to agree. Now, Sir, as Mr. Bajoria repeatedly and insistently claims to be the representative of the whole country, to my very great regret and also to my helplessness, I am compelled to point out the nature and extent of his representativeness of the Hindu people. This is a sort of digression which has been forced upon me and upon the House by the exuberance of my young friend, Mr. Bajoria. Here is a copy of a letter which was sent to the Secretary of the Legislative Department of the Government of India by the General Secretary of the All-India Aggarwal Maha Sabha, Ajmer. It reads:

"Dear Sir : At the 17th Annual Session, held at Calcutta, on the 18th, 19th and 20th July, 1936, under the presidentship of Mr. Ram Kishen Dalmia of Bihar" [—*I am sure Babu Baijnath Bajoria will recognise Mr. Dalmia as a very charitable and generous gentleman and one of the ornaments of the Marwari community*—] "my society has passed various resolutions, copies of which are forwarded herewith in support of, or in opposition to, the several Bills pending before the Legislative Assembly. It hardly needs mention that it is my community, among its well-to-do compeers, which suffers most at the altar of the evil of child marriage, and infant and maternal mortality, also the number of child widows and child wives is very high in my community owing to this suicidal custom."

Sir, I received a letter from Benares only yesterday in which it is said that a girl under the age of 14 has just died there in child birth.

Mr. President (The Honourable Sir Abdur Rahim): It has nothing to do with this Bill.

Dr. Bhagavan Das: Yes, it has, because, people, who marry under this Act, will almost necessarily, be grown up people, much above the Sarda Act age, and so child marriage will also indirectly be counteracted by this Bill. The letter goes on:

"I am not ignorant of the opinion of a section of my community which is against all progressive social legislation, but you will agree with me that this opposition is simply based on superstition and traditional belief."

This is the language which has been used by the General Secretary of the All-India Aggarwal Maha Sabha: He goes on to say:

"My society has been working hard to mitigate, if not to put an end to, this evil custom for the last sixteen years, and is spending thousands of rupees every year for propaganda work against social evils. But experience has proved that when public opinion is sufficiently advanced, as it is in this case, concurrent legislation must be the logical conclusion and prove a boon, and such legislation should not be of the type of the Sarda Act, conceded in a miserly and worked in a half-hearted spirit."

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The Secretary might very well have mentioned the Gour Act, in stronger language:

"My society is also responsible for launching prosecutions against offenders under the Sarda Act, and has come to the conclusion that the Sarda Act in its present form is a very faulty and ineffective legislation and can do little good to the society . . ."

Mr. President (The Honourable Sir Abdur Rahim): The Chair would point out that all this is not relevant to this discussion.

Dr. Bhagavan Das:

"I have further to inform you that the conference of Marwari women held on the 21st July, 1936, in the pandal of the All-India Aggarwal Mahila-Sabha under the presidency of Shrimati Sajjan Devi, a Marwari lady, supported or opposed the Bills in still stronger terms, copies of which are also enclosed herewith."

Before concluding, I would like to say a word about the amendment to the Sarda Act introduced by Babu Baijnath Bajoria, M.L.A. The gentleman belongs to my community, but he will not find a single supporter even, amongst the five members of my community in the Legislative Assembly. Moreover, a Resolution opposing the said amendment was moved by Shrimati Kunti Devi, a young lady, and seconded by Shrimati (Mrs.) Ranglal Jagodia, an elderly lady, both belonging to the community of Mr. Bajoria, in the Women's Conference.

So, Sir, this will tell the House what representative character is assigned to Babu Baijnath Bajoria by his own limited community, in the first place, and the larger mass of the Hindu people, in the second place. You will kindly permit me to read out one or two references to Babu Baijnath Bajoria in the resolutions. The men's conference says:

"This *Mahasabha*, while considering the amendment of the Sarda Act introduced by Babu Baijnath Bajoria as encouraging the evil of child-marriage, emphatically protests against it."

Then, the Marwari Women's Conference held at the same time says:

"This conference of Marwari women considers the amendment introduced by Babu Baijnath Bajoria to the Sarda Act as fatal to the interests of Indian womanhood and while strongly protesting against it requests the Members of the Legislative Assembly to vote it down."

And these resolutions, incidentally, support the Hindu Women's Property Bill introduced by Dr. Deshmukh and the Child Marriage Amendment Bill introduced by Mr. Das. Well, Sir, I now return to the Honourable the Law Member. In pointing out the many defects of my Bill the Law Member said that:

"the Bill is a retrograde measure, because if Dr. Bhagavan Das is after reforms which are according to established modern ideas."

But, Sir, I am not at all interested in many modern ideas. I am not one of those who wish to imitate everything of the modern, *i.e.*, western civilisation, bad as well as good. While I am perfectly willing, nay, desirous, to accept such of its physical science as is really helpful to humanity, I am exceedingly averse to its much too crassly materialistic outlook upon what Vaidika Dharma, literally "Scientific Religion" teaches us to be highly spiritual and sacred domestic relationships and family ties, not only of the bodies but of the souls. I am interested in the very

ancient, traditional, indigeneous, and true Vedic ideas. I do not like the Word "Hindu", as I said in my speech the other day. It embodies a wrong idea. If you like, you can use the word "Vedic religion"—a term which literally means "scientific religion". The word "Hindu" is a geographical designation and not a religious denomination at all. However, it has come into currency, and so we have to use it. As I was saying, I am not interested either in all established modern ideas or in the current degenerate practices of Hinduism. What I am interested in is the re-establishment of the real, indigenous, traditional, scientific and spiritual interpretations of the great Vedic texts and the ancient laws given by the old Smriti-karas. The Honourable the Law Member said:

"As he himself pointed out, whereas Dr. Gour's Act of 1923 insists on monogamous marriage, this Bill does not. But he has one answer for all that, and that is that all that can be done in the Select Committee."

Well, Sir, as I have said, I have the support of Sir William Vincent in that wish of mine. I am perfectly willing that a clause should be added insisting upon monogamy in this Bill of mine. As to the right to divorce, the Law Member said, "those who believe in reforms would give women the right to divorce. Of course I am not discussing the question as to whether the right should be given or not". Thus the Honourable the Law Member does not express his own views, but he adds, "surely the right to divorce is a step in advance so far as reforms are concerned, and that Dr. Bhagavan Das is not willing to do so unless it is covered by a general formula. 'Well, all that can be done in Select Committee'."

I am not sure, Sir, that, if the right to divorce is given to the husband and the wife alike in the Select Committee, and obviously it must be given to both if at all, I might not prefer to withdraw my Bill altogether. I do not believe in divorce. I think marriage is a discipline also and not merely a picnic, "on today and off tomorrow". I think people having once married, or being married by the wisdom of their elders—wisdom, not superstition—or having married out of their own choice, by the gandharva or svayamvara form of marriage—Manu has provided eight forms, to suit different temperament,—should abide by each other, train each other, bear and forbear towards each other and live out their life properly. I do not believe in divorce. In the U. S. A., they now have one divorce for every two marriages, in the larger towns, and one in seven in the average for the whole U. S. A. I do not see my friend Mr. Umar Aly Shah here, but I have brought a copy of the *Parashara Smriti* for him. Parashara expressly permits re-marriage in certain cases for specific reasons. He also praises marital fidelity and constancy unto death and beyond. Manu expressly says that:

"Yādriq-gunena bhartrā strī sam-yujyeta yatha-vidhi,
Tādrig-gunā sā bhavati, tamudren-eva nimna-gā.
Akshu-māla Vasishthena tamp.ktā-dhama-yoni-jā-
Shāranji Manda-pālena, jagām-ābhyarhanīyatām."

"As is the nature of the man who the woman marries, such becomes her nature also. If the husband's nature is bad, the wife's nature becomes bad. If the husband's quality is good, the wife's quality becomes good. Aksha-mala (who was more low-born than the Law Member's Mochi or Mr. Bajoria's Chamarin) was married to the

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great Rishi Vasishtha; and Sharanji, the Daughter of a deer-hunter, was married to the great Rishi Manda-pala; and thereby both the ladies became highly honoured (Dozens of other instances are mentioned in the Puranas). On the other hand, if the wife's quality is extremely good, the husband's evil nature is conquered thereby and is transmuted and sublimated into goodness."

As Parashara says:

Vyāla grahi yathā vyālam balād uddharate bilāt,

Evam pati-vratā nārī, bhartaram nīcha-gaminam,

Api vā narakam prāptam, Syat chet tam anu-samsthita.

This is the old way of writing of the Smritikaras. They wrote like the Biblical prophets and not like the modern draftsman. So, their language may seem exaggerated, but it appeals to the Hindu mind. The language and the thoughts of Manu pervade the whole of Hindu life today, even though this may not be recognised consciously. The verses that I have last quoted mean: "As the strong snake-charmer drags the resisting snake out of its hole, so a good wife drags her husband out of his evil ways, and if he dies because of his evil ways and his spirit becomes earth-bound because of its gross cravings, and the wife decides to follow him in death deliberately, (*not* flung into the fire by criminal and wicked relatives), in that case, even if that earth-bound spirit of the husband should have descended into purgatory, this holy spirit of the woman is potent to drag that spirit out of that purgatory, and both shall rise to the higher regions." And we know that such *voluntary* abandonment of the fleshly body, by wife, or by husband, because of sheer inability to live on in it after the death of the intensely-loved partner, cannot be prevented by any law or any executive action. Such cases are occurring in India today, and even in the west. The abandonment of the body need not at all be by the way of fire; it is not unoften by cessation of heart-action, of the will-to-live. Well, such is the express statement of the Rishis, I am afraid it would tire the House if I were to relate what, if I remember rightly, has been recorded by one of the investigators of the European Psychical Research Society. These Psychical Research investigators believe in the fact of the spirit remaining after the body of flesh and blood has been cast away. In the report of the case investigated by this Psychical Society we find a most interesting comment on these verses of Manu and Parashara. Parashara, as I have said, permits widow re-marriage:

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"Nashte, mrite, pravrajite, klībecha, patite patau,

Panchasu-āpatsu nārīnām patir-anyo vidhīyate."

"If the husband should become lost and not to heard of for many years, or should die, or take Sanyasa, and so undergo a civil death, or be impotent, or should become 'fallen', 'de-graded' into sin and crime, then a woman, if she be not of the higher spiritual temperament, may take another husband". I believe there are some such provisions in the English law also.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member does not appear to be justified in dwelling now at length on the question of remarriage and divorce. He must confine himself to the Bill.

Dr. Bhagavan Das: Very well, Sir. I was led to all these considerations by the fact that the Law Member has expressly referred to the right of divorce.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can mention that it can be provided in the Select Committee, but he cannot have a disquisition on the law of divorce.

Dr. Bhagavan Das: But the Law Member said. . . .

Mr. President (The Honourable Sir Abdur Rahim): The Chair has given its ruling.

Dr. Bhagavan Das: I am not questioning your ruling, Sir; I am only explaining my position. The Law Member said that if I wanted reforms I should have done so in the Bill. I am explaining why I have not done so. The Law Member further said: "That is the reason why the Women's Association will not support this Bill. They say it is nothing. They want full reforms. They want the right to divorce and that is not to be found in Dr. Bhagavan Das Bill." If you will permit me, Sir, I think the House is on a sort of half-holiday, because of the absence of my Party, and it may not perhaps resent if I put all these considerations before it for some time longer. But if it is likely to resent my speech, then I shall close as soon as you wish me to do so.

Mr. President (The Honourable Sir Abdur Rahim): The Chair cannot have any such bargaining. The Honourable Member has only to confine his speech to the Bill before the House.

Dr. Bhagavan Das: I am trying to confine my speech to my Bill according to my lights, but I confess that my lights are dim and feeble, and I am grateful to you for helping me to make them brighter from time to time. I may be permitted to say that obviously I have been left without support, and while I recognise fully that the Chair should hold the balance evenly, yet if it inclines the balance slightly in favour of the weaker and more helpless party, in such special circumstances, it will not be any real breach of impartiality.

Mr. President (The Honourable Sir Abdur Rahim): I am afraid I cannot recognise that the Honourable Member is either weak or helpless.

Dr. Bhagavan Das: My Party Members have been spirited away from the House by the Government, by the way in which it has fixed the dates of elections. If they were here, they would have been very willing and eager to help me in carrying through this measure. They would have taken up my tale, and I would not have been compelled to strain my lungs so much. I suggested the postponement of this debate,

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but the Government have decided against it, because they feel, with the tactical skill born of long practice of hundreds of years, that now they have the chance of carrying out their determination to commit infanticide upon my poor little Bill without any chance being given to me. It is for this reason that they have not accepted the postponement of the debate and I am battling against odds. I came prepared with all these volumes, should my vitality last, to pour my very relevant arguments upon the House till the end of the day; but, while I can undertake to battle with all these 26 gentlemen on the opposite benches single-handed, I am powerless against you. I must submit to your ruling at once and so I shall try to finish. Briefly, one of the main arguments advanced by the Honourable Members who opposed the Bill was that the Hindus as a whole, to whom the Bill applied, do not want it and so it should be thrown out by the House. Every elected Member who opposed the Bill, with the exception of Mr. Baijnath Bajoria, clearly expressed his own sympathy with the principles of the Bill, even though he opposed the motion for sending it to the Select Committee. Bhai Parma Nand even supported the referring of it to a Select Committee, but considered the Bill rather premature or inopportune. For reasons, which I do not know whether I should go into, he fortunately or unfortunately happens to be the head of the Hindu Mahasabha, and he has therefore to sit on the fence between the Hindu Mahasabha on the one side and his Arya Samajic better conscience and higher mind on the other. He has indeed frankly confessed that he finds himself "in a fix". Therefore, while he has been compelled by his heart and head to support my motion for reference of the Bill to a Select Committee, he is also compelled at the same time to dub it with his lips as inopportune or premature. I do not know when he will consider it opportune or mature, perhaps some centuries hence. However, I thank him for the small mercy he has shown to my Bill. This brings forward the old old question of the functions of the Members of a Legislature as to whether they are merely delegates to voice the opinion of the less instructed masses of the people or are in the House to help the general welfare, the intellectual, moral, and physical uplift of the people according to the highest dictates of their conscience. I submit that we are here to serve the country according to the best of our ability and to guide and mould the uninstructed part of public opinion in accordance with the better instructed part of that same public opinion. No consideration of cheap popularity should deter Members from voting in favour of the Bill simply because of the feeling, real or fancied, that Hindus generally are against it—fancied as I have tried to show. I should be ashamed to say as a Member of the Legislative Assembly that both my head and heart support this measure but that my lips will not support it because of considerations of policy or popularity or party. I do not say that we should disregard all public opinion. Nobody strictly speaking does. It is indeed impossible to do so. We must see to the quality of thought of those who support the measure on the one hand, and those who oppose it on the other. Self-government, if it is to have any meaning, should be government by the Higher Self of the people, and not by their lower self. The opinion of the best educated, the most public-spirited, the most self-denying and philanthropic and most useful members of society alone should count in this House. The old tradition is exactly this. I

have already quoted Manu's injunctions as to who should be the legislators and the qualifications they should have:

"Not thousands of ignorant people, but even ten, or even three, or even one far sighted persons or person, deeply versed in human nature, and profoundly educated in the Science of the Soul, shall form the Legislative Assembly, *parishat*, of the king."

I strongly affirm that the best informed opinion, of Governors and Councillors and Judges and public bodies, all duly educated and experienced men and women throughout the country is in favour of the Bill. Sir, if you will permit me, I shall read out some of those opinions. I have got here a whole bunch of Resolutions which have been sent to me by various bodies supporting the Bill and making suggestions for the inclusion of a clause as to monogamy. None of them insists upon divorce, none of them insists upon severance from the joint family, none of them insists upon the Indian Succession Act being applied to them, but most of them suggest the addition of a clause as to monogamy, and I am perfectly willing to accept that. Do you think it necessary that I should read out some of the opinions.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should remember that he is replying. The Chair is sure, he realises that.

Dr. Bhagavan Das: I am replying to the asseveration that Hindu opinion is generally against my Bill.

Mr. President (The Honourable Sir Abdur Rahim): It does not follow, therefore, that the Honourable Member is entitled to read the whole lot of literature that has been sent to him.

Dr. Bhagavan Das: I bow to your ruling, Sir. I have had a precis made of the opinions collected by the Government themselves. I shall briefly mention the more important features of the precis. *For* the Bill. The Chief Commissioner of Delhi, the Chief Secretary to the Government of Sind, the Secretary to the Government of Madras, Legal Department, the Agent to the Governor General, the Chief Commissioner in Baluchistan, one Honourable Minister and one Honourable Member of the Government of Bihar. These are all *for* the Bill.

Now, against the Bill are: the Legal Secretary to the Government of Central Provinces, the Secretary to the Government of the United Provinces who says:

"The Governor in Council is not prepared to lend his full support to the Bill."

Perhaps he will give partial support. The Officiating Secretary to the Government of Bengal is also against the Bill.

The Honourable Sir Nripendra Sircar: My Honourable friend is replying. To what he is replying. No one had asserted anything about these opinions in favour of or against the Bill. What he is replying to. no one has taken this point in all the speeches.

Mr. President (The Honourable Sir Abdur Rahim): What the Honourable Member is trying to show is that his Bill has the support of people who were consulted on the point, and the Chair does not think it can say that he is not in order there. Only he is not entitled to quote at length from the opinions he has received.

Dr. Bhagavan Das: I shall try to be as brief as possible. The Governments that are neutral are, the officiating Secretary to the Government of North-West Frontier Province, the Chief Commissioner, Ajmer-Merwara; the Secretary to the Government of Orissa, the Secretary to the Government of Bihar, the Secretary to the Government of the Punjab, the Secretary to the Government of Bombay and the Secretary to the Government of Assam. So, Sir, something like seven Governments are positively in favour, and the Government of Sind even *urges* the passing of the Bill *very strongly*, because there is very great difficulty there in finding alliances within the castes and sub-castes. Perhaps now my Honourable friend, Mr. Lalchand Navalrai, will be able to support me here.

Mr. Lalchand Navalrai: If you remodel the Bill.

Dr. Bhagavan Das: Seven Governments are neutral, and one, the Government of Bengal, is positively against. One or two are undecided and doubtful.

This is a precis of Government opinions.

Then more important than the Government opinions, are the opinions of judicial officers. In favour of the Bill is the Registrar of the High Court, Appellate Side, Bombay. "The High Court of Judicature almost unanimously supports the Bill." The names of those who support are given: In the Punjab High Court, the Honourable the Chief Justice, the Honourable Mr. Justice Bakshi Tek Chand, the Honourable Mr. Justice James Addison, the Honourable Mr. Justice Jai Lal, the Honourable Mr. Justice Monroe, the Honourable Mr. Justice Abdul Rashid, all these are in favour of the Bill. In the case of the Madras High Court, the Honourable the officiating Chief Justice and Justices Pandurang Rao, Madhavan Nair, Stoddart, Wadsworth and Horwill are in favour of the Bill. That is to say, in the High Courts of Bombay, Oudh, Bihar, Punjab and Madras, 21 Judges altogether are in favour of the Bill. The High Courts of Bengal and Burma are neutral and express no opinion, and 9 Judges of Oudh, Bihar, the Punjab and Madras are neutral. Six Judges of Oudh, the Punjab and Madras are positively against the Bill.

Then, the District and Sessions Judge of Bangalore, the Additional Judicial Commissioner of Sind, the District Judges of Ahmedabad, Satara, Karnal, Jullundur, and Amritsar, are all positively in favour of the Bill. The District Judge of Satara specially points out the difference between Gaur's Bill and this Bill, and deliberately, on principle, supports this Bill as a measure in advance of Gaur's Bill. The District Judge of Rangpur is neutral. Against it are the Honorary Sub-Judge of Nawanshahr (Hazara), the Additional District Judge of Ajmer-Merwara, the District Judges of Ahmednagar and Thana, the Judge of the Assam Valley Districts, the District Judge of Rawalpindi and the Subordinate Judge of Sylhet.

Now, coming to the executive officers, I will read the names of those who are in favour of the Bill. The Commissioners of Coorg, of the Northern Division of Bombay, the Central Division of Bombay, the Southern Division of Bombay, the Collector of Ahmedabad, the Deputy Commissioners of Gujranwala and Hoshiarpur and the Sub-divisional Officer of Rajanpur,—all support the Bill. The Collector of Ratnagiri is neutral. Against the Bill are the Collector of Belgaum, the Commissioner of the Nagpur Division, the Accountant-General of the Central Provinces and the Commissioner of the Berar Division.

Then, as regards the opinions of prominent persons on the Bill, all of whom were consulted by Government themselves; six are for the Bill and four are against it, and none neutral.

As to the opinions of Advocates, Public Prosecutors, and Bar Associations, of the 9 gentlemen and Associations who have given opinions in favour of the Bill, the Bar Library of *Calcutta* has also given an opinion in favour of the Bill, although, as we know, for various reasons, opinion at the present moment in Bengal is being hindered in its progress by communal considerations. Only one person is neutral, and four persons and Associations, including the Bar Associations of Rawalpindi and Chittagong, are against it.

Then, as regards opinions of religious or semi-religious Associations, here naturally there are only two in favour, and the Sanatanists who have a number of very small Associations scattered throughout the land give their opinion against the Bill to the number of 11. I think Government have received something like two thousand telegrams against my Bill, and many of them pretend to be from large Associations, but I believe the Leader of the House himself will bear me out when I say that most of these Associations consist of only one person or at most of two.

Sir, I will not take up much more time of the House. I will content myself with the hope that Members have all read carefully the opinions that have been collected by Government. If they have done so, that would be enough for my purpose. I am very much inclined to read out extracts from the speeches which Mr. Patel made, in making his motion for reference of his Bill to a Select Committee, and also from the speech of Mr. Jinnah who strongly supported the Bill, but I do not think that is necessary. I also wished to read out some pages on the subject of the nature and the origins of the caste system, from the Census Report of 1931, and some pages from Mr. Vincent Smith's Oxford History of India, in order to rebut the imperfect, and, therefore, misleading quotation from the latter author, which was read out by Mr. Bajoria; but it seems no time is available to me to do so.

I will say, in conclusion, that the reformers are always few in number, in all times and in all countries, but they act as a leaven to raise up the whole mass of the country. I am quite prepared to admit that the persons who are striving for real regeneration and reconstruction of Hindu society in particular and Indian society in general are to be counted only by tens of thousands yet, and not by millions. But I claim that we are voicing the sentiments of the best and highest thoughts and aspirations of the people, and that the higher instincts of the mass of the people, of their sub-conscious or super-conscious mind, are slowly and steadily responding

[Dr. Bhagavan Das.]

to the upward call, and the people are giving up their ignorance and superstition. Only a hundred thousand or so voluntarily suffered the legal and illegal consequences of civil disobedience at the hands of Government, but who can deny that the hundreds of millions of the people are with the Congress and for the Congress? What social reform has been ever brought about by insisting that the majority of people should be in favour of it from the very beginning? If the majority were actually in favour of it, there would be no need for legislation at all, as I tried to show in my first speech. Did the Government of that day, long long ago, when public opinion was far less advanced than today,—did that Government take a plebiscite when suppressing the custom of Suttee? Did Government, when they passed the Widow Remarriage Act very many decades ago, insist that the Hindus as a body be in favour of it? If they had done so it would never have been passed. Even today, so many years after the Act has been on the Statute-book, how many Hindu widows are actually remarried under that Act? But who can deny that it was a measure of barest justice and humanity advocated by that great and generous soul, the venerable Pandit Ishwara Chandra Vidyasagar, a Hindu of Hindus? Take the Sarda Act, the most reasonable piece of social legislation that the Assembly has enacted. Nobody can affirm that the Hindus as a mass were in favour of that measure or are so even today. Yet it was a most necessary, right, and righteous enactment. Only a few days back, I learn, there has been a death at Benares of a child mother of less than 14 years of age. The fact that the people have been and are hugging social evils to their hearts is only the greater reason for social legislation. To insist on a majority of the ignorant being in favour of a reform before it can be passed into law seems to me absurd, despite my great respect for my opponents. In the United States of America they forced the Southern States to abolish slavery and also compelled them to remain within the union, by means of a great civil war. Who in this House will venture to say that it would have been better for Abraham Lincoln, the second greatest of the Presidents of that great country, to let the Southern States secede and continue to have slavery?

I have to say that it is only on matters of social legislation that the Government can co-operate with the people and further their real interests. On matters political we are divided, it seems, at present by an impassable gulf of warring interests. But why do you refuse to co-operate with us in matters which do not adversely affect your political interests and which help the people greatly? Or, perhaps there is a deep-seated connection between social welfare and political welfare, which diplomatic subtlety discerns and therefore seeks to hinder. In the days to come, when the British military occupation of this country becomes a matter of past history and honourable inter-dependence has been established between Britain and India, then Britain will be ashamed to be remembered only because of the repression of the people's efforts for self-advancement and self-government, and not remembered for more helpful social legislation like the suppression of Satti, not remembered for forcing on the spread of really useful cultural and vocational education, for acts to abolish social evils. Social legislation is the only common ground on which we can all meet—Government and Congress, Hindus and Muslims, men and women. Let us not throw away the few opportunities for co-operation and good will that we have. I conclude my reply with another appeal to the more generous and higher mind

of the Honourable the Law Member and pray him to let this Bill go to a Select Committee. He will have it in his power to shape it almost as he likes there, after due consultation with other representative Members of this House. If there is anything in the Bill which is imperfect, he can give it perfection. If there is anything in it which is wrong or vicious, he can have it taken away. I pray him to let it go to the Select Committee and I pray all my fair-minded and large-hearted colleagues in this House to vote for my motion that the Bill be referred to a Select Committee.

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

"That the Bill to validate marriages between different castes of Hindus be referred to a Select Committee consisting of the Honourable the Law Member, Mr. M. Asaf Ali, Pandit Krishna Kant Malaviya, Rao Bahadur M. C. Rajah, Mr. Ghanshiam Singh Gupta, Dr. N. B. Khare, Mr. B. Das, Mr. Sri Prakasa, Babu Baijnath Bajoria, Seth Govind Das, Mr. Amarendra Nath Chattopadhyaya, Raizada Hans Raj, Mr. Sham Lal, Babu Kailash Behari Lal, Mr. N. M. Joshi, Sir Muhammad Yakub and the Mover, with instructions to report on or before the 31st March, 1937, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The Assembly divided.

AYES—14.

Asaf Ali, Mr. M.
Azhar Ali, Mr. Muhammad.
Bhagavan Das, Dr.
Datta, Mr. Akhil Chandra.
Deshmukh, Dr. G. V.
Ghiasuddin, Mr. M.
Gidney, Lieut.-Colonel Sir Henry.
Joshi, Mr. N. M.
Maitra, Pandit Lakshmi Kanta.
Mehr Shah, Nawab Sahibzada Sir Sayad Muhammad.
Muhammad Ahmad Kazmi, Qazi.
Murtuza Sahib Bahadur, Maulvi Syed.
Sant Singh, Sardar.
Yakub, Sir Muhammad.

NOES—38.

Abdul Hamid, Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.
Ahsan, Maulvi Muhammad.
Anderson, Mr. J. D.
Bajoria, Babu Baijnath.
Bajpai, Sir Girja Shankar.
Bansidhar, Rai Sahib.
Bhagchand Soni, Rai Bahadur Seth.
Bhide, Mr. V. S.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Dalal, Dr. R. D.
Ghuznavi, Sir Abdul Halim.
Griffiths, Mr. P. J.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Lal Chand, Captain Rao Bahadur Chaudhri.
Lalchand Navalrai, Mr.
Lalit Chand, Thakur.
Lloyd, Mr. A. H.
Mehta, Mr. S. L.
Metcalfe, Sir Aubrey.
Mukherjee, Rai Bahadur Sir Satya Charan.
Nagarkar, Mr. C. B.
Naydu, Diwan Bahadur B. V. Sri Hari Rao.
Noyce, The Honourable Sir Frank.
Parkinson, Mr. J. E.
Rajah, Raja Sir Vasudeva.
Rau, Sir Raghavendra.
Roy, Mr. S. N.
Sale, Mr. J. F.
Sher Muhammad Khan, Captain Sardar Sir.
Sircar, The Honourable Sir Nripendra.
Slade, Mr. M.
Thorne, Mr. J. A.
Todd, Mr. A. H. A.
Tottenham, Mr. G. R. F.
Verma, Rai Sahib Hira Lal.
Zafrullah Khan, The Honourable Sir Muhammad.

The motion was negatived.

THE HINDU WOMEN'S RIGHTS TO PROPERTY BILL.

Dr. G. V. Deshmukh (Bombay City: Non-Muhammadan Urban): Sir, I beg to move:

"That the Bill to amend the Hindu Law governing Hindu Women's Rights to Property, as reported by the Select Committee, be taken into consideration."

[Dr. G. V. Deshmukh.]

Sir, in urging on this House to accept the Report of the Select Committee, I must say that it is absolutely the minimum that we could possibly do for the Hindu Widow. As I mentioned in my last speech, there has been no innovation of any kind; on the other hand, there has been a restoration. Sir, the plight of Hindu widows is well known. If the property is divided, then she is supposed to get a limited estate, if the property is undivided then she is supposed to get a maintenance. Those who know something about the Hindu tradition and Hindu culture will readily realise that all these devices of divided and undivided property, moveable and immoveable property and so on were made mainly and solely for the purpose of depriving the Hindu widow of her legitimate rights.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Where do you get it from?

Dr. G. V. Deshmukh: If you want to know where I have got it from, I shall tell you. If Honourable Members, especially those who are conversant with law, had not restricted their time and knowledge only to know the case law or the Hindu law as it exists today, and if they had spared a little time out of their money-making business to go more into the literature in order to understand what is the original Hindu law, I am sure, Sir, a question like the one just put from that side would never have been asked by a lawyer like my friend, Mr. Lalchand Navalrai.

Mr. Lalchand Navalrai: I think a lawyer knows more than a Doctor does.

Dr. G. V. Deshmukh: I shall tell you presently what is the position of a Hindu widow today. If she gets a property, she gets a limited property. My lawyer-friend might know that this limited property is not originally Hindu. Can he claim that it is absolutely Hindu? If he does so, then I may say that he does not know anything about the Hindu law. I may tell him that this idea of limited property is not originally Hindu. We are supposed to be ruled by the Mitakshara law. I will challenge him or any other Hindu to say that in the Mitakshara law there is any such thing as limited property. This idea of limited property came to us as an importation from our rulers. And it did not come alone. Side by side with it, we also got the so-called reversioners. Now, I want to ask a question. Is there any such thing as reversioners in Hindu law? Is there even a Sanskrit word for it? And yet my legal friends here will hug this limited property and reversioner as pristine and pure Hindu law. Sir, my Sanatanist friends will spend money in sending about two thousand wires to my friend the Honourable the Law Member pointing out that if any change were introduced it would go against Hindu religion, and that religion is in danger. Sir, all this opposition comes purely out of ignorance, prejudice and superstition, and, what is more, lust and self-interest. All this is masquerading, and it is really shameful, Sir, that all this has been masqueraded under law as religion, and under the cloak of religion all kinds of practices which are repugnant, which are foreign, to the pure principle of Hindu law have been introduced. What kind of reversioners do we get? There was no such thing as a reversioner in Hindu law before. Look at the rights that a reversioner has. The reversioner is a free-booter. He can harass the widow who is without the protection of her husband or a son; a widow who is absolutely without any protection can be harassed to his heart's

content. His interest is supposed to be contingent. It is not even a vested interest, it is a contingent one. No rules of limitation, adverse possession, contract—nothing will apply to him. He can challenge the widow in court and say that whatever the widow is doing, that widow is doing not for the benefit of the estate, and however contingent his interest may be he can say all this and bring a suit in court. What is more. Even if the estate had been alienated for the real benefit of the estate and even if she had made an alienation in favour of her daughter which the Hindu law does not allow, even then this free-booter, this reversioner can safely come to the court and ask the court to set aside that alienation. This reversion business came to this country, as is well known, and perhaps better people versed in law might tell those who do not know enough, that the reversion came as an English idea, and when these reversioners came the poor widow was infested by these pests. The litigation in India shows that a majority of the litigation in connection with the property of widows is on account of these reversioners. Another thing is that if the poor widow wants to surrender she must surrender the whole of the property, she must surrender the whole of that claim, the idea being that she must efface herself completely amounting almost to a death. Is that the principle of Hinduism? The principle of surrender was brought to this country, but what happened to the principle of release? The idea of reversioners came from England, but it came, as usual, distorted. The idea came degenerated to this country, and whereas we had the principle of reversion the principle of release did not come in. What was the original idea of reversion? In reversion the residue that is left over goes to the reversioner; there is the principle of release, but not in the case of Hindu widows. She should surrender and she cannot even surrender a part of her property so that the rest of the property she can enjoy unharassed. On the other hand, she must surrender, no, she must surrender the whole estate. That being so, I say that this is an idea which is entirely foreign. The Hindus may pride themselves that they are being ruled by Hindu law. Nothing of the kind.

One argument that has been put forward is that Hindu law is constant, it never changes. I do not want to take more time of the House than I can help, because, certainly, the House is very sympathetic and the whole country at large is supporting my measure. In the Select Committee representatives of all the Parties, the Government, the Congress, the Nationalists, the Independents, all of them were absolutely sympathetic, not one dissenting voice was raised, and yet if objections are going to be taken like this, then I am afraid the House will have to put up with a little more time in listening to me than I had otherwise intended. I am surprised that any questions about the plight of Hindu wiodws should be raised at this stage. I thought I had only to move this proposition, that everybody would sympathise with it and remove this blot on Hinduism as soon as possible, and that it would not be allowed to exist for even a minute longer. Then, legal necessity came in in the case of these widows. Let me ask my orthodox friends who have given notice of amendments and also those orthodox gentlemen who spend money unnecessarily. . . . . .

Mr. Lalchand Navalrai: I am not orthodox and I was sympathetic. . . .

Dr. G. V. Deshmukh: I said orthodox gentlemen and those others . . .

Mr. Lalchand Navalrai: I was sympathetic to you so far as you were reasonable.

Dr. G. V. Deshmukh: We will presently see who is reasonable and who is unreasonable. My Honourable friend talks about reason. What is the reasonableness about the present position of the Hindu widow. If that position is unreasonable, can he blame me or anybody else if he gets emotional and becomes absolutely unreasonable? I say the whole system has been going on in such an unreasonable fashion that no amount of unreasonableness can be charged on the part of the person who is standing up so that the plight of the Hindu widow may be a little improved. As I mentioned at the beginning, the report of the Select Committee does not attempt any innovation. I will presently show to you that it is nothing else except going back to the position that widows occupied, one may not go back to the Vedic times, but certainly, going to the Vignaneswara and Mitakshara days, I say the Select Committee has not given them a better position than they occupied then. The Mitakshara by which my Honourable friend here and the gentlemen outside think that they are governed—I say, though they are governed by the so-called Mitakshara law, as I pointed out to you in the case of the reversioners, many things have been imported absolutely foreign, unknown to Hindu law, foreign to Hindu principles, and yet the orthodox Hindus and those others who take a false pride in Hinduism think that this is genuine Hinduism, and all this mass of foreign law, this amalgam of foreign law, as I think one of the writers on Hindu law has mentioned, —if an attempt is made to displace all this amalgam of Hindu law and put forward the real original pure Hindu principles a hullabalo is raised and the post office gains by the two thousand or five thousand telegrams which are sent over to the Honourable the Law Member and the Honourable the Home Member. What is this legal necessity by which the Hindu law governs the Hindu widows? I challenge any legal person here to say that this term came from the original Hindu law, or was it not coined by the European jurists for the special purpose and benefit of India? Then what is the idea of survivorship? Can my Honourable friend point out any Mitakshara law or any old Sanskrit literature to show that there is such a thing as survivorship?

Mr. Lalchand Navalrai: Then, the whole Hindu law should go.

Dr. G. V. Deshmukh: I do not care whether the whole Hindu law goes or not. To me a Hindu, and proud of being a Hindu—if I claim to be governed by Hindu law, I will not be governed by hybrid, or mongrel law, whether the whole law goes or remains is no question to me; it may be acceptable to my friend to accept these half-caste laws. As a Hindu, so long as I am Hindu, and I repeat again I am proud of Hinduism,—I am proud of Hinduism, perhaps I have made every attempt to know as much of the other religions also as I possibly could, and I say that at the end of that study . . . .

Mr. Lalchand Navalrai: Brahmin as you are.

Dr. G. V. Deshmukh: I am a Brahmin not only by birth but also by mentality. I have made every attempt to know what is good in all the different religions. No religion is bad, but as a Hindu I can tell you I have no reason to be ashamed of the Hindu culture or the Hindu law, but I am more than ashamed of the Hindu law that governs us today and particularly the Hindu widows today in the name of religion, in the name

of law. Survivorship came to us as an imported article. There, again, survivorship is not the same survivorship that they have in England. It came in connection with joint property; this survivorship applies in England to joint property, but it is applied to joint family property in India. Sir, I have pointed out to you reversion, I have pointed out to you legal necessity, I have pointed out to you survivorship, and there is something more. The English jurists did not think that we Indians could have been so advanced in the olden days that we could give a right of absolute property to our women. Indeed until the Marriage Act was passed in England the husband was the sole owner of the property, the technical word used was married life or coverture. Whatever the wife earned in the married state was under the control of the husband and that idea was again saddled on to us by the English jurists and we swallowed it as something very pure and Hindu. Before that, a long time ago, our women had the absolute right of property and there can be no gainsaying the fact—I do not blame the English jurists for making all these mistakes. Both the English Judges and the English Courts—I have nothing against them, for if you go into the history what do you find? It was really men of the type to whom I have repeatedly referred, who think that the bad side or the self-interest should be incorporated into the Hinduism—it is they who are responsible.

1 P.M.

Sir, the English jurists did make an attempt in the latter part of the 18th century to know exactly what the Hindu law is, so that Hindus may be governed by their own laws but what was the result. They had an institution of the so-called *pandits* and naturally at that time, the British Government was very reluctant to force their views on us and British scholars like Wilson, Jones, Macnaughton and Colebrook made an honest attempt to know what the Hindu law was. How was their attempt foiled? Their attempt was foiled by the so-called *pandits* who mistranslated, who misquoted and the result was that the whole of the Hindu law was misapplied. It must be said also that at that time the researches in old Sanskrit literature were nothing like what they are today. Then, everybody thought that the Hindu law started from the Manusmritis. The proper literature not being available, the English judges and research scholars had to go only on what was offered to them. They had necessarily to make up their minds on what was presented to them by these translators. Frequently, it has been found out that these translators themselves had a suit going on and that they were also bribed by the parties in suits, so as to produce the translations which would be of help to them in their suits. I do not want to blame the British judges. They naturally were influenced by the literature which was then existing. They were influenced by the translators but since then, what has happened. I will give you my own ideas on the subject for what they are worth. Since then, they came to a certain conclusion that so far as the Hindu mind was concerned, especially with regard to the devolution of property, it was of a certain temperament, that it was of a certain mould and that mould was that they did not want Hindu women to have any absolute right in the property and the Privy Council judges perhaps justifiably say that in applying our laws we must be very careful to pay due respect to the ordinary notions and views of the Hindus with regard to their property. Naturally being frightened that they should not go against this, they took away the rights of women so far as property is concerned and this system has been perpetuated, unfortunately it has prospered with the result that eventually the whole of Mitakshara has

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been abrogated so far as the Hindu widow is concerned. One can well imagine what happened when these translations reached England. The law there was that the husband was the sole owner of the property of the married woman. Naturally, therefore, they could not rise to the level that Hindus who were after all a conquered race could have been so advanced as to give an absolute right to their women thousands of years ago and, therefore, Sir, they interpreted it in the light of their experience and in the light of the law that was prevailing in England. The right was, therefore, cut down but even then the law was not so bad. Perhaps, there was a little margin left for the judges in India to exercise their own judgment with respect to the law relating to the right of property in connection with widows, the woman's estate or the women's property. But, Sir, what happened in 1912. After a series of changes, the death knell was sounded by the Judicial Committee of the Privy Council that so far as inheritance and partition were concerned, she can have only a limited estate and that she cannot have any right over the property by inheritance and partition. Now, Sir, I do not want to go into any historical or psychological explanations of it but you can well understand what must have happened. I was in England in 1912. The suffragette movement was at its height. Just as in the old days before the Married Women's Property Act was passed, one can presume that the minds of the English judges were influenced, not consciously but sub-consciously by the law existing in England. The suffragette movement was at its height and I know many intelligent men, including some of my own learned professors were against giving any vote to the suffragist. Now it seems to me to be a very curious coincidence . . . . .

Mr. Lalchand Navalrai: On a point of order. My friend was a member of the Select Committee and he has signed the Select Committee report and there he has agreed that women will have a limited interest. How can he now go back upon it?

Mr. President (The Honourable Sir Abdur Rahim): The Chair is not sure that he wishes to go back upon the opinion he has given in the Select Committee. If he does that, then the point of order that has been raised will be considered.

Dr. G. V. Deshmukh: To allay any kind of apprehension or misapprehension, I might declare at once that I am not at all disappointed with the Select Committee's report. I wholeheartedly support the report of the Select Committee. On the other hand, I want to meet objections from different parties not only in this House but the objections which are likely to be raised outside this House also, so that the path of the Select Committee's report may be smooth and neither my friends, the representatives of the Government, such as, Sir Nripendra Sircar and Sir Frank Noyce, who have signed the report, nor any of the Members including Sir Muhammad Yakub could be charged outside that they were going beyond the Hindu law. My point is this: that the Hindu law gave very much larger share of the property to Hindu women and widows than what we are giving now. Incidentally, when I am pleading the cause of Hindu widows, I have to bring in the rights of Hindu women as they were and as they have been curtailed. I hope you will agree with me that this is only an integral part of the argument and no sensible man need object to it.

Mr. Lalchand Navalrai: May I refer the Chair to what has been said in the report of the Select Committee? They say:

"We have not accepted the provision contained in clause 6 of the Bill as introduced giving an absolute interest in inherited property to the widow but have made that interest the limited interest known as a woman's estate."

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is not arguing against what was agreed upon in the Select Committee. That is what the Chair understands.

Dr. G. V. Deshmukh: In order that I may not be interrupted again, may I explain the main point of my argument to Mr. Lalchand Navalrai.

Mr. Lalchand Navalrai: I have fully understood you. You need not waste time on explanations.

Dr. G. V. Deshmukh: My friend knows that I am not the person to waste time. If I could, I would be more than satisfied by simply saying that "I move this" and by sitting down but since the question has been raised by my Honourable friend, Mr. Lalchand Navalrai, I must say that all this is absolutely relevant to the question at issue. Sir, there is one thing more. I know that my friends who belong to the legal profession and also those who think that they know Hinduism, not having sufficient time or the other necessaries required, for a study of Hinduism . .

Mr. Lalchand Navalrai: We now know that you are the only Hindu in India!

Dr. G. V. Deshmukh: I am glad you know that; when this Bill passes, that will also be proved.

Sardar Sant Singh (West Punjab: Sikh): Sir, I protest against the Honourable Member's statement that the entire legal profession is like that, as he has described it . . . . .

Dr. G. V. Deshmukh: I said all those who have not got the necessary time . . . .

Mr. Lalchand Navalrai: A doctor is speaking on law!

Dr. G. V. Deshmukh: Why not?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member may resume his speech after lunch.

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

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

Dr. G. V. Deshmukh: Mr. Deputy President, I drew attention of the House to the elements which have been consciously or unconsciously introduced—I would say unconsciously—into the Hindu law by the

[Dr. G. V. Deshmukh.]

European Judges, the Judges of the Privy Council, and I admit that under the circumstances it was inevitable. Sir, I have mentioned four things already, namely, the rights of reversioners, the legal interests, the survivorship and the married women's property and to make the list complete one might as well mention the idea of a limited estate such as exists in England and which unconsciously has crept into the Hindu law as well. A limited estate in England means a certain line of succession and alienability provided that the owner can sell it or it can descend in a certain line. This idea, again, is foreign to Hindu law, but I want to draw the attention of the House to this for this reason that it is on account of these settled ideas of English jurists that the widows' estate or women's estate has been curtailed down and that the Hindu idea about the absolute estate had to be modified and changed. Therefore, nearly every estate has been called a limited estate.

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): Limited Companies!

Dr. G. V. Deshmukh: Your mind will always work on company lines because you cannot think of anything except of profits. As I was saying, these are the ideas which have been brought into Hindu law and therefore men of the present generation, without knowing anything about it, take this as a pure Hindu law and when attempts are made to replace this by the real principles of Hindu law, a tremendous noise is made all over the country. Now, compare with this the real Hindu law and I am now referring particularly to the Mitakshara law by which four-fifths of India is governed and under which a widow's plight is very much worse on account of the mere maintenance and harassment and trouble with coparceners, the loss of status, bereavement and so on. Well, Sir, all these five things that I have mentioned and which are prominently taken as a chief feature of the Hindu law, such as, the survivorship and other interests, are not to be found in the Hindu law. You cannot find them in Mitakshara who was evidently a great reformist. I do not mean to say that he started innovations but he certainly tried to put the Hindu woman in the position which she occupied before this degeneration set in. Mitakshara does not make any difference between male and female heirs. All these distinctions are of subsequent growth. This idea of survivorship, as I have already informed the House, does not find place in Mitakshara. By that time evidently, degeneration must have crept in and we had the idea of cheating women out of their rights by the very specious argument that they are incapable of performing religious services and therefore they should not have the wealth, the chief purpose of the wealth being the performance of religious sacrifices. Now, I take it that nobody, not even the most orthodox Hindu, will maintain at this time of the day that the idea of wealth is the performance of sacrifices. The Hindu multi-millionaires are not performing any sacrifices and on that ground, I suppose, none of these multi-millionaires, some of whom I see in the House, will be entitled to own any property. Indeed, it was Mitakshara himself who said that wealth is not only for sacrifices but wealth is also given for worldly enjoyments. Therefore, the idea of these religious sacrifices was exploded by this great law giver. Similarly, the phrase 'in lieu of something or the

other' seems to have crept in Hindu law to degenerate it thoroughly. To give an example, the daughter was given a quarter share and afterwards this quarter share was modified to 'in lieu of marriage or something' and then it was changed to 'only marriage expenses should be paid'. Therefore, the right of the daughter to share one-quarter was taken away under this pretext. Now, Sir, this 'in lieu of maintenance' is very much to the fore in connection with widows. There is not the least doubt, as I will show presently, that the old law givers gave the right of co-ownership to the wife, the right of co-ownership gave them the right of a share, but we find that all the legal learned men expounding that this share is not really a regular share, but it is given in lieu of maintenance. This was the first degeneration that came in. This substituting 'in lieu of maintenance' was the prelude to the pretext to deprive the woman of her right. Once this lieu of maintenance came in and her legitimate right to a share was taken off, then naturally you can imagine how the degeneration set in. Then the maintenance could be curtailed because after all what did a Hindu widow want? A Hindu widow had to lead an ascetic life. The funny part—I would not say funny—is this that even to this day a Hindu widow is supposed to lead an ascetic life. I can understand in the olden days, according to Hinduism when a man has reached the age of 45, or when he has grand-children playing on his knees, he compulsorily went into the forest, he led the life of a Vanaprastha, he renounced everything wordly and then went into the forest. I have nothing but admiration for a system like that. At that time if it was enforced, or if it was thought that a widow should lead an ascetic life, it was quite reasonable. But, Sir, in these days what do we find? Do you find here a gentleman like me or my Honourable friend, Mr. Lalchand Navalrai, or others going into Vanaprastha because we have reached the age of 45? Do we lead an ascetic life? We want all the luxuries, we want all the comforts that life can afford and to say that even in these days women shall lead an ascetic life because she is a widow seems to me to be most inhuman. Whatever rights we have, the right to comforts, the right to luxury, let there be equal rights. If there is deprivation for men, then there could be deprivation for women. I can thoroughly understand that. I can sympathise with it. I can be reconciled to that. But to say that so far as men are concerned, they can be old, they can be decrepit and yet they will continue in all the wordly luxuries, but that when it comes to a Hindu widow, 'no, she must lead an ascetic life, she must efface herself, she must forego all her necessaries, even if she happens to be the wife of a multi-millionaire'; well, Sir, I cannot understand this logic. There are cases where widows have been granted Rs. 30 a month as maintenance even though they happen to be the widows of multi-millionaires. No doubt Bombay High Court has been more liberal. The Judges have been more liberal in Bombay.

Mr. Lalchand Navalrai: Then you have no quarrel.

Dr. G. V. Deshmukh: You are leaving it to the personal factor. A Judge may be liberal or may be narrow-minded. Then what happens. I want to ensure it by law. At any rate if the Hindu society has any respect for their women, their rights ought to be ensured by law and should not be left dependent on the personal whims of Judges or Sub-Judges.

Babu Baijnath Bajoria: Are you leading the life of a Vanaprastha?

Dr. G. V. Deshmukh: I am not leading at the present time. Nor are you leading. You will find that the great law giver Mitakshara never made any difference between female heirs and male heirs. His principle of succession and inheritance was consanguinity, relationship by particles of blood. It was not that the wife, the daughter and the widow should be kept far apart and that the ninth or the tenth son or the tenth cousin because he happens to be an agnate, because he happens to be descended from the male line, should succeed before his own daughter and his wife. He was much too human for that. He put down the line of succession on the natural lines and what is more, where a woman had no issue, then the widow's succession came immediately, but of course, it was qualified further on on the text of Yagnyavalka who made the widow as the immediate successor and heir of the person who died sonless and who left property. The great Yagnyavalka has already seen to it that the women's rights were restored. If a stand is taken today on the line that is found in Manusmriti that a woman does not deserve independence, that a father protects her in childhood—nearly every Hindu knows this text of Manu—that a husband protects her when she is young and in her old age the son should protect her, and, therefore, woman does not deserve independence.

Babu Baijnath Bajoria: You do not agree with this text.

Dr. G. V. Deshmukh: I do not. I will presently say why. If that is the principle that because a woman is to be protected, she does not deserve independence, and because she does not deserve independence, therefore, she shall not be given any right of property, if that is the line of argument that is to be followed, then what is going to happen to Indians, to Hindus in particular? We have not got independence for the last 1,000 years. We have been under the heel of the foreigner for the last one thousand years and yet nobody denies that we can own property. If that is the argument, that because you have not got independence, therefore, you cannot have property, very well, then no Hindu should have the right to own any property at all.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): I am in need of that property.

Dr. G. V. Deshmukh: You can have it. This is the text that was relied upon. Not that Hinduism did not contain very beautiful and generous texts. There are the texts of Brahaspathi, Parasara, the texts of other law givers who expressly say that by marriage, by sacrament, a wife becomes half of her husband. Therefore, while the wife is living how can anybody else take the property. This was put on a legal basis by the great Yagnyavalka who said that a widow shall inherit after the husband. This dictum that the widow shall come after the husband was certainly qualified to the extent that it was supposed to be applied to the divided property. But Jimutavahana in his Dayabhaga, what did he do? He took the stand on the Yagnyavalka texts that a widow will succeed the husband and he said that there is no express text whether the family shall be divided or undivided, and that she has an equal right irrespective of the fact that the family is divided or undivided. It is the Davabhaga law of Jimutavahana that is followed in Bengal and I take it that the population of Bengal will not miss Heaven because they are not following

Mitakshara, or because they are following it with a certain amount of modification which I take it is an improvement, they will, therefore, miss Heaven. Therefore, Jimutavahana laid down that the widow succeeds. The only difference between the two being that whereas Mitakshara says that she can inherit only in a divided family, Jimutavahana put it that she can inherit in an undivided family. Now, Sir, it was not Jimutavahana who was alone in this. I see my Honourable friend, Mr. Lalchand Navalrai smiling. Perhaps he is smiling at himself. I know that it was. . . .

Mr. Lalchand Navalrai: I am smiling at yourself.

Dr. G. V. Deshmukh: I know that it was Jimutavahana who said that there was no text to be applied or that there was any difference whether the family was divided or undivided and that the widow's rights to partition and to a share was absolutely according to the Hindu law. Well, Sir, I do not want to go into all the details, because I see the House is in favour of the Bill irrespective of what few amendments here and there may be coming in.

Mr. Lalchand Navalrai: Which you will accept?

Dr. G. V. Deshmukh: No, I will see the amendments. Sir, the right in Hinduism of a wife when she becomes a widow to get a share is incontestable. It is as old as Hinduism itself, because if it were not so, how can you explain the meaning of the word "patni"? What is the meaning of the word "Dampatya"? "Dampatya" means unity of possession, that the wealth is between husband and wife. The husband could not without her consent make any presents even to God, because she was the co-owner of the property. From this position of co-ownership, she was degraded. It went to sub-ownership and then from sub-ownership she has been reduced to a state of maintenance and residence. This has been the degradation that had set in and this is the law, the Hindu law, into which all these non-Hindu and foreign considerations crept in. This is the law under which we live today, and yet we think that we are being governed by the Hindu law. Sir, a great deal is made of the joint Hindu family. Whenever any reform is suggested, immediately the joint Hindu family is trotted out and it is said that it is against the joint Hindu family. I earnestly want to ask every Hindu who can think out for himself, is he really living under the joint Hindu family today? I am not talking about the divided or separate family. What we are really living under is coparcenary family.

Sardar Sant Singh: No.

Dr. G. V. Deshmukh: Do you think we are living under the joint Hindu family?

Sardar Sant Singh: No.

Dr. G. V. Deshmukh: We are not.

Babu Baijnath Bajoria: What is your idea of a joint Hindu family?

Dr. G. V. Deshmukh: I will answer that question as briefly as I can. Sir, the joint Hindu family does not exist. What is really existing is this co-parcenary family which is purely a creation of the law. What is a joint Hindu family? The great law-giver Manu himself divided his property amongst his sons. That shows what regard the great Manu himself had for the joint Hindu family, because if he had it he would not have divided the property himself. If it is supposed that under the joint Hindu family women cannot inherit, then I will quote the instance of the great Yajnyavalka, the greatest sage that Hinduism has produced, whose philosophy has perhaps circulated the name of India all over the world better than any person, the great author of the Brihadaranyaka Upanishad. What does he do? When the time comes for his going to forest he takes his property and divides it between his two wives Gargi and Maitreyi. In the face of all this, when Hindus of these generations say that women do not deserve a share and can only have maintenance, when your own law-givers have given such examples and have actually divided their property among their wives, it seems to me that the Hindus are hugging something as Hinduism which is certainly not Hinduism. It is true there are statements like that of the sage Bodhayana who says that women have no strength and, therefore, they do not deserve any property. But what is the argument about this, and where will it lead to? If my friend, Mr. Bajoria, meets a burly Pathan who is stronger than he is, it would be equally reasonable to say that one who has no strength to keep his property has no right to get it. Besides when was this statement made that, as women have no strength, they should not inherit or should not have a share? I wish to point out that it was said at an orgy of drinking. That quotation is in Taiteriya Samhita, when the *soma* was sucked by all these ancients, and in the drunken orgy he happened to say that because women have no strength therefore no *daya* should be given. But I am very doubtful whether that *daya* means inheritance or property. As a matter of fact since then both ancient and modern scholars have repeatedly pointed out that this *daya* does not mean inheritance. It only means a portion of drink. Supposing we moderns were to say that drink should not be given to women because they cannot digest it or they cannot support it, will the future Hindu generations say that because they cannot digest drink they should not be given any property? It is on such flimsy arguments and flimsy texts that the right of women to property has been taken away. Under the influence that has crept from outside which has gradually degenerated and disintegrated Hindu law itself, woman has been deprived of her right of property.

Now, what have the Select Committee done? It is perfectly true that woman in my opinion has not been restored to her original status in Hinduism; but at the same time the Select Committee went very thoroughly into the whole matter. They realised how difficult the whole question was. I admit that so far as material gain is concerned, there has not been much of a gain, in the opinion of social reformers. In the opinion of many who would like to have a reform quickly and in a material way, in consonance with material prosperity at the present time, much perhaps may not be said to have been achieved. But so far as the Select Committee's report is concerned, there is a great moral gain. That is why I said in the earlier part of my speech that I am not disappointed with it. I am reconciled to it; I will support this whole heartedly at the present stage. Sir, the moral gain is this; we

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have restored to a certain extent the widow or woman to her rightful position. To a certain extent we have given her the right of partition which has been given to her by the great Dayabhaga and which was never meant to be taken away from her by the Mitakshara commentators and by the Smritikaras, which was absolutely given to her by Vedic scholars and Vedic jurists. That moral status we have given to the Hindu widow and woman. If she is divided, unfortunately, this division came in, I have not the slightest doubt, to do away with the rights of women. All these different kinds of *stridhan* and different kinds of property came out on account of the logic and ingenuity of the law-givers, which was displayed not for a very noble end. After all I am not inclined to blame them, because where revenue and religion get mixed degeneration always sets in. It is not peculiar to my country only; the same history is present even in the west. Even in the Christian Church, it has not been immune from degeneration wherever religion and revenue have been combined. Therefore, I say that all this logic and all that was displayed under the cloak of religion has nothing but a mean motive of self-gain behind it. All these different gifts,—how the woman receives her presents, whether it is a present, whether she receives as a maiden or as a widow, whether it is given at the time of marriage or at the time of procession,—any one with a little intelligence can see that all these gifts and these *stridhana* and different types of property that a woman is supposed to have all this could not be that it was for the purpose of increasing the right of woman to inherit property. It can mean one thing and one thing only—the pristine, the original right of woman to hold property in Hinduism in spite of what some Smritikaras—and there are plenty of them, not less than 80 Rishis, I am told, some of them good, some bad, some indifferent, but evidently God was not satisfied by revealing the law only to one Trikalagna—one who sees the past, present and future—but it was necessary that it should be revealed to more than 80 gentlemen who wrote the laws: I have nothing to say about that: But there is an attempt in all these to whittle down the right of woman to a share of the inheritance which she had originally: and in spite of their attempts, evidently her right of co-ownership was so well established in general that with all their attempts they have not been able to get rid of that. All that has been done by judicial decisions is that it has been cut down. What the Select Committee has done is nothing revolutionary. As I say, materially there may not be any gain, but morally we have put the woman on a level of status which can very well compare with her present position. In the case of a separate property, she gets the same right as a son. Nobody can deny that the principle of giving woman a share equal to a son is foreign to Hindu Law. Hindu mothers got a portion equal to the son. Hindu wives got a property equal to a son on supersession when the husband took it into his head to marry some one else: it is true that meanness has often prevailed and the *stridhan* was deducted, but all the same the principle of giving equal share was already there. In the case of a gentleman who is divided and who dies intestate we have restored her to the same old right of having a share equal to the son. In the case of joint family property we have given her the same interest that she would have had or which her husband would have had: otherwise, she gets an interest equal to a son. I must say that to this extent practically all the members of the Select Committee were unanimous. The plight of the widow in India

[Dr. G. V. Deshmukh.]

has become so obvious and so commonplace that I do not suppose anybody had the heart to oppose it. There is one provision which we have added, and that is her right of partition, that she should have a right of partition. If that right had not been there the Bill was not worth having, because if you give a right, then you must give the power to exercise it when it is necessary; and, therefore, this power of partition has been given to the widow in cases where the coparceners do not treat her with respect and with kindness. It stands to reason that when her property is going to be coparcenary property and she has only an interest, she will not be so foolish as to demand a partition from her coparceners, because her interest is naturally with the joint family. That interest is not there at present with the plague of these reversioners flocking round her. It is not like the present interest, it is an interest which is common to the other members as well as to her. She will fully understand that in any division if she were to ask for a partition she would be put to loss economically. Partition can only come if the coparceners persist in inhuman treatment as they have been accustomed to do at the present time. Therefore, I think that the provision was absolutely necessary. If the coparceners treat her well, there is no reason why she should ask for partition. On the other hand, this right of partition is absolutely necessary . . . .

Mr. Lalchand Navalrai: Would you accept an amendment like that?

Dr. G. V. Deshmukh: I do not accept any amendments. I am loth to accept any amendments so far as the Select Committee Report is concerned, for this reason. There may be certain amendments which may be more to my liking: and from the original Bill my liking is very well known. But even if any such amendments are going to be proposed I have decided not to accept them for this reason: that we have come to this conclusion not hurriedly, not hastily, but after two days' deliberation; and I may say that all the members of the Committee came unanimously to this conclusion. As regards my friend, Mr. Lalchand Navalrai's minute or note, it is not against the report of the Select Committee, so far as I can see: it only wants the Bill to be made a little clearer; of course with his legal training and with his age, his anxiety for this kind of thing is justified. As regards the note of my friend, Pandit Nilakantha Das, it does a great deal of credit to his heart, and personally I would have liked to have accepted it. But I have made up my mind that the Select Committee's Report and the whole report and nothing but the report should be put before the House at present and accepted because we have come to this after deliberate consideration. We have come to this conclusion after taking the state of affairs in the whole of India, after taking into consideration the different schools of thought in India. What is applicable to Mitakshara will not apply to Dayabhaga, and what is applicable to Dayabhaga will not apply to customary law. Therefore, it seems to me that for the present as a first stage, nothing could be better than the Select Committee's Bill that is offered to the House. I would request the House to accept the report as it is and if I may be permitted to make a request to my friend, Mr. Lalchand Navalrai, and my friend, Mr. Bajoria, whose amendments I see on the paper, after all said and done I do not think that they are so brutal or so inhuman that they do not feel for the

Hindu widow. I will not do them the injustice that their hearts are so hard: they also feel that something must be done. But they are very frightened: they would stand in the same place and yet think they are progressing. That is unfortunate. They want to progress and at the same time they want to stand in the same place. You cannot prepare an omelette without breaking eggs. If you wish to modify something, something old has to go. That is law of evolution. If we persisted in sticking in the water, we would never have been out of the amphibian stage: we would never have come to the bird stage and certainly would never have come to the stage of human beings. That is the law of evolution. When you gain something, you have got to give up something. Fortunately for me or for the Bill, in this there is no change. We are not gaining anything: it is a matter of pure justice: it is a matter of the least you can do for the Hindu widow: and the least is to accept this Bill as it is. I offer it as it is for the acceptance of the House.

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

"That the Bill to amend the Hindu Law governing Hindu Women's Rights to Property, as reported by the Select Committee, be taken into consideration."

Does the Honourable Mr. Bajoria wish to move his amendments?

Babu Baijnath Bajoria: I don't move my first amendment. Sir, we all know that Dr. Deshmukh is an expert surgeon. He must have performed thousands of operations on individual persons. . . .

An Honourable Member: On widows too.

Another Honourable Member: But not on reversioners.

Babu Baijnath Bajoria: We also know that he is ambitious man. He was not satisfied with performing individual operations on individual persons. He wanted to make mass operations, and for performing mass operations he has selected for his subject as usual the much abused Hindu society, Hindu laws and Hindu religion, like all other reformers of his school of thought. He struck a very novel idea of bisecting trisecting or vivisecting the Hindu family, and the Hindu property into as many parts as possible. He wanted these to be vivisected into n^{th} term, which my friend, Dr. Ziauddin Ahmad, will be able to explain better with his mathematical knowledge. My friend, Dr. Deshmukh, wanted the property to be divided between mothers, widows, sons, daughters, sisters, etc.,

Dr. G. V. Deshmukh: Even for mother you say et cetera?

Babu Baijnath Bajoria: That is your opinion. My friend tried his level best to do this kind of vivisection, but unfortunately he found that the Hindu society is made of much sterner stuff than he thought it to be, with the result he saw he could not vivisect it. Therefore, what he did was, being a shrewd man, to agree to vivisect his own Bill. Sir, when the Bill was referred to a Select Committee, the Honourable the

[Babu Baijnath Bajoria.]

Leader of the House made it a condition that it would be applicable only to widows. With the help of the Honourable the Law Member and other Members of the Select Committee, Dr. Deshmukh began to chisel the Bill. They chiselled it so much that they chopped off about 15½ annas out of it, and half an anna remains. . . .

Mr. N. M. Joshi (Nominated Non-Official): Why do you grudge that?

The Honourable Sir Nripendra Sircar (Law Member): What is the objection?

Babu Baijnath Bajoria: I am not at all objecting. I am only pointing out the difference between the original Bill and the Bill that has emerged out of the Select Committee. I am not objecting to the Select Committee's Report at all.

Then, my friend, Dr. Deshmukh, has lavished praise in an abundant measure on the Select Committee, but as a matter of fact the Select Committee has been the murderer of his own Bill, and it is indeed very creditable to the Select Committee that even after chopping off 15½ annas they have kept the Bill still alive. Sir, the entire Bill has been so thoroughly changed that the opinion of the country sought at one time can no longer hold good today. That opinion, of course, was against Dr. Deshmukh's Bill, but the present Bill, as reported by the Select Committee, only wants to give a right of partition to the widow which she has not got at present. I would not grudge that right, provided my amendment or the one put forward by my friend, Mr. Lalchand Navalrai, is acceptable to the House, because, Sir, in my opinion, it is not at all desirable that a Hindu widow should have unfettered right to claim partition of the estate. Generally, Hindu widows, after the death of their husbands, are in the hands of designing persons; they are generally under the thumb of her maternal relations like an uncle or brother rather than under the will of the other coparceners, and very often we have seen that even litigation is started at the instance of these maternal relations. That is a thing which the House should consider seriously so that there may not be unfair partitions of properties. As we all know, the exclusion of a woman from inheritance was not due only because she is of a weaker sex. The law of succession was made, as far as I know—I am not a lawyer,—I am reading from the Government Pleader, Delhi's opinion on the Bill—"Starting from Manu, the law appears to be that the father protects a woman in maidenhood, the husband in youth and the son protects her in old age, the woman is not entitled to independence". It is based on oblations and pindas. A person who is entitled to offer pindas to the departed soul for his benefit and for his spiritual salvation, he alone, according to Hindu Shastras, is eligible for inheriting his property.

My friend, Dr. Deshmukh, said that his Bill had nothing to do with the Hindu law. There I must contradict him. Hindu law is part and parcel of the Hindu religion, and it is not fair on his part to suggest that the Hindu law as at present administered in this country is all

foreign or alien and has been imported from English law or by the English people and that it is repugnant to the laws enacted by Manu, Yajnavalkya and others. Sir, I do not object to his Bill, and I wish him every success in his endeavours.

An Honourable Member: Sir, the question be now put.

The Honourable Sir Nripendra Sircar: Sir, I would like to say a few words, although it is not possible to contradict all the statements that have been made in support of the Bill that is before the House. We had it from my friend, Mr. Bajoria, that 15½ annas in the Bill had been chopped off and only half an anna remained. Sir, I admit that from the progressive party's point of view this Bill is disappointing, and while the Government must take into consideration various matters like popular opinion, general opposition to the scheme and so on, if I may express my personal opinion, I may say that the Bill does not go far enough; but I do not agree that only half an anna has been retained and that 15½ annas have been taken away. If my friend, Mr. Bajoria, will just pause and think over the matter, he will see that he was wrong in saying that only the right of partition has been given. It has given much more than that. What is the position of a woman in a joint Mitakshara family today? Suppose there is a father and two sons or a mother and two sons. What is the position of the mother? It is a joint family. On the death of the father, the mother is not entitled to a share in the property at all unless the sons choose to have partition. If the sons choose to partition, then, of course, she gets her one-third, but don't we know that in ninety-nine cases out of hundred sons will avoid partition, knowing as they do that they would have to give a share to their mother too. Therefore, the Bill is giving not merely a right of partition, but as a preliminary to that, a right in her to assert that she will get her share irrespective of the wishes of her sons. It is not half an anna. The Mitakshara sons will realise that it is very much more than half an anna, although I agree that the Bill does not go far down. I have no desire to start a discussion on Hindu philosophy, Hindu religion, progress of society and so on. But there are very few among us Hindus who in their cooler moments will not agree that the position of Hindu women for the last few centuries has been a deplorable one, one which we ought to be thoroughly ashamed of. If religion stands in the way, let it stand in the way, and let there be no progress. But let it not be said by anybody that that is a position which can be justified by reason. My Honourable friend, Mr. Bajoria, prefaced his observations with the remark that he was not a lawyer, and I thought that he ought to have stopped there, but he proceeded to say what were the reasons why women had been excluded. I will not take up much time of the House, but I can assure him, and I shall give him some extracts to show that he is wrong when he says that Hindu law is part of Hindu religion and that Hindu law requires the treatment which the Hindu woman is getting today. But what is Hindu law? How are we to find Hindu law? Has Hindu law been the same, and are there not twelve commentators giving twelve different versions on acknowledged texts? Dr. Deshmukh was perfectly right in saying that the position of Hindu women has deteriorated with the position of Hindu men. As Hindu men decayed and became slaves the only slaves they could think of were their womenkind. My Honourable friend, Mr. Bajoria, if I say what is his Hindu law,—

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he will say, it is the Mitakshara Law. Very well, I shall not detain the House very long, but may I give him some quotations from Mr. Dwarkanath Mitter's "Position of Women in Hindu Law". Let us see what is the position of the Hindu woman under the Mitakshara and how she came to lose it. I shall try to be very brief, but this slogan has been repeated so often that our religion is in danger and such and such is Hindu religion that, although the House is not very full, I think the matter is of sufficient importance not to be brushed aside. I read from page 525 of Mr. Justice Mitter's book.

"We now proceed to consider the nature and extent of the rights of women over inherited property. The texts of Yajnavalkya and Vishnu under which the widow, the daughter, the mother and other females are recognized as heirs do not seem to make any distinction between the estate taken by them and the estate taken by male heirs who take under the same texts."

May I ask, is this Hindu law? Cannot Yajnavalkya and Vishnu be regarded to know as much Hindu law as my Honourable friend, Mr. Bajoria? Are we really breaking the Hindu law if we suggest that the Hindu woman should be given the right to which she undoubtedly is entitled under the older texts?

Babu Baijnath Bajoria: I never said that the Bill as it is before the House is against religion, and I did not oppose it too.

The Honourable Sir Nripendra Sircar: Again,

"If the male heirs took an absolute estate, it would seem to follow that women would do the same."

As my Honourable friend is conceding that what we are doing is not opposed to Hindu law I will just tell him that if he will read the next few passages it is stated in the most explicit language that she takes an absolute estate under the Mitakshara. How did she come to lose it? A solitary text was found of some other author which has been ignored by Mitakshara itself, and in that text it is said that women are in a state of dependence, therefore, they ought not to take property. As Mr. Justice Mitter points out, the whole point has been missed. When the author was talking of dependence, he was talking of their social position, of their personal status, and not referring to property at all. And yet in the face,—as I have the authority of Mr. Justice Mitter, otherwise I would not possibly have ventured to make these statements—in the face of the clear statement in the Mitakshara itself, we have a decision of the Judicial Committee that the woman cannot inherit because she is in a state of dependence. I will not go into the matter any further, but I do suggest to Dr. Deshmukh that, although I can quite sympathise with him that he has not obtained as much as he wanted, he will not, on the other hand, whittle down or belittle what he has got, because, after all, when he will come to think of it, we are concerned with Hindu women, first of all the wife and the daughter. I remind the House again that the married condition is the normal condition at some time or other of the Hindu woman. If you are providing for the wife you are providing for the daughter, no doubt,

not in the father's family, but in the family where she will be married. I admit that having regard to opposition of large section of the Hindu community justice is not being done to the daughter. Even if the daughter is not given as much as a son, her position ought to be improved. I do submit to the House as an initial measure for restoring the wrong which has been done to women, and as recognition of this injustice, the present measure is a substantial measure, although I admit it falls short of what possibly others may think, ought to be given to her son, I support the motion. (Applause.)

Mr. Lalchand Navalrai: I was, on this Bill, a party to the Select Committee. The question was considered from all points of view; there were certain things that required to be cleared up, and also certain restrictions had to be put upon what the Select Committee decided. I thought that after the Select Committee had decided this question Dr. Deshmukh had no cause at all to get excited or claim that he was the only Hindu, ignoring others here who helped him in getting this Bill very soon through the Select Committee. Dr. Deshmukh thinks that he is the only sympathetic man for the cause of these widows. Whether he is a real Hindu or whether he is very sympathetic to women is a question which I leave to the Bombay people to decide. It is not for me to say because I have not lived with him, but I do say that as a doctor he cannot pretend to say that the lawyers do not know the law or pose to know the ancient Hindu law so much more than other people in Bombay or elsewhere. This is, however, by the way. What I wished to say was that the matter had become simple. He was a party to the Select Committee's decision and therefore he should have quietly come here and said, here is the Select Committee's report, I accept and I request the House to accept it. But he did not take that course. Probably the excessive enthusiasm that he has on this question has led him astray. Sir, coming to the Select Committee's Report, it will be observed that the widow in a separated family has been given her share and her right of partition. As you all know, at present the Hindu law allows a share to the widow in a separated family, though she has no right to claim partition, but at a time when it is felt that even the male members do not wish that their commensality should go on and any one of the joint family male members asks for partition, then only she shall also have a separate share. This is the law at present. Now, that law has been amended by the Select Committee giving her a choice of demanding a partition. My friend claims that a widow is very wise, is very thrifty and she can see through as any educated man, but does he not know that educated women are very few in India, yet, and, therefore, he should proceed rather cautiously, to see that in his enthusiasm he does not bring about dissensions in families which live in peace. This Bill gives a right of partition simply by asking for it. It would be thus assumed that the sons and the mother do not agree. In such a case, she can always ask for a share but the question of a joint family is absolutely different. In the joint family we have brothers, we have sons, and there are ladies in the house. The ladies are given maintenance and if there is any disagreement amongst the family, even one of the sons could ask for partition and it would be made but if the mother is on good terms with her son then she will be all the same given maintenance. This Bill however tries to give her a right of partition. I want two changes for which I have put in amendments. I want, firstly

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that the joint family property should not be wasted by the widow. Secondly, I want that the partition should not be given to her without any restriction. There ought to be some restriction of even a simpler kind. Otherwise, we know how these widows are inspired by some people. They are misled into asking for partition and thus wasting the money. I will give you an actual instance. A person left a property of Rs. 6,000 and he left a widow only as his heir. When the 6,000 rupees came into her hands, men like eagles and vultures began to hover round her. They said: "Well, you have got no son. You must do something for your husband's soul's welfare". She asks: "What should I do?" They say: "Well, it would be better if out of this Rs. 6,000 you spend 2,000 for digging a well." According to the old ideas, digging a well is just like adopting a son and when people come there to take water it is charity. So she gave Rs. 2,000 outright but after a year or so, she had not in her possession even Rs. 600 and she had to go back to the cousins and uncles of the deceased for help. I am not against giving her a share by partition but there should be some restriction. With regard to that I have put in certain amendments. My friend, Dr. Deshmukh, said that she should have partition when it is necessary. I have noted these words. If he agrees to that, then that would mean some restriction in order to see whether there is that necessity for partition or the family has really come to a stage, where there is no commensality.

The Honourable Sir Nripendra Sircar: He may agree, but there are other parties.

Mr. Lalchand Navalrai: I am appealing to you also. I know that without the help of the Treasury Bench and especially of the Law Member, we can get nothing. What I submit is that I have put in amendments, and when I move them, it will be clear to the House that I am not against the widow's interest. Now a family generally consists of members, say three or four sons of the deceased and some uncles. All of them could not be against the widow unless she has gone astray, and her conduct is not approved of by the members of the family, in which case she does not deserve a share of the property. This system of commensality in the Hindu joint family or the coparcenery, as my friend calls it, has existed since long. It is true that times have changed but we are also moving with the times. Otherwise I would not have been a party to the Select Committee's conclusions. But this is a stage at which we should not do too much. If you give a blank cheque to a widow, there may arise many cases of spoliation of the property. I would therefore request the Honourable the Law Member to reconsider the position and when I move my amendments to be good enough to yield as much as possible.

Mr. N. M. Joshi: I shall not detain the House for more than a few minutes. I feel that I must express my sense of keen disappointment at the whittling down of the original Bill of my Honourable friend, Dr. Deshmukh, for restoring the Hindu woman to her full rights. I admit that Dr. Deshmukh was very wise in accepting the report of the Select Committee. When we want reform, we must be prepared to accept whatever reform is practicable at a particular moment. At the same time, I feel that the Government of India should have shown themselves more progressive than they actually did.

The Honourable Sir Nripendra Sircar: They would have, if the people themselves would have been more progressive.

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

Mr. N. M. Joshi: I am glad that even the Honourable the Leader of the House said that he himself was somewhat disappointed. If the Honourable the Leader of the House was in favour of a little better measure of justice being given to the Hindu woman, I do not know why the Government of India should not have shown a little more progressive spirit than what the Honourable the Leader of the House was himself prepared to show. I feel that the Government of India have taken upon themselves an unnecessary responsibility in whittling down the provisions of the Bill. I am glad to hear that the Government of India would have shown a more progressive spirit if the public opinion had supported them. But how do the Government of India know that the public opinion in India would not have supported them? I know something about public opinion in this country; I can feel the pulse of public opinion in this country, and I have absolutely no doubt in my mind that public opinion as a whole, the public opinion of the mass of people in this country will support the doing of justice to Indian womanhood in the matter of the holding of property and of the rights of inheritance. It is true there are some people who are orthodox and reactionaries, and the unfortunate thing is that some of them are educated. It is these people who sometimes talk of the protection of Hindu religion, the protection of Hindu customs and traditions, but their number in India is very small. They call themselves Sanatanists and protectors of Hindu religion but as a matter of fact they are doing the greatest harm to Hindu religion by allowing most unjust and harmful customs and laws to remain in Hindu society. They have very little influence in the country, and absolutely no influence with the mass of the people; being very orthodox and Sanatanists, they not only do not recognise the rights of women but they do not recognise the rights of the masses of people in this country (*Voices*: "Question"). Sir, the present elections which are being held will show clearly that people who call themselves Sanatanists or orthodox have absolutely no influence in Hindu society. The elections are bound to show this and if the Government of India would try to feel the pulse of Hindu society rightly, I have no doubt they will come to the conclusion that they will receive the support of Hindu society to a much larger extent for their progressive measures. I hope the Government of India will consider this matter; and when a Member like my Honourable friend, Dr. Deshmukh, brings forward another measure—and I hope he will remain in this Assembly for a much longer time and will not fail to bring another measure of a larger scope in the near future—I hope he will receive the support of the Government of India. Before I sit down, I congratulate my Honourable friend, Dr. Deshmukh, for having brought forward this Bill and for also having secured the support of the Government of India although that support is to a very limited extent. I hope, Sir, that the Bill will become law without much loss of time.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member, Dr. Deshmukh, wish to reply?

Dr. G. V. Deshmukh: No, Sir; I do not want to take the time of the House further.

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

"That the Bill to amend the Hindu Law governing Hindu Women's Rights to Property, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

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

"That clause 3 stand part of the Bill."

Mr. Lalchand Navalrai: Sir, I move:

"That to sub-clause (*2*) of clause 3 of the Bill, the words 'along with other coparceners entitled to the same interest' be added at the end."

Sir, if the House permits me, and if my Honourable friend, the Mover, and the Honourable the Law Member agree, then I would change the word 'coparceners' into 'sons' . . . . .

Mr. President (The Honourable Sir Abdur Rahim): Is there any objection?

The Honourable Sir Nripendra Sircar: I do not object to the change of word, but I would object to the substance of the amendment.

Mr. President (The Honourable Sir Abdur Rahim): This is an amendment of substance; if there is any objection, the Chair cannot allow it.

Dr. G. V. Deshmukh: Sir, I do not accept the amendment.

Mr. President (The Honourable Sir Abdur Rahim): The Chair cannot allow it.

Mr. Lalchand Navalrai: Sir, I only wanted to make it a little more clear. I have explained the object of this amendment in a note which I appended to the Select Committee's report. In case clause 3 (*2*) is maintained, it requires clearing up. A provision that a widow shall have, on the death of her husband, in the joint family property, the same interest which her husband had is liable to be misconstrued to mean that she gets all the interest exclusively to herself; that is not the intention of the Select Committee.

The Honourable Sir Nripendra Sircar: That is the intention.

Mr. Lalchand Navalrai: And, therefore, the words "along with other coparceners entitled to the same interest" should be added. Now, you will find that in clause 3, sub-clause (*1*), it is said that on the death of the husband who had separate property his share will not exclusively descend to the widow, but if she has two sons, then she takes only one-third. To make this clear the words—"along with his lineal descendants" were considered necessary to be added for if these words "along with his lineal descendants" had not put it would have meant that the whole interest of

the husband should go to the widow. That would be absurd, because at present also, if the property is divided she gets only a share, along with the sons. In sub-clause 1 of clause 3. It had at first prescribed that the interest of the deceased husband should devolve upon the widow. That would mean all the interests that he had. It was subsequently considered that by that phraseology she will get the whole and the sons will get nothing and that would be against all canons of justice. Therefore, the above words were added. Now, such words I want to be included in the event of the devolution of the joint family property. I will explain what I mean by giving an illustration. In a joint Hindu family consisting of three brothers, A, B and C, if they divide the property amongst themselves, A would get one-third of it as his share. Now, on his death he having left one widow and two sons, as his heirs, will this one-third devolve wholly on the widow or upon the sons also? If the answer is that it will devolve upon the widow as well as the sons, then the widow gets only a share of the one-third and the rest goes to the sons. That is the present Hindu law. But if there were three brothers, A, B and C and also three sons of A to divide his property, then the property will not be divided into six shares but it will be divided into three shares and the sons of A will get their shares through their father from his one-third of the property. The difficulty will arise only if you give the whole one-third share of A to the widow, leaving the sons getting nothing. If the intention is that the sons should get nothing, let the Honourable Member make the statement to that effect that it is intended by this Bill that the sons should get absolutely nothing and that the widow should get the whole property. If, however, this is not the intention, the position should be made clear. Otherwise the widow will come forward and I say: "No matter whether my sons get the share or not, I must have the whole of my husband's property". I would like to know from the Honourable the Law Member in plain terms the answer to this plain question whether in a case like this where there are three brothers and one of them dies leaving his one-third share, the other one-third having gone to B and the remaining one-third to C what will happen to the one-third of A? Will the whole of it go to the widow? If yes, then nothing will be left for his sons to take. Therefore, I submit that the position should be made clear otherwise legal difficulties will arise under the Hindu law in actual practice.

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

"That to sub-clause (*2*) of clause 3 of the Bill, the words 'along with other coparceners entitled to the same interest' be added at the end."

The Honourable Sir Nripendra Sircar: Sir, if the House is willing to accept this amendment, then it would mean that the share of the property that the widow is getting will be whittled down again very substantially. I have great respect for my Honourable friend but I am afraid there is some confusion in his mind when he says that the Select Committee wanted what he is now moving. We are likely to confuse if we take complicated illustrations, but may I take a simple case of a man with two sons and a wife under the Mitakshara law. Now, what are the shares of the two sons and the wife when the father is alive. In one sense in the case of a Mitakshara family, no one has a definite share in any specific property. I need not go to old cases to prove this. Supposing at any time either the father or the two sons simply said or wrote a letter that from today they

[Sir Nripendra Sircar.]

want their interests to be severed, there will be no partition but severance is effected. They can go on living in the same old house but from that very moment the father and the sons in the Mitakshara family will get one-third share each. I stop there for one moment. If this happens in the life-time of the father, he says: "My good boys, I do not want survivorship: let us have severence of interest though not partition". If he dies the next day, what happens? The widow gets one-third because that was the separate property of the father. Now, if my Honourable friend's amendment is accepted, the position will be like this. A has left his property which is one-third. Now, divide that one-third between B and C and the widow. That is to say, give the widow the one-ninth. Is not that what he is after? It is not a quarrel about words but we differ in substance. When my friend says that the sons are excluded, it is a fallacy. They are not excluded at all. Just as under the Hindu law, the wife is treated as a continuation of the husband and the widow is getting what her husband would have got if he had been alive and if at any point of time he had said: "From today my interests are severed". As my Honourable friend knows perfectly well, it is a very simple process. Any of the coparceners has got the right to say: "From today I do not want these coparcenery rights". That is enough. It need not have the consensus of the three and it need not be done by performing any ceremony or by writing a document or things of that kind. Even a word of mouth is enough. Even a declaration by any member of the joint family is enough to sever their interests, although the properties remain unpartitioned. On what principle is my friend suggesting that in this very simple case that I have given the widow should get one-ninth and not one-third?

Mr. Lalchand Navalrai: I did not mean to say that at all. What I said was that the man possessed one-third share and that one-third had to be divided between A, B his sons and his widow. A getting one share, the other son another one share and the widow one-third share.

The Honourable Sir Nripendra Sircar: If my friend will allow me, I would like to ask him to take a very simple case of father A and two sons B and C. The father dies, does he want the widow to get one-third or one-ninth?

Mr. Lalchand Navalrai: One-third.

The Honourable Sir Nripendra Sircar: But that intention will be frustrated if we accept the amendment. I will read out sub-clause (*2*) of clause 3. It reads:

"When a Hindu governed by any school of Hindu Law other than Dayabhag school or by customary law dies intestate having at the time of his death an interest in a Hindu joint family property, his widow shall, subject to the provisions of sub-section (*3*), have in the property the same interest as he himself had."

Now what was the interest which A had?

Mr. Lalchand Navalrai: One share.

The Honourable Sir Nripendra Sircar: I am putting the question to myself and wish to answer it without your help.

Mr. Lalchand Navalrai: I am sorry.

The Honourable Sir Nripendra Sircar: Of the three what is the interest which he had. Surely he had one-third interest and that one-third interest is now coming to the widow. This is how this clause reads. Let us see if the addition is made in the hope of making it clear which it clearly cuts down the right of the widow, let us see how the clause reads:

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". . . . the same interest as he himself had along with other coparceners entitled to the same interest."

That is to say the interest which 'A' had, that will be inherited by the widow along with the other coparceners and therefore it amounts to one-ninth.

Mr. Lalchand Navalrai: It does not amount to one-ninth; it amounts to one-third.

The Honourable Sir Nripendra Sircar: If my Honourable friend's idea is that the widow will get one-third and not one-ninth I think he can have no fear that the widow will not get one-third, because the language is:

"have in the property the same interest as he himself had",

that is to say, which the husband had. I hope my Honourable friend will not make it clear as mud by adding these words. I strongly oppose the amendment.

Mr. Lalchand Navalrai: Even mud sometimes helps the Courts.

Dr. G. V. Deshmukh: As a layman, I think the idea which my Honourable friend, Mr. Lalchand Navalrai, has in his mind is better carried out by the Select Committee report than the amendment that he suggests.

Mr. Lalchand Navalrai: It may be, but I want to make it clear.

Dr. G. V. Deshmukh: Therefore, I recommend that the amendment should be rejected and the report of the Select Committee accepted.

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

"That to sub-clause (*2*) of clause 3 of the Bill, the words 'along with other coparceners entitled to the same interest' be added at the end."

The motion was negatived.

Mr. Lalchand Navalrai: Sir, I do not move amendment No. 3.*

I move amendment No. 4. I beg to move:

"That to sub-clause (*3*) of clause 3 of the Bill the words 'if any one of the coparceners agrees' be added at the end."

*"That to sub-clause (*3*) of clause 3 of the Bill the words 'if the majority of the coparceners agrees' be added at the end."

[Mr. Lalchand Navalrai.]

Now, sub-clause (*3*) of clause 3 reads:

"Any interest devolving on a Hindu widow . . . ."

She has been given the right of partition un-restricted and that is what I said at the very beginning, that when you are giving her the right of partition, for the first time there ought to be some restriction. I will not be against partition, if there is dissension in the family or if the other members of the family are harassing the widow or that she is being left without any maintenance or without any proper support. Therefore, I said there must be some safeguard. I only say that if she can bring round or if she can prove the desire on the part of even one of the joint family members to have partition, she shall have the partition. In other words, if she has three sons, and all of them do not want partition, she should not be allowed to enforce the partition against their will. All the three sons are not expected to be fools. I say that she should show that there is discontent for living jointly at least in one or her sons. I, therefore, move this amendment as a measure of protection.

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

"That to sub-clause (*3*) of clause 3 of the Bill the words 'if any one of the co-parceners agrees' be added at the end."

The Honourable Sir Nripendra Sircar: Sir, this is the second attempt on the part of my Honourable friend to take away by the left hand the very little which has been given by the right. The position is that she will be given the right to ask for partition, but she is not to exercise it unless she can find on her side one coparcener who will say, "I agree there should be partition". What are the grounds? He says, we all know that women are surrounded by vultures. Vultures, I understand, never fly round men. He further says that sons and boys are ideal boys and never waste a pice, on the other hand the wife is a spend-thrift who makes over the whole substance to her beloved.

Mr. Lalchand Navalrai: I never say every wife does that.

The Honourable Sir Nripendra Sircar: He means most of them. Then my Honourable friend gave a story of how a woman—perhaps he knows the woman—who had Rs. 6,000 was surrounded by vultures in the shape of Brahmans—thank Heavens, I am not a Brahman—she was surrounded by mendicants. She spent Rs. 2,000 in digging a well and next year she had no money. Supposing this has happened, all this has happened without the assistance of Dr. Deshmukh's Bill. What is the point of the argument? If this is happening today, that only shows that whether men or women, they cannot be kept out of the clutches of vultures in the shape of Brahmans or mendicants or in any other shape. But that is no argument when you propose to give a woman the right to ask for partition and yet insist that she must depend upon the good wishes of the coparceners. Is not that the intolerable position today? Take for instance Bengal or take Mitakshara, there are two sons. I can give you not one but dozens of cases where the brothers have fallen out, they are fighting among themselves, but they will not divide the property

because they have got to give a share to the mother. What will happen in such a case. All cases are not cases of ideal boys against a spend-thrift mother. But the case may be of a good mother against two scoundrels of sons. What will happen in that case. The mother says, "will one of you agree to partition the property". The sons will say, "No dear mother, much as we love you, much as we respect you, you can have our affection, but not our property". That is the answer which she will get. I submit this ought to be wholly unacceptable to every part of the House. The idea is that she will have the right to get property and to insist on partition. I oppose the amendment.

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

"That to sub-clause (*3*) of clause 3 of the Bill the words 'if any one of the co-parceners agrees' be added at the end."

The motion was negatived.

Babu Baijnath Bajoria: Sir, I beg to move:

"That to sub-clause (*3*) of clause 3 of the Bill, the words 'in case of any maltreatment, cruelty or hardship done to her by the other coparceners'; be added at the end."

Sir, my intention in moving this amendment is to ensure the interest of the widow as well as the son. What I want is that when a widow is not treated properly if her condition in the family is deplorable, I admit in several cases, it is deplorable, then she shall have the right of partition. But if her sons or the other coparceners treat her well, she should not have that right. She may fall a prey to designing persons who have got an eye on her money as soon as she separates and gets her share partitioned. In order to avoid that sort of thing, I am moving this amendment. In my opinion, if this provision is made, the sons and the other coparceners will treat the widow affectionately, because they will be afraid that if they do not do so she will claim the right of partition as soon as she suffers from any hardship.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): What do you mean by hardship?

Babu Baijnath Bajoria: That will have to be decided by the Courts. She will also feel that she cannot claim partition until and unless she is not treated properly by her sons and other coparceners, and she will not fall a prey to designing persons. It is with that best of intentions that I am moving this amendment.

In this connection, I cannot pass over the remarks that Mr. Joshi made with regard to the Sanatanists his attacks on whom were quite unwarranted and uncalled for. He said that the Sanatanists have no influence and no following in the country. I quite repudiate that. He gave the elections as an indication. But the elections are fought on a political basis in which the Sanatanists do not take much interest. The Congress as a great political organisation fights these elections on political grounds. I daresay, if any question of religion is put to the test, Mr. Joshi's remarks will prove to be untrue. I challenge his remarks and entirely repudiate them.

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

"That to sub-clause (*3*) of clause 3 of the Bill, the words 'in case of any maltreatment, cruelty or hardship done to her by the other coparceners', be added at the end."

The Honourable Sir Nripendra Sircar: Sir, my Honourable friend, Mr. Bajoria, has said that he was moving this amendment with the best of intentions. We know exactly what is the place which is paved with the best of intentions. The amendment means this. This unfortunate woman, the husband having died, wants the one-third which is to be given to her by the Bill. What has she got to do? To start with, I believe she must go first of all to the police court and then make out a case of cruelty; or to the civil court, which is still more expensive. She goes to the civil court and the preliminary issue which is tried is, was there any cruelty? Was she subjected to any hardship? The learned Judge proceeds to take evidence,—how the abuse was started, what was the quantum of abuse on each side, how the thing ended, and so on. What is meant by hardship? Sufficient maintenance not having been given. What is sufficient maintenance? I have come across many cases where rich Hindu sons think that a mother could not possibly ask for more than one rupee a day. What does she want money for? She has got to live the life of an ascetic; a cup of milk and a little fried *chana* ought to be quite enough for her. What does she want money for? I submit this is a ridiculous suggestion that before she can enforce her right of partition she should be driven to a suit to prove cruelty and hardship against the sons. Is it for any mother to prove it against the sons? Who will be the witnesses? The servants. Under whose control are they? The sons or the poor widow? I submit, Sir, that my friend should rest content with the best of intentions and withdraw this amendment.

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

"That to sub-clause (*3*) of clause 3 of the Bill, the words 'in case of any maltreatment, cruelty or hardship done to her by the other coparceners', be added at the end."

The motion was negatived.

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

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Dr. G. V. Deshmukh: Sir, I move:

"That the Bill, as amended by the Select Committee, be passed."

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

"That the Bill, as amended by the Select Committee, be passed."

Sir Muhammad Yakub: Sir, I was one of the members of the Select Committee on this Bill, and I have also signed the report without a minute of dissent and cannot oppose the Bill at this stage. I think the Bill as it has emerged out of the Select Committee is not very satisfactory. In the original Bill, the right of holding property was intended to be given to the widow as well as to the daughter, but in the Select Committee the right of the daughter has been altogether taken away. She has been ignored, although as a matter of fact I think a daughter stands more in need of property and protection than the widow.

The Honourable Sir Nripendra Sircar: She gets it as the wife in another family.

Sir Muhammad Yakub: If she is unmarried she is not a daughter-in-law of any family, or she is married to a poor man, and still she is not getting anything.

The Honourable Sir Nripendra Sircar: My Honourable friend is under a mistake. As regards unmarried daughters, it is a liability of the whole joint family to maintain her and to pay her marriage expenses. The moment she is married she gets her rights not as a daughter of this family but as wife in the other family.

Sir Muhammad Yakub: Quite right, but before she is married she is altogether at the mercy of her brothers. It is possible that sons may have love and may have affection for their mother and they may treat the mother well, but they may not have the same affection and consideration for their sisters. Moreover, it is expected that an unmarried girl would be of a tender age and she requires, specially in these days, education and many other things which the girls in bygone days did not require. Therefore, I think that a daughter was more entitled to get a share in the property of her father than a widow. In India, as well as in Arabia, there has always been a great prejudice against daughters. In fact, in Arabia and also in certain very noble and high castes in India, the birth of a daughter was considered as a calamity and if the father could get an opportunity, the poor little girls were slaughtered and killed by fathers. The same feeling still exists in India and from the current of the debate in the House this morning, I find that in spite of the fact that there is lip loyalty towards women—though everybody says that we want to raise the status of women and we want to do this and that for women—I think that the same feeling of distrust and hatred for women still exists in India. Probably, our friends even today want that the widows should commit *suttee* and that the daughters should live like slave girls and dependants of their brothers. Therefore, I think that the House cannot be congratulated for passing the Bill in the form in which they are passing it now. I can still congratulate my people, the Muslims, when I find that even in this year, 1937, women of no religion and no country enjoy the same right of inheritance and the same status which the Muslim women have enjoyed. However, that is quite a different thing. As Dr. Deshmukh said, this is a small mercy which the women of India are getting through this Bill and we hope that this small ray of hope will, in future, give more light to the House: probably our friends, who claim so much respect for their womenfolk, will in future be more generous, and we will find that Dr. Deshmukh's Bill will lead to some more comprehensive measures, and the womanhood of India, some day, will get that right to which they are entitled. With these remarks, I support the passing of the Bill.

Mr. Husenbhai Abdullabhai Laljee (Bombay Central Divisions: Muhammadan Rural): Sir, I support the Bill that has been moved and I consider myself fortunate as I believe we owe a duty towards our mothers. It may be said that I am a Muslim and I may be asked why I consider myself fortunate. I would tell my friends that although I am a Muslim, unfortunately up to now I am in a community which is governed in certain respects under the Hindu law of inheritance and succession. When we were converted to Islam, the religion that we were given was a mixture of Islam and Hinduism. About 36 years ago we have separated and built a mosque, and although we have now adopted all the principles laid down in the *Koran* and *Shariat*, still owing to custom that prevailed with regard to inheritance and succession we are up to now governed by the Hindu law when we do not make a will. According to practice, we do make a will; but if unfortunately we fail to do so, the plight of the widow is as miserable as it can be—just the same as that of a Hindu widow. I can tell you honestly that there have been many instances in our community, which is considered to have adopted the principles of Islam, that as soon as the sons inherit the properties of the father, they forget that it is to their mothers that they owe their coming into the world and they try to maltreat her. It is an acknowledged fact that when the father dies, the mother has to look to her sons—and not only to her sons, but to the wives of her sons for maintenance and protection—such a miserable position! I do hope that this Bill will remove that position. A lot has been said about the position of the woman, and nobody can deny that unless and until this country raises the position and status of its women, we are not going to be considered to be civilised persons, far less are we entitled to demand independence or any such thing. I do believe and strongly believe that if our better halves are not treated equally, as is laid down by all civilised nations, as is laid down by all religions—even in the Hindu religion—I do believe with Dr. Deshmukh that it is due to the lawyers that the present disabilities have come about—I do believe one of the curses that we were suffering from was *suttee* and those who removed *suttee* are enjoying the reward of their meritorious act. Similarly, I do believe that as soon as this acknowledgment of the widow's right is made, a sort of curse will go away from India; and the sooner we do it with regard to the rights of daughters, the better it will be. The Honourable the Leader of the House said that girls as soon as they get married will get their share from their husband's family. How does he say that? The question is whether a girl is going to marry a rich man or a poor man. But surely if she is the daughter of a rich man, why should she not be entitled to have her share, I ask in all fairness? When the father is living he treats all children alike. When he dies, the mother looks like an orphan and the girl cries and considers herself an orphan. Is the very sight of that tolerable? Why should two children of one father and one mother be treated separately? In fact, the father does all he can to educate his children and the mother does all she can to imbibe in them the best of habits and kind of living: and what a misfortune if the father dies? The boys are all right. But the girls although they have imbibed all these good things are helpless creatures. That is what we should put right, and I am very glad that my friend, Sir Muhammad Yakub, has drawn pointed attention to that.

I do not wish to take up the time of the House further; and although my friend, Dr. Deshmukh, is my dear old friend it has never been my

habit to praise him. But as a Member of this Legislature, he has done a duty and I do hope that we all will acknowledge that although he is a doctor and not a lawyer he has seen the equity and worked hard for three or four years and tried to do justice to the mother, for which we are grateful to him; and I do hope this Act of Dr. Deshmukh will be remembered not only in this House but outside as an Act which we badly needed. With these words, I support the Bill.

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

"That the Bill, as amended by the Select Committee, be passed."

The motion was adopted.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

(AMENDMENTS OF SECTIONS 30, 34, 34A AND 35.)

Sardar Sant Singh (West Punjab: Sikh): Sir, I beg to move:

"That the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of sections 30, 34, 34A and 35*) be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable the Home Member, Mr. Akhil Chandra Dutt, Mr. Lalchand Navalrai, Mr. Sham Lal, Sir Muhammad Yakub, Mr. M. Ananthasayanam Ayyangar, Mr. Asaf Ali, Dr. DeSouza and the Mover with instructions to report before the 31st March, 1937, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

As Honourable Members will remember, my last motion with regard to this Bill was for circulation. Section 30 of the Criminal Procedure Code reads like this:

"In the territories respectively administered by the Lieutenant Governors of the Punjab and Burma and the Chief Commissioners of Oudh, the Central Provinces, Coorg and Assam, in Sind, and in those parts of the other provinces in which there are Deputy Commissioners or Assistant Commissioners the Local Government may notwithstanding anything contained in section 29, invest the District Magistrate or any Magistrate of the first class, with power to try as a Magistrate all offences not punishable with death."

From the terms of this section, it is clear that the normal course of investing the Magistrates with power is defined in sections preceding this section 30, and the power that is given to a first class Magistrate in all the provinces of India is to sentence a person to a term of not more than two years. The offences under the Indian Penal Code and under local and special laws do contain provisions for inflicting punishment to a higher term than two years. In the case of most provinces which are not mentioned in section 30, cases which are inflicted with more than two years punishment are tried either by Assistant Sessions Judges or by Sessions Judges, but in the territories mentioned in this section, enhanced powers, as they are called in section 30, are exercised by first class Magistrates specially empowered under this section.

Sir, in the first place, I have a grievance to bring to the notice of the Honourable Members of this House, and I hope Honourable Members of the Treasury Benches will at least, so far as this grievance is concerned,

[Sardar Sant Singh.]

sympathetically hear it. At the same time, Sir, I shall seek your protection too owing to the injustice done to my last motion. This motion was for circulation. Copies of the Bill together with extracts from speeches were sent to various Local Governments in India, but from the opinions received, I find that most of the Local Governments have circulated the Bill as widely as possible and obtained the opinions of District Magistrates, Commissioners, Bar Associations, Public Prosecutors and the others. But from the Punjab, I find, Sir, we have received only two opinions, one is from the Punjab Government itself and the second is from the Honourable Mr. Justice Din Muhammad, a Judge of the Lahore High Court. Evidently the Bill was not circulated in the Punjab at all. I wrote to your office explaining the position, and that letter, I understand, was forwarded to the Punjab Government, and yet my Bill was not circulated by them for eliciting further opinions thereon . . . .

Mr. President (The Honourable Sir Abdur Rahim): You mean the Punjab Government did not take the usual step to elicit opinions?

Sardar Sant Singh: They did not take the usual step to obtain opinions. That is my information, and I would request the Secretary of the Assembly to inform us whether any reply to my last letter was received at all from the Punjab Government as to why my Bill was not further circulated to elicit opinions from the Bar Associations and other members of the Bench and others . . . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member knows that this Department send these Bills to various Local Governments to obtain opinions from persons who are competent to express an opinion, and the Chair assumed that in this case too the same procedure was adopted. The Chair understands the Honourable Members complaint is that the Punjab Government have failed to obtain opinions in the usual way. That is a matter which has to be found out . .

(After consulting the Secretary of the Assembly).

The Chair understands what happened was this, that the Punjab Government did send certain opinions which they had collected, and those have been circulated to the Members including Sardar Sant Singh. Then, Sardar Sant Singh wanted that the Punjab Government should also obtain the opinions of the Bar Association of the Punjab, and they have been written to to that effect, but no reply has been received so far.

Sardar Sant Singh: Sir, if you will kindly refer to the opinions received from the Punjab Government, you will observe at page 3, 1st column, that the first opinion received is from the Punjab Government itself. Then the second is copy of a letter No. 3818-S. (Judicial), dated the 17th July, 1935, from the Government of the Punjab; third is copy of letter from the Officiating Registrar, High Court of Judicature at Lahore, No. 5321-Genl. IIE-10, dated the 18th June, 1935, and fourth is copy of opinion of the Honourable Mr. Justice Din Muhammad . . . . .

Mr. President (The Honourable Sir Abdur Rahim): The Bar Association is not there.

Sardar Sant Singh: Not only that the Bar Association is not there, but there is no mention of any Commissioner or Deputy Commissioner or of any Magistrate empowered under this section 30, nor of any of the Bar Associations in the Province . . . .

Mr. President (The Honourable Sir Abdur Rahim): It was sent only to the Registrar of the High Court?

Sardar Sant Singh: Yes, Sir, and the copy of the letter from the Officiating Registrar reads like this:

"I am directed to forward",—he was only directed to forward—"a statement showing the number of criminal appeals from the orders of the section 30 Magistrates, filed in the High Court and the proportion of successful appeals, *etc.*"

Then, further on, it says:

"I am also to enclose a copy of the opinion recorded by the Honourable Mr. Justice Din Muhammad on the Bill and to say that all the Honourable Judges concur with this opinion."

This is the letter from the Officiating Registrar.

Mr. President (The Honourable Sir Abdur Rahim): It was published in the Punjab Gazette.

Sardar Sant Singh: Yes. The general practice which I know about the circulation of these Bills in my province is that copies of these Bills are sent to the District and Sessions Judges and District Magistrates of the various districts, and the latter circulate these copies to Bar Associations and invite their opinions. Then, those opinions are forwarded to the Local Government who in turn forward them to this House. In this case nothing was done.

The Honourable Sir Nripendra Sircar (Law Member): They read the Gazette. They could have sent their opinions.

Sardar Sant Singh: It is a very great surprise to me, if not an actual shock, that the Honourable the Law Member says that they had a right to send their opinions and they might have sent them. May I ask, if this is the view, why the same procedure was not adopted by other Local Governments? That is no reason. Many Bills are circulated by the vote of this House for eliciting opinion. The established practice is that opinions are only sent when they are asked to be sent . .

The Honourable Sir Nripendra Sircar: No, no.

Sardar Sant Singh: . . . . though there is no bar and some intelligent people may have taken it upon themselves to send their opinions, but the uniform practice is that the Local Government never uses its powers to suppress those opinions. What I submit is that, ordinarily speaking—I am not speaking of extreme cases as the present one, but ordinarily speaking,—the co-operation of the Local Governments is very desirable in such matters. Here my complaint is that that co-operation has been entirely lacking.

Mr. President (The Honourable Sir Abdur Rahim): Apparently what the Punjab Government say is that a similar question was considered in the local Council, it found very little support and the Governor in Council is not prepared to change his opinion. That is what the Punjab Government say. Is the Leader of the House in a position to explain what happened?

The Honourable Sir Nripendra Sircar: I have no information because we had nothing to do with it. It was sent by your office to the Local Government. I do not say that two wrongs make one right, but I do not know how these alert bodies like Bar Associations were prevented from sending their opinions if they wanted. I am not justifying the conduct of the Punjab Government.

Sardar Sant Singh: What happened in the Punjab Council was that during the Budget Session a cut motion was moved by one member to discuss this very question of section 30 magistrates.

Mr. President (The Honourable Sir Abdur Rahim): There was no Bill, but only a cut motion?

Sardar Sant Singh: Yes, a cut motion only. As generally happens in our unfortunate province, the Punjab, a little assurance or a little promise that consideration would be given to the question after the new constitution came into force was sufficient to persuade the gentleman to withdraw the motion. I am not here to say anything one way or the other about what our friend did in the Punjab Council; I am rather thankful to him for having brought it to the notice of the Council. However, the fact remains that the principal province which is concerned with this Bill, as I will later show by reading from the other provinces which are affected by this legislation, did not care to get the opinion of the persons concerned.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member simply wanted that a copy of the Bill should be sent to the Bar Association. I understand that the office has written to the Punjab Government to circulate it to the Bar Association for opinion and the reply has not come yet. I do not think the Honourable Member asked that the Bill should be circulated to any other person or authority. I understand that an exact copy of the letter of the Honourable Member was sent.

Sardar Sant Singh: The position remains that we are not in possession of the opinions of the various bodies concerned in my province. Therefore, the allegations that were made on the floor of this House that public opinion in the Punjab did not favour this legislation cannot be refuted now. The very fact that there was an attempt not to get the opinions speaks volumes in favour of this Bill.

Coming to the merits of the Bill, my submission is—I submitted to the House last time when I moved this Bill—that the main points which influenced me in bringing forward this Bill are, first, that I do not want that after the Punjab has been placed on the same footing as the major provinces there should be left any trace of legal inferiority complex so far as the Punjab is concerned. Whatever reasons there might have been in the earlier years when the Punjab was a non-regulation province, those reasons do not exist at the present stage. The time has come when a uniform system of procedure should be applied to all major provinces, or

rather to all provinces of India, whether major or minor. The second point which I attempted to explain last time and which I wish to reiterate with your permission is that in these days when we claim to be advancing on democratic lines there is no reason why the rule of law should not be substituted for the rule of the executive. I can understand the Honourable the Home Member and all the District Magistrates trying to keep the executive power in their own hands. But I do not understand why the Honourable the Law Member who is apparently the exponent or advocate of the rule of law in the country should not agree with me that the time has come when the rule of law should find a better place than it has so far found in judicial decisions in India. Sir, I still stick to the opinion that I gave last time or that I have been giving for so many years whenever I have had an occasion to talk about the justice administered in such Magistrates' Courts, and that is that as a matter of fact certain restrictions have been placed by the orders of either the Local Government or the High Court which compel these magistrates to treat these criminal trials with undue haste. They are required to send a return as to the number of cases disposed of during a month. They are required, not they, I should rather say, a report is always submitted by a subordinate petty police official attached to the Court as to the number of witnesses examined by the magistrate each day. These two restrictions are such that, however much we may disagree as to the expediency or otherwise of the repeal of this Act, we will certainly agree that these two restrictions to a great extent prevent the magistrates in applying their best minds to the trial of the case and to weigh the evidence in a judicial spirit. When it is remembered that a magistrate's advancement, his increment, mainly depend upon the report that he receives from the district magistrate, the remarks made by the district magistrate in his service book make him dependent upon the good will of the district magistrate; in order to win that good will, he is bound to consider the effect of decisions upon the law and order in his *ilaqa*. Because a magistrate is invested both with administrative powers as well as judicial powers his considerations of administrative expediency always outweigh his judicial spirit of doing justice to the criminal who is at the bar before him. These are the main questions which affect the administration of justice. Objections have been raised in some of the opinions, which I will deal with later on, that my Bill as a matter of fact betrays a mistrust of the judiciary. I deny this charge. The very magistrate who is exercising his powers as a magistrate changes his outlook and point of view as soon as he is promoted to the position of a sessions judge or assistant sessions judge. No difference is made so far as his personality or mentality is concerned but as soon as the position is changed, the outlook is changed and that changed outlook brings more confidence in him than the position which he occupied before that. From the opinions received I find that District Magistrates in charge of districts view with suspicion the outcome of my Bill. One gentleman, the District Magistrate of Burdwan, has gone so far as to say that if adopted the Bill would certainly increase lawyers' profits at the expense of the litigant. Possibly this is why the Bill was brought forward. Let me quote his second reason. "Also it would in practice mean that most of the present special power magistrates would have to be promoted to sessions rank and I can see no reason why a man who is considered inefficient or corrupt or subservient as a magistrate should change his nature and forthwith become efficient, incorruptible and upright when described as assistant sessions judge." Now, here is a gentleman

[Sardar Sant Singh.]

who does not see the principle underlying the Bill, refuses to consider the principles of criminal jurisprudence as evolved by long experience in Britain but immediately jumps forward to ascribe motives for this Bill. I think if this principle is correct that Bills are brought for the purpose of increasing litigation and filling the pockets of the lawyers, then every Bill tends to complicate the legal machinery to the benefit of the lawyers. So, if the guilt is to be judged in this way, I think the Honourable the Law Member and the Legislative Department would be more guilty of it than myself who has brought in a single amending Bill. Another district magistrate went so far as to say (This is the District Judge of Dera Ismail Khan) that the allegation that the district magistrate exercises influence or interference in the work is clearly false. Now, Sir, I did not mean to refer to this side of the question but is there a practising lawyer anywhere in India who does not know that in political cases particularly and in the cases of certain habitual criminals, the district magistrate generally points the way in which the decision should be adopted. If there is one, I will say that either he has been practising with his eyes closed or he refuses to disclose the true facts for reasons unconnected with the merits of the question. There can be no doubt, and I know it about many magistrates who are not entrusted with the trial of political cases that in the first two or three cases they tried judicially, they let off the accused. No cases were sent to them for further trials. Interference does not mean that he writes orders or sends written instructions as to what to do but the way in which the cases are distributed by executive and administrative action is sufficient to direct the channel of thought of a magistrate. I wonder how these considerations are being brushed aside by simply saying that these allegations are false. Coming to the various opinions that have been received from the different provinces, I will first leave aside those provinces like Baluchistan and Bombay where they say that as the provisions of this section do not apply in their provinces, therefore, they were not called upon to give any opinion. Leaving such cases aside, (I will leave Burma also for it is going to be separated from India in another two months) I will deal first with Coorg in the order in which the opinions have been printed. You will find that the Chief Commissioner of Coorg, the District Magistrate and Sessions Judge of Bangalore, the Additional Judicial Commissioner, Coorg, and the Commissioner of Coorg are all in favour of the repeal of these provisions. Then, Sir, in Ajmer-Merwara, the Judicial Commissioner and the Bar Association are in favour, while the Commissioner of Ajmer-Merwara and the Additional District and Sessions Judge are against it. So is the City Magistrate. But there is one thing which is very important, Sir, in the opinion given by the Additional Judicial Commissioner, Coorg, ...

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member propose to finish his speech now?

Sardar Sant Singh: No, Sir.

Mr. President (The Honourable Sir Abdur Rahim): Then, I adjourn the House till 11 o'clock tomorrow morning.

The Assembly then adjourned till Eleven of the Clock on Friday, the 5th February, 1937.

APPENDIX "A"*.

REPORT OF THE COMMITTEE APPOINTED BY THE LEGISLATIVE ASSEMBLY TO REPORT ON CERTAIN AMENDMENTS PROPOSED TO BE MADE IN RULE 8 OF THE INDIAN LEGISLATIVE RULES.

We, the undersigned members of the Committee appointed by the Legislative Assembly to report on certain amendments proposed to be made in rule 8 of the Indian Legislative Rules, submit the following report on the said amendments—

1. *Proposed sub-rule (1).*—As this sub-rule is purely consequential, we have no comments to offer on it.

2. *Proposed sub-rule (3).*—

(*a*) We considered whether the objects of the amendments could not be better achieved by limiting the total number of notices of questions which might be sent in by each member during a session. A majority of us were opposed to any such limitation.

(*b*) Whilst a majority of us were in favour of a limit on the number of questions which might be put for oral answer on any one day by individual members, there was divergence amongst us as to the appropriate number. Some of the numbers actually suggested do not imply that the author of the suggestion accepted the principle of any limitation at all.

Two of us suggested a limit of 12 questions per day, one a limit of 10, two a limit of five and five a limit of three. Two of us suggested a limit of three questions, provided that discretion should be given to the President to increase that number if on any day he finds that the agenda, on the basis of the normal limitation, are not sufficient to occupy the whole of the time allotted to questions, which is at present fixed at one hour.

This proviso was considered separately on its merits, and a majority of us were in favour of it.

3. We considered, as a question apart, whether members should be required, at the time of sending in notice of a question, to state the day on which it was to be put for answer. A majority of us were against the proposal.

4. *Proposed sub-rule (4).*—This sub-rule affects the relations between the Legislative Assembly office and the Government, and not the rights of members of the Assembly in respect of putting and answering questions. We do not feel called upon to advance any opinion on it.

5. *Proposed sub-rule (5).*—Three of our number were opposed to this sub-rule, one of them desiring the omission of the requirement for consent of the Member of Government concerned. Eight of us were in favour of the sub-rule as it stands. One of us accepts the sub-rule, provided that it is made clear that the President shall have discretion to depart from the strict principle of "rotation" if he finds that there are not sufficient questions on any day to occupy the question hour—for instance, to call upon a department to answer questions on two or more consecutive days.

**Vide* page 467 of these Debates.

6. *Proposed sub-rule (6).*—Opinion was equally divided between us as to this sub-rule. Six of us accepted it, one of whom suggested that the written answers to questions not reached on any one day for oral answer should be laid on the Table on that day instead of on the next day available for answering questions. Two of us would modify the sub-rule by providing that questions not reached for oral answer should be carried forward for answer on days when there were no questions for answer, or not sufficient questions to occupy the question hour—such questions to take precedence after questions set down for answer in accordance with the normal procedure. Questions left over at the end of the session would, under this proposal, be treated as unstarred and receive written answers.

One of us suggested a further provision imposing on the President the duty of fixing for each day a number of questions sufficient to occupy the question hour.

Four of us are opposed to the sub-rule. Of these, two have fundamental objections to the sub-rule, one criticises it on the ground that it will place the President in an invidious position in the matter of setting down a sufficient, but only a sufficient, number of questions for answer on each day, and one objects to the sub-rule because he is in favour of retaining the present system of a continuous list of questions.

N. N. SIRCAR.
*N. M. JOSHI.
*MUHAMMAD YAKUB.
P. J. GRIFFITHS.
*SANT SINGH.
†COWASJI JEHANGIR.
SHER MOHD. KHAN.
‡MOHD. YAMIN KHAN.
*A. C. DATTA.
LESLIE HUDSON.
J. D. ANDERSON.
A. DEC. WILLIAMS.

NEW DELHI;

The 3rd February, 1937.

*Subject to a minute of dissent.

†Subject to a minute.

‡Subject to not agreeing with clause 6.

MINUTES OF DISSENT.

I do not agree with the majority of the Committee. I admit that there has been an unreasonable use of the privilege of asking starred questions by a few Members of the Assembly depriving a large number of other Members of the opportunity, due to them, of asking a reasonable number of starred questions. But in view of the fact that a drastic regulation of the privilege of asking starred questions applying to all Members is undesirable, I would like, at first, to try to persuade those few Members who have so far made unreasonable use of their privilege, to desist from doing so, by friendly advice by the President given to those Members directly and through the Party Leaders. I have no doubt, as past experience has shown, this will achieve the object which the Committee has in view.

The proposals made by the majority of the Committee are not also likely to achieve the object which we have in view, if a few Members persist to make an unreasonable use of their privilege. The difficulty which has been created is due, not only to the largeness of the number of the questions asked, but is also due to the priority which is secured to a large number of questions by a few Members by means of an earlier notice. If the evil is to be tackled successfully, regulations will have to be made, not only as regards the curtailment of the number of questions but as regards the securing of priority for too large a number of questions on account of earlier notice. Even if the Committee's proposals are adopted, the evil will not be prevented. Supposing there are 80 days on which questions can be asked in a year and supposing that between 2,000 to 3,000 questions can be answered during the question time of those 80 days, 10 to 15 Members making an unreasonable use of their privilege of asking three questions a day and by spreading over their questions over all Departments can successfully deprive the other Members of the use of their privilege. The analogy of the practice of the House of Commons will not hold good, if we believe that some Members of the Assembly will act in such a manner as to be obstructive, as the success of the House of Commons practice is not so much due to regulations as to the pressure of public opinion of the House exercised through the Chair, the Party Leaders and the House as a whole. My proposal therefore is, that if the right of priority which is secured through earlier notice is regulated, the object which we have in view will be better secured without even curtailing the number of questions to be answered daily or even in a session. If a rule is made that the right of priority secured by earlier notice can only be available, in the first instance, for, say, the first 25 questions of each Member and cannot be used by him thereafter till other Members whose questions upto the number of 25 are due to be answered had an opportunity of receiving replies. If there are no questions outstanding of which notice has been given by any Member who has not exercised his right upto the full limit of 25, another opportunity should be given to those Members whose 25 questions are already answered, to have another group of 25 questions answered. The working of such a regulation can be successfully managed by one assistant in the office of the Assembly, by keeping a register of Members and the number of questions they put and get answered.

If the proposal made in the preceding paragraph is not accepted, my alternative proposal is that instead of regulating the number of questions to be answered daily, there should be regulation of the number of questions which each Member can get answered during a session. I would put that limit at 25 in a longer session and at 15 in a shorter session. On several occasions Members will find it desirable to get more than three questions answered on one day, if they relate to one subject matter. In such a case the answering off

three questions on one day and another group of three questions on another day in another week will be inconvenient and will not have the same effect as the answers received on one day.

I object to the proposal that the responsibility of fixing the number of questions to be answered on each day should be placed on the President. If some questions remain unanswered on a particular day, the blame will fall on the President. If the President selects a shorter number of questions and some question time is lost, then also the blame will lie on the President. I feel, it is absolutely wrong to place the President in this difficult position and to take the risk of the slightest injury being done to the dignity of the Chair and the respect due to it. In the House of Commons the member asking questions also chooses the date on which his questions should be answered and so if his questions remain unanswered orally and consequently become unstarred, he takes the responsibility on himself. We are told that the Government of India also proposed to throw the responsibility of selecting the days on which a Member's questions will be orally answered, on the Member asking the question, as is the practice in the House of Commons. But this proposal is not adopted by the majority of the Committee.

N. M. JOSHI.

The 3rd February, 1937

We are not in favour of placing any limitation to the right of asking questions for oral answers in the open House. The system has been working for about 17 years and without any complaint having been made by any non-official Member that the same has worked to his prejudice. There is no urgency of that nature which should justify us in being a party to a restriction in this important right on the eve of the expiry of the present Legislatures under the old Government of India Act. The Heavens are not likely to fall if the present rules are permitted to continue for another year to two. It is not equitable for us to tie the hands of our successors. We therefore want to make it quite clear that no restrictions should be introduced.

If the principle of restricting this right is to be accepted, the procedure to be devised should be quite simple and less cumbersome. The proposed draft amendments are so complicated that this will involve very difficult if not impossible task to the office and may lead to throwing greater responsibility upon the President. Therefore we will suggest that instead of proceeding to restrict the number of questions per day, there should be maximum number prescribed for each Member giving further power to the President to relax the rule in case where all the questions that have been allowed have been exhausted before the close of the session. The present standing orders as to the framing of the lists and the orders of the precedence should be allowed to stand. This will carry out the object underlying the present proposed draft without introducing unnecessary complications. The analogy of the practice prevailing in the House of Commons is not sound because while the House of Commons sits throughout the year and the right to ask questions can be exercised as soon as the need for asking information is felt, this Legislature sits twice a year and such right can only be exercised when the House is in session. That is why the notice of such questions is sent during the time when the House is not sitting which leads to accumulation of the number of questions. Therefore we will propose the following for the sub-rule 3 :—

"Maximum number of questions asked by a single Member for oral answers shall be limited to two hundred in the Budget session and one hundred in the autumn session :

Provided that when all such questions have been answered before the close of the Session the President may permit any Member who has already exhausted the quota of questions for oral answers to ask more questions during the remaining days of the session subject to the conditions laid down in the standing orders."

If, however, the proposal for limiting the question per day is adhered to we will raise the number from 3 to 12.

Proposed Sub-Rule 5.—We are not in favour of the rule as it stands. This sub-rule we are afraid will be found un-workable in practice. Therefore, we will suggest that the phrase in 'rotation' should be omitted in line 2 of the proposed draft and further words "unless the President with the consent of the Member of the Government to whose Department the questions relate" be omitted, this amendment would not place any undue difficulty in the way of the President and will give greater discretion to the President to call any Member of the Government to answer any question on any day, if he thinks the public interest requires it.

Proposed Sub-Rule 6.—We are in favour of omitting sub-rule 6 entirely. We are in favour of continuous list being maintained. The objection raised to the continuous list is that the same is inconsistent with the sub-rule 3 as proposed in the draft. We are not of that opinion. There is no sanctity attached to the questions being asked on the day for which they have been tabled. As the questions have been left over through no fault of the Member in whose name the questions stand, it is very hard that such Member should be penalised for fault of others. Therefore, he should be permitted to ask the questions next day and his questions should be treated as having been answered on the previous day. The language of Sub-Rule 3 can be made suitable to this or if this suggestion does not find favour with the House, we are of opinion that the questions held over on any one day may be placed at the end of next days question paper and this process should be carried on till the same have been answered.

We are not in favour of mentioning the particular date in the notice when the same should be answered. This will lead to many complications and we fear that this may practically defeat the object of asking oral answers and thus result in depriving the Members of their right to ask supplementary questions.

SANT SINGH.

The 4th February, 1937. A. C. DATTA.

The motion on which we are called upon to express our opinion relates to a highly important matter and yet, unfortunately, we cannot make a formal or regular report. The suggestions and proposals contained in our report and the minutes of dissent are merely recommendatory and the Government are not in any way bound to accept them. Yet considering the general feeling of the House, and its far reaching effects on the rights and privileges of the Members of the Assembly, I hope and trust that at least such recommendations, as have the unanimous backing of non-official Indian Members of the House, would be accepted by the Government.

I am not opposed to fixing of limit on the questions which a Member may be allowed to ask on any one day. But the limit of three suggested in the draft of the Honourable the Law Member, appears to be very small. Even in the House of Commons, when restriction was imposed on members in putting

questions in the House, the first limit imposed was eight then it was reduced to four and only recently the maximum was fixed at three; therefore, there can be no justification for fixing a limit of three questions in the House for the first time. Moreover, the number of the members of the House of Commons is more than three times the number of the Members of our Assembly and the analogy of the House of Commons cannot be applied to the Indian Legislative Assembly as constituted at present. However, taking into account the fact that the House of Commons sits for a much longer period than the Indian Legislative Assembly, I would propose a limit of at least five questions for a Member on a single day. But I would also like to have the amendment proposed by Sir Cowasji Jehangir to be accepted in order to afford more facilities to the Honourable Members of the House.

The most objectionable feature of the draft amendment is that which is contained in number 6. The right of putting supplementary questions is really a very valuable privilege of the Members of the House and any restrictions imposed on this right cannot be acceptable to any non-official Indian Member of the Assembly. I am strongly opposed to the provisions contained in number 6 of the proposed draft. I have given an amendment on the subject which provides that starred questions placed on the list of questions for answer on any day, if they are not answered within the time available for answering questions that day, should remain pending and during the course of the Sessions and if all the other starred questions which would be answered under the new rules are exhausted and no more questions are left then these questions which are pending should be taken up and the first hour of the Assembly should every day be devoted to answering these questions until the end of the Sessions. And any questions which are left un-answered at the end of the Sessions should be treated as unstarred.

The 4th February, 1937. MUHAMMAD YAKUB.

MINUTE.

Sub-rule 3.—I agree to not allowing more than three questions to be asked by the same Member on any one day, provided that the President at his discretion may raise this figure without limit, only if he finds he is unable to place sufficient questions on the Agenda to occupy one hour on any one day during the sessions.

I agree with the substance of sub-rule 5, but I would omit the words "in rotation". This will enable the President to call upon any Member of the Government to answer questions on consecutive days, if he finds it necessary to do so, to enable him to place sufficient number of questions on the Agenda to occupy one hour on any one day.

If we once accept a restriction on the number of questions asked by the same Member on any one day, we must accept sub-rule 6. But every precaution should be taken to prevent questions that are not answered on any one day becoming unstarred questions. I would therefore suggest the following addition to Rule 6 :—

Sub-Rule 6 (a).—The President shall place on the Agenda on any one day just such number of questions as, in his opinion, can be answered within the question hour.

Sub-Rule 6 (b).—Notwithstanding sub-rule 6 (*a*), any questions that may not have been answered on any one day should be placed on the Agenda, after all questions have been answered at any time during the sessions.

COWASJI JEHANGIR.

The 3rd February, 1937.

PROPOSED AMENDMENTS TO RULE 8 OF THE INDIAN LEGISLATIVE RULES.

That in rule 8 of the said rules—

(*a*) in sub-rule (1) the following shall be inserted at the beginning, namely :—

"subject to the provisions of sub-rules (3) to (6)," ; and

(*b*) after sub-rule (2) the following sub-rules shall be added, namely :—

"(3) Not more than three questions asked by the same member shall be placed on the list of questions for oral answer on any one day.

(4) No question shall be placed on the list of questions for answer unless—

(*a*) at least five clear days' notice of the admission of such question by the President has been given by the Secretary to the Member to whom it is addressed ; or

(*b*) the President, with the consent of the Member of the Government to whose department the question relates otherwise directs.

(5) The time available for answering questions shall be allotted on different days in rotation for the answering of questions relating to such department or departments of the Government as the President may, from time to time, provide, and on each such day, unless the President with the consent of the Member of the Government to whose department the question relates otherwise directs, only questions relating to the department or departments for which time on that day has been allotted and questions addressed to non-official members, shall be placed on the list of questions for answer.

(6) If any question placed on the list of questions for answer on any day is not answered within the time available for answering questions on that day, the member to whom the question is addressed shall upon the next day available for the answering of questions lay upon the table of the Chamber a written reply to the question, and no oral reply shall be required to such question and no supplementary questions shall be asked in respect thereof."

LEGISLATIVE ASSEMBLY.

Friday, 5th February, 1937.

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

QUESTIONS AND ANSWERS.

POSTAL CONCESSIONS TO NEWSPAPERS.

369. ***Prof. N. G. Ranga:** Will Government be pleased to state:

(a) if it is a fact that prior to 1931, newspaper press concessions by the Postal Department were offered to newspapers once for all and no renewals for application for such concessions were demanded;

(b) if so, when the renewal of such application was asked for, and why; and

(c) what are the conditions to be satisfied by the newspapers when such concessions are granted?

The Honourable Sir Frank Noyce: (a) and (b). The system of annual renewal of registration was in force up to 1923. It was then discontinued in order to reduce work in the offices of Heads of Circles. It was found necessary in 1932 to revert to it as some newspapers were found to be offending against the conditions governing their registration.

(c) The attention of the Honourable Member is invited to rule 30 of the Indian Post Office Rules, the provisions of which are reproduced in clauses 74 to 76 of the Post and Telegraph Guide (April 1936, Edition).

POSTAL CONCESSIONS TO NEWSPAPERS.

370. ***Prof. N. G. Ranga:** Will Government be pleased to state:

(a) if any new orders are issued insisting upon a minimum number of subscribers for each newspaper before postal concessions are granted to such newspaper;

(b) if so, what that number is;

(c) whether there has been any change in that number, and if so, what that change is; and

(d) why any such change has been made?

The Honourable Sir Frank Noyce: (a) No.

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

POSTAL CONCESSIONS TO NEWSPAPERS.

371. ***Prof. N. G. Ranga:** Will Government be pleased to state:

(a) the nature of the enquiry made to ascertain whether a newspaper has the prescribed minimum number of subscribers;

(b) whether postal authorities above are expected to make such enquiries;

(c) whether police authorities are also expected to enquire into it; and

(d) whether they insist upon the newly started papers first of all to supply their issues at the usual postal rates to the prescribed minimum number of subscribers and then to expect help?

The Honourable Sir Frank Noyce: (a) The applicant is asked to give a statement showing the names and addresses of his subscribers and a certain number of these are verified.

(b) Yes.

(c) No.

(d) No. The concession is granted at once if the provisions of the rule are complied with.

POSTAL CONCESSIONS TO NEWSPAPERS.

372. ***Prof. N. G. Ranga:** Will Government be pleased to state:

(a) if it is a fact that certain newspapers are denied the postal concession either for ever or temporarily because of their politics;

(b) whether they are aware that such discrimination shown against certain papers causes much loss to those papers and results in placing them at a great disadvantage as opposed to other competing papers; and

(c) if they are aware that such discriminating treatment towards newspapers, such as to the *Vahini* of Madras circulating in rural areas prevents the rural classes from getting the benefit of the postal concessions?

The Honourable Sir Frank Noyce: (a) No. The concession is granted if the provisions of section 9 of the Indian Post Office Act and of rule 30 of the Indian Post Office Rules, 1933, are complied with.

(b) and (c). Do not arise in view of the reply to part (a) above.

PROVISION OF POSTAL, TELEGRAPH AND TELEPHONE FACILITIES IN RURAL AREAS.

373. ***Prof. N. G. Ranga:** Will Government be pleased to state:

(a) how many new post offices, post boxes and postal deliveries are provided since April, 1935, in rural areas, in which provinces, and to what extent;

(b) whether it is their policy to provide telegraph and telephone conveniences also to rural areas;

(c) if so, whether they are aware of the greater need of peasants and other rural classes for more postal facilities; and

(d) whether they are prepared to consider the advisability of first developing the postal facilities before undertaking to provide telegraphic and telephone services to the rural areas?

The Honourable Sir Frank Noyce: (a) Information relating to the increase in the number of post offices, letter boxes and postmen and village postmen in rural areas during the period from the 1st January, 1935, to the 30th June, 1936, has already been supplied to the Honourable Member in reply to his starred question No. 736 of the 30th September, 1936, and has recently been placed on the table of the House. I would refer the Honourable Member to these particulars. Information for the second six months of 1936 is being collected and will be placed on the table of the House in due course.

I am presuming that by the term "post boxes" the Honourable Member means "letter boxes", and the information which is being called for, is based on this presumption. In connection with the new postal deliveries, the Honourable Member no doubt wishes to know what additional villages are now being served and not how far improvements have been made in existing services in rural areas. No information on either head is available, and Government do not propose to call for it as its collection would involve an expenditure of time and labour incommensurate with its value.

(b) Yes, in due course.

(c) Yes.

(d) Yes. It is the policy of Government to provide the facilities which seem most needed in the areas they serve.

Utilisation of the Rural Development Grant.

374. ***Prof. N. G. Ranga:** Will Government be pleased to state:

(a) whether they have issued any instructions to Provincial Governments how to utilise the Rural Development Grant of 1935-36 and 1936-37, and if so, what they are;

(b) whether the sanction of the Government of India is sought for by Provincial Governments before they expend their Provincial allotments;

(c) whether they are aware of the fact that the various Taluk Development Committees, or District Economic Councils, created by Provincial Governments for the allocation and administration of the Rural Development Grant do not have any accredited representatives of Peasants Associations existing in those places; and

(d) whether they are prepared to consider the advisability of instructing the Local Governments to provide for adequate representation for Peasants Associations on all such District Economic Councils?

The Honourable Sir James Grigg: (a) I would refer the Honourable Member to my reply to his question No. 822 on the 7th October, 1936.

(b) The schemes on which the allotments are to be spent are submitted for the general approval of the Government of India.

(c) Government have no information.

(d) The Government of India are not prepared to interfere in the detailed arrangements made by the Provincial Governments.

ENQUIRY *RE* REVISION OF THE PRESENT SERVICE CONDITIONS OF THE RAILWAY EMPLOYEES.

375. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state whether the Wedgwood Railway Finance Committee, which is now touring India, is called upon to make recommendations in regard to the revision of the present service conditions of the Railway employees?

(b) If the reply to part (a) above be in the affirmative, will Government be pleased to state whether various Railway Unions in India and the All-India Railwaymen's Federation were invited to tender evidence before this Committee? If not, why not?

(c) What has been the method adopted by the Committee to invite memoranda and evidence from interested quarters? Have any invitations been issued? If not, why not?

(d) Did the Committee issue any questionnaire to the public? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) I would invite the Honourable Member's attention to my reply to starred question No. 233 asked by Dr. Ziauddin Ahmad on the 25th January, 1937.

(b) The President of the All-India Railwaymen's Federation asked the Committee for an interview and the Committee with the concurrence of the Government of India have agreed to meet them on February 1st.

(c) The Committee invited all Chambers of Commerce and other bodies interviewed by Members of the Railway Board when on tour to send in a memorandum of their views to be discussed at a subsequent interview with the Committee.

(d) No special questionnaire was sent to the public as such. Government considered that the views of the public could be adequately represented in the opinions expressed by the bodies referred to in the answer to part (c) of the question.

Mr. Lalchand Navalrai: With regard to part (c) of the question, may I ask whether the "interested quarters" includes the Unions of the Railways?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid I am unable to follow the question. There is nothing to stop any Union from putting forward their views before the Committee.

Mr. Lalchand Navalrai: I am only asking about the expression "interested quarters". Am I to understand or even assume that the Unions were also included in that expression?

The Honourable Sir Muhammad Zafrullah Khan: The expression "interested quarters" was used by the Honourable Member himself in the question and not by me.

Mr. Lalchand Navalrai: Has not the Honourable Member said that the opinions were invited from interested quarters? Does not the Honourable Member mean that?

The Honourable Sir Muhammad Zafrullah Khan: I explained during the course of the debate the other day and also in answer to questions that so far as the Committee are concerned everybody who thought that he was interested in these questions was welcome to send his views to the Committee.

Mr. Lalchand Navalrai: May I know if the recommendations were invited with regard to the Divisional system being remodelled or reformed? We have, at present, Divisional Superintendents and their establishments and Agents and so on; I want to know whether the former system is going to be revised or considered by this Committee or not?

The Honourable Sir Muhammad Zafrullah Khan: I explained during the course of the debate that the terms of reference were published and anybody who felt that they could put forward suggestions or views before this Committee bearing upon their terms of reference were welcome to put forward those views. I do not think any specific questions were formulated with regard to what the Honourable Member has mentioned.

Dr. Ziauddin Ahmad: If this question of the Divisional organisation has already been raised and their attention has already been drawn to this fact, then may I know whether it can come within the purview of the Committee?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid I cannot say. That is for the Committee to decide.

Mr. Lalchand Navalrai: So far, then, you have given to the Committee a sort of general authority to hear and not to hear what they choose?

The Honourable Sir Muhammad Zafrullah Khan: Would the Committee require any special authority to enable them to hear or not to hear?

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred questions Nos. 802 to 810 asked by Mr. Amarendra Nath Chattopadhyaya on the 5th October, 1936.

MONOPOLY FOR THE SUPPLY OF PAINTS ENJOYED BY CERTAIN FIRMS.

Question No. 802.—(a) No. The system of annual contracts was not in existence prior to 1926-27, and since that year contracts have been given to several other firms. The Shalimar Paint Works were given a contract for the supply of certain varieties of red oxide paint for the first time in 1926-27 and Jenson and Nicholson in 1927-28. The Shalimar Paint Works received contracts every year from 1926-27 to 1932-33 and in 1934-35 and 1935-36, while Jenson and Nicholson got contracts in 1927-28, 1928-29 and from 1931-32 to 1935-36. The rates will be found in issues of the *Indian Trade Journal*, copies of which are available in the Library of the House.

(b) No. Contracts for red oxide paints were given to Messrs. Murarka Paint and Varnish Works in earlier years but not in the year 1934-35. There were complaints regarding their supplies of Gulf Red Oxide paint in 1933-34.

(c) A contract for one variety of red oxide paint was given to the Napier Paint Works for the year 1935-36. There was no complaint.

(d) Yes.

(e) and (f). The information asked for is given in the statement annexed.

(g) No. The paints accepted against tender No. M.-7344, were paints intended for application by spraying and therefore required the admixture of different ingredients. The paints quoted for in the previous tender were intended for application by means of a brush.

(h) Does not arise. I may add, however, that all other tenderers were given the same opportunity to re-quote.

Statement referred to in parts (e) and (f) of the Question.

	Jenson F. O. R. Calcutta.	Shalimar F. O. R. Calcutta.
	Rate per cwt.	Rate per cwt.
	Rs. A. P.	Rs. A. P.
Item (19) Gulf red stiff to ISD Specn. No. G/P-73—		
(a) in 28 lb. drums	10 8 0	10 8 0
(b) In 56 lb. drums	10 4 0	10 4 0
Item (20) Gulf red readymixed to ISD Specn. No. G/P-173—		
(a) In 28 lb. drums	13 11 0	13 11 0
(b) In 56 lb. drums	13 3 0	13 3 0

(f) The rates quoted by the firms mentioned against tender No. M.-7344, were as follows :—

	Jenson F. O. R. Calcutta or Naihati.		Shalimar F. O. R. Calcutta	
	Rate per cwt.		Rate per cwt.	
	For quantities upto 400 tons.	For quantities above 400 tons.	For quantities upto 400 tons.	For quantities above 400 tons.
Item (1A) Red Oxide paint, stiff to ISD Specn. No. G/P-73 (oxide of Persian Gulf origin to B. S. colour No. 73)—				
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
(a) In 28 lb. drums	9 11 0	10 15 0	9 11 0	10 15 0
(b) In 56 lb. drums	9 7 0	10 11 0	9 7 0	10 11 0

	Jenson and Nicholson (India) Ltd., f.o.r. Calcutta or Naihati.	Shalimar Paint Colour and Varnish Co. Ltd. f.o.r. Calcutta.
	Rate per cwt.	Rate per cwt.
	Rs. A. P.	Rs. A. P.
Item (3-B). Red oxide paint of artificial oxide to B. S. Colour No. 73-ISD Specn. G/P-73—		
Readymixed.		
(a) in 28 lb. drums	12 10 0	12 10 0
(b) in 56 lb. drums	12 2 0	12 2 0
(c) in 5 galln. drums	2 0 0	2 0 0
	per gallon.	per gallon.
(d) in returnable 40/45 galln. drums	1 14 0	1 14 0
	per gallon.	per gallon.
(e) in non-returnable 40/45 galln. drums	1 15 0	1 15 0
	per gallon.	per gallon.

SUPPLEMENTARY TENDER FOR THE SUPPLY OF PAINTS INVITED BY THE INDIAN STORES DEPARTMENT.

Question No. 803.—(a), (b), (c) and (d). Yes. But 0·8 per cent. in the last line of part (d) of the question should be 0·3 per cent.

(e) This was due to a change in the wagon painting programme which greatly increased the quantities of red oxide paint needed.

(f) Yes. All tenderers were given the same opportunity to re-tender for red oxide paint required for painting wagons, and all tenderers, including Messrs. Murarka Paint and Varnish Works, reduced their quotations generally.

TENDERS INVITED BY THE INDIAN STORES DEPARTMENT, CALCUTTA CIRCLE, FOR PAINT READYMIXED LEAD WHITE.

Question No. 804.—(a) Yes.

(b) No.

(c) Yes.

(d) A comparison of the tender prices was not made because all the tenders received against the second call were cancelled before the date of receipt of tenders in the office of the purchasing officer.

(e) Yes.

(f) The first and second calls for tenders were cancelled because they did not, owing to a misunderstanding, relate to the actual type of paint required by the indentor.

(g) There was necessarily some lapse of time owing to the cancellation of tenders, but Government have no information whether there was any importation by European manufacturers of raw materials during that period. The contract was, however, actually awarded to Messrs. Murarka Paint and Varnish Works, Ltd., at the price originally quoted by them, *viz.*, Rs. 25 per cwt.

(h) This is the only instance of the kind and the circumstances under which fresh tenders were called were exceptional and involved no question of discrimination between Indian and European firms. The second and third parts of the question do not arise.

(i) No. Government do not consider any enquiry to be necessary.

PURCHASE OF STORES BY INVITING TENDERS BY THE INDIAN STORES DEPARTMENT.

Question No. 805.—(a) This is done whenever the approximate annual requirements are known and when the character of the articles handled by the Department makes bulk purchase practicable.

(b) and (c). The general rule is to invite tenders, unless the value of the order to be placed is small, or sufficient reasons which have to be recorded exist for not calling for tenders.

(d) No. Fresh samples against any item may be called for and tested and the previous standard sample treated as cancelled.

(e) No. The authority to grant price preference rests with Government.

(f) Yes, whenever such particulars are available.

(g) No. The Department reserves the right to purchase by competitive tender outside the annual rate contract when a demand for an article exceeds a certain value. The conditions of a rate contract are such that the contractor is bound to supply any quantity above or below the estimated quantities notified, if called upon to do so. No question of refusal can therefore arise.

TENDERS FOR THE SUPPLY OF PAINTS INVITED BY THE INDIAN STORES DEPARTMENT.

Question No. 806.—(a) and (c). Yes.

(b) The rate quoted by the Murarka Paint and Varnish Works, Ltd., was lowest in the case of item No. 20 Gulf Red Readymixed, but not in the case of the other two items if Railway freight is taken into account.

(d) No. Specification G/P-73 was framed in 1934 and used for the first time against tenders for supply only during the year 1935-36.

(e) The quantities given are correct but complaints were received regarding the shade of the paint supplied by Murarkas, who held the contract in 1933-34, and their supplies had to be rejected and repurchase made.

TENDERS FOR RED OXIDE PAINT ACCEPTED BY THE INDIAN STORES DEPARTMENT.

Question No. 807.—(a) and (b). No practical exposure tests extending over three years were made in the case of these paints, but they have been used for several years in the past by some of the Railways with satisfactory results.

(c) No. The Chief Mechanical Engineer, East Indian Railway, stated in his letter No. 1176-S., dated the 9th April 1932, that Murarka's black paint was still under test and appeared to be satisfactory, but until the experimental wagons painted therewith returned to shops for periodical overhaul and had been examined, he was not prepared to recommend it. Red Oxide paint has been used for the painting of wagons on certain Indian Railways for many years past with satisfactory results and for that reason trials were not necessary.

(d) Yes. The Honourable Member is referred to the reply to question No. 1075, which was laid upon the table of the House on the 6th September, 1933.

(e) Presumably the Honourable Member is referring to the acceptance of paints without tests. This is very often done in the case of proprietary brands of paints demanded by indenting departments and a list, such as that contemplated by the Honourable Member, would simply be a list of all the firms on the approved list of suppliers of paints to the Indian Stores Department.

TENDERS FOR PAINTS INVITED BY THE INDIAN STORES DEPARTMENT, CALCUTTA CIRCLE.

Question No. 808.—(a), (b) and (e). Yes.

(c) The red oxide paint was purchased from Messrs. Jenson and Nicholson at Rs. 2-1-0 per gallon.

(d) Samples of the paints were sent to the indenting officer for trial and the purchase was made in accordance with his selection after test. The question of loss does not arise because the cheaper paint was found by the indentor to be less suitable as a result of the practical tests carried out by him.

(f) No. Government do not consider that there has been any preferential treatment.

ANNUAL CONTRACT PLACED BY THE INDIAN STORES DEPARTMENT FOR THE SUPPLY OF PAINT BLACK READYMIXED FOR UNDERFRAMES AND WAGON BODIES.

Question No. 809.—(a) An annual rate contract No. M.-6470, dated the 14th March 1936, for the supply of paint black readymixed was placed with Messrs. Murarka Paint and Varnish Works, Ltd., Calcutta, but it did not cover the entire annual requirements of the class of paints referred to.

(b) The opinion expressed by the Superintendent, Government Test House, in regard to the carbon black content of a sample of the indigenous paint to which his letter related was as follows:

> "The pigment of the sample of black paint in question therefore appears to contain about 5 per cent. of carbon black."

(c) Yes.

(d) The quantities stated of Messrs. Jenson and Nicholson's black paint No. 97½ were purchased.

(e) Owing to objection having been taken by the indentor to the brand of paint referred to in part (a) of the question, the purchasing officer, in order to meet the immediate requirements of the indentor, had to accept a superior quality of paint for which Messrs. Jenson and Nicholson's quotation was cheaper than Messrs. Murarkas' and which the indentor had previously found to be satisfactory. No question of loss therefore arises.

I may mention that a share of the indentor's requirements amounting to 1850 gallons was obtained from Messrs. Murarkas, as they subsequently agreed to reduce their quotation for their superior quality of paint from Rs. 2-13-0 to Rs. 2-10-0, the rate quoted by Messrs. Jenson and Nicholson.

(f) No. Government are fully informed in the matter and do not consider that any enquiry is called for.

INDIGENOUS SIGNAL RED PAINT MANUFACTURED BY THE MURARKA PAINT AND VARNISH WORKS, LIMITED.

Question No. 810.—(a) No.

(b) The North Western Railway submitted a number of paints, indigenous and imported, to practical trials. The report in regard to the make of paint referred to in part (a) of this question was as follows :

"*Re. Murarka Enamel Signal Red Supr.* 'A'.—This is undoubtedly a very good paint, but it has two big disadvantages, *viz.*, (1) the price per gallon is Rs. 16 and (2) the paint does not go as far as others. It is of a thicker consistency than Berger and one gallon does not cover as many arms as can be done with Berger's, the proportion is, roughly, 3 :2."

(c) The paint in question has been placed on contract for the years :

1934-35.

1935-36.

1936-37.

It has been reported that the paint in question develops cracks and is inferior to the best imported brands.

(d) For the reasons stated in answer to part (c) above.

(e) and (f). Yes.

(g) There is no question of any loss, as the imported paints, though more expensive as regards their initial cost, are cheaper in the long run, owing to their durability and the fact that a greater area can be covered by them bulk for bulk. The other parts of the question do not arise.

(h) Because they give better results and are more economical in the long run.

(i) No. No enquiry appears to be called for.

Information promised in reply to starred questions Nos. 931 and 932 asked by Mr. Kuladhar Chaliha on the 9th October, 1936.

TEST OF SAMPLES OF READYMIXED RED OXIDE PAINTS SUBMITTED BY CERTAIN FIRMS.

Question No. 931.—(a) Yes.

(b) It was not possible for the Government Test House to determine the exact composition of the liquid components of these samples, but the results of certain tests indicated that it was not unlikely that they contained either stand oil or varnish.

(c) Does not arise.

(d) The possible presence of stand oil or varnish in the samples in question was indicated when these were tested in the Government Test House against supplementary tender No. M.-7344.

(e) I am not prepared to lay the test reports on the table as those documents are confidential.

DETERMINATION OF THE QUALITY OF PAINTS, VARNISHES AND ENAMELS, ETC.

Question No. 932.—(a) In the case of ordinary paints, yes. In the case of varnishes, enamels and bituminous solutions, no.

(b) The durability of the products referred to is determined either by laboratory exposure tests or by tests made under practical service conditions or by both methods.

Information promised in reply to starred question No. 940 asked by Pandit Lakshmi Kanta Maitra on the 9th October, 1936.

TENDERS FOR READYMIXED RED OXIDE PAINT REQUIRED FOR CERTAIN RAILWAYS.

(a) Yes.

(b) No. It had not been decided at the time when tender No. M.-7344 was issued whether paint in stiff form or in readymixed form would be purchased.

(c) Yes. The requirements of the North Western Railway had been already included in tender No. M.-6470 and no estimate was received from the Madras and Southern Mahratta Railway for the supply of red oxide paint at the time of issue of tender No. M.-7344.

(d) and (e). The supplementary call for tenders was intended to include *all* requirements for red oxide paint. The quantities mentioned in part (a) of the question were in modification of the estimated quantities mentioned in the original call for tender No. M.-6470 and merely indicated certain modifications to quantities required by the particular Railway Administrations referred to. Rate contracts were entered into on the basis of the tenders received in response to the supplementary call for tenders and the requirements of paints referred to in part (d) of the question were drawn against the rate contracts, under the conditions of which there is no limitation as to the quantities to be drawn against them.

(f) No. Government are already fully informed in the matter.

Information promised in reply to starred questions Nos. 1103 and 1104 asked by Mr. Anugrah Narayan Sinha on 12th October, 1936.

CONTRACT FOR THE SUPPLY OF RED OXIDE FOR RAILWAY WAGONS AND UNDERFRAMES.

Question No. 1103.—(a) Yes.

(b) Messrs. Jenson and Nicholson submitted their samples to the Government Test House on the 10th December, 1935.

(c) No. The decision to place a contract for ready mixed red oxide paint with Messrs. Jenson and Nicholson and Messrs. Shalimar Paint Works was made on the 4th June, 1936, while their samples were reported on the 23rd May, 1936.

(d) No.

(e) Does not arise.

(f) The contracts were placed on the basis of tests carried out on samples submitted to and tested by the Government Test House and also the tests made at the East Indian Railway Workshops, Lillooah.

(g) No. Contracts for the supply of stiff red oxide paint for supply to the North Western Railway were placed in March, 1936, and it is to this presumably that the Honourable Member refers. The test report on Messrs. Jenson and Nicholson's sample of stiff red oxide paint was received by the Indian Stores Department during January, 1935, and that relating to Messrs. Shalimar Paint Colour and Varnish Company's sample during September, 1935.

TENDER FOR THE SUPPLY OF INSIDE BODY VARNISH APPROVED BY THE EAST INDIAN RAILWAY.

Question No. 1104.—(a) The Indian Stores Department invited tender No. H-6040 on the 25th November, 1929, for varnish body best hard drying for inside work, but there is no Indian Stores Department specification for this particular varnish.

(b) No. Tenders were not invited because the indenting authority incorrectly ordered his requirements against an item which was on a current contract.

(c) Does not arise, because the special quality of varnish referred to was not included in contract No. H.-6040/10, dated the 5th March, 1930, with Messrs. Jenson and Nicholson.

(d) A sample of varnish supplied by Messrs. Jenson and Nicholson was reported upon by the Government Test House in the terms referred to in the Honourable Member's question.

(e) Yes. I would in this connection refer the Honourable Member to the reply given on the 9th March, 1936, to part (b) of question No. 1019, by Pandit Nilakantha Das. The varnish in question was chosen by the indenting authority because he found it to be suitable for the particular purpose for which it was required.

(f) Yes.

(g) Yes. Because Messrs. Jenson and Nicholson actually supplied what was required, as will be evident from my answer to part (e) of the question.

(h) No. If specific cases are brought to my notice, I will have them enquired into.

Information promised in reply to starred questions Nos. 1114 and 1115 asked by Pandit Lakshmi Kanta Maitra on the 12th October, 1936.

INDIAN STORES DEPARTMENT CONTRACT FOR CARBON BLACK READY MIXED PAINT.

Question No. 1114.—(a) Presumably, the Honourable Member is referring to contract No. M.-4675/5. If so, the answer is in the affirmative.

(b) The original estimate of 35,000 gallons was increased to 75,000 gallons in April, 1935, and further to 95,000 gallons in August, 1935.

(c) Yes.

(d) No fresh quotations were invited. I should, however, like to make it clear that the contractors for the supply of black paint ready mixed for wagon painting to the East Indian Railway for the year 1935-36 were Messrs. Murarka Paint and Varnish Works Ltd. and Messrs. Jenson and Nicholson, both being manufacturers with works established in India. The rates were Rs. 3-1-0 and Rs. 2-13-0 per gallon in the case of Messrs. Murarka Paint and Varnish Works, Ltd., who supplied a total of 45,000 gallons,—25,000 at the original rate of Rs. 3-1-0 per gallon and 20,000 gallons at Rs. 2-13-0 per gallon. Messrs. Jenson and Nicholson supplied 98,560 gallons at Rs. 2-7-0 per gallon.

INDIAN STORES DEPARTMENT CONTRACT FOR CARBON BLACK READY MIXED PAINT.

Question No. 1115.—(a) The Honourable Member is presumably referring to contract No. M -4675/6. If so, the answer is in the affirmative.

(b) Yes. The reduction in price was made by the firm on its own initiative.

(c) Such a rate contract was awarded to Messrs. Murarka Paint and Varnish Works, Ltd., and in addition a similar parallel contract was given to Messrs. Napier Paint Works, but no forecast of 3,000 cwts. was given for the North Western Railway.

(d) Yes. The Indian Stores Department called for fresh quotations for a particular demand for red oxide paint stiff. The order was placed with Messrs. Napier Paint Works, an Indian concern.

(e), (f) and (g). It is the general practice in the Indian Stores Department to *reserve the option in certain classes of contracts covering* a wide range of supplies (regardless of the nationality of the firms holding the contract) *to invite supplementary* tenders when demands in excess of certain values specified in the contracts are being handled and this option is exercised when circumstances justify such a course. The preparation of a statement of the number and details of such cases would involve the expenditure of time and labour incommensurate with the result to be obtained.

(h), (i) and (j). No case of racial discrimination on the part of the Indian Stores Department has been brought to the notice of Government. If any such case is brought to the notice of Government, it will be investigated.

Information promised in reply to unstarred question No. 155 asked by Pandit Krishna Kant Malaviya on the 16th October, 1936.

PAY, HOUSE-RENT AND ELECTRICITY CHARGES, ETC., PAID TO ASSISTANT SURGEONS ON STATE RAILWAYS.

Great Indian Peninsula Railway.

Railway.	Civil Assistant Surgeons. Scales of pay. (Old scale).			Other facilities.	Military Assistant Surgeons. Scales of pay. Old scale.			Other facilities.
	G. I. P. Ry. (old).	State Railway.	Revised scale of pay.		G. I. P. Railway (old).)	State Railway.	Revised scale of pay.	
1	2	3	4	5	6	7	8	9
Great Indian Peninsula.	Rs. 250—365 475 (Senior Assistant Surgeons).	Rs. 200—15—425 —25—450 with efficiency bar at 320.	Rs. 225 250 300 350 400	*Rent free quarters or house rent in lieu.*— Assistant Surgeons appointed prior to 1st April, 1932 are entitled to free quarters or house rent in lieu thereof, and those appointed on or after that date are not so entitled. *Electricity.*—Charges for electrical energy consumed are recovered. In addition Assistant Surgeons appointed prior to 1st April 1932 are charged rent on the Capital Cost of electric installations provided in the quarters. *Other privileges. Passes* .—Same as for all other staff. *Leave.*—Those appointed prior to 1st July 1925 under the G. I. P. Ry. Company's Rules. Those appointed between 1st July 1925 and 31st March 1930 under F. Rs. and those appointed from 1st April 1930 under State Railway Leave Rules.	Rs. 250—365	Rs. 200—15—425 —25—450 with efficiency bar at 320.	Rs. 225 250 300 350 400	*Rent free quarters or house rent in lieu.*—Quarters are provided by the Railway rent free. *Electricity.*—The charges for electric energy consumed are recovered and also rent on the capital cost of electrical installations provided in the quarters. *Other privileges. Passes.*—Same as for other Railway staff. *Leave.*—Leave on average pay under F. Rs. and furlough under Military Rules irrespective of the date of their appointment.

Civil (Railway), Assistant Surgeons.

Railway.	Scales of pay applicable to staff appointed before 1-10-28.	Scales of pay applicable to staff appointed between 1-10-28 and 15-7-31.	Scales of pay applicable to staff appointed from 16-7-31.	Other facilities.
1	2	3	4	5
	Rs.	Rs.	Rs.	
East Indian	200—25—500	200—15—425 —25—450 with efficiency bar at Rs. 320.	200 250 300 350 400	*Rent free quarters or house rent in lieu.*—Those in permanent service prior to 1st October 1932 are entitled to free quarters or house allowance in lieu of free quarters. *Electricity.*—Rent of electrical installations and fittings and the cost of consumption of electric current is recovered. *Other privileges—Provident Fund, Gratuity and Passes.*—Are treated in the same way as other subordinate staff. *Leave.*—Those appointed by the East Indian Railway Company prior to 1st January 1925 under the East Indian Railway Company's Rules. Those appointed between 1st January 1925 and 31st August, 1928 under the Fundamental Rules and those appointed from 1st September, 1928 under the State Railway Leave Rules [*vide* Rule 1A(iii) of Annexure II of the State Railway Rules].

Military Assistant Surgeons.

Old scale.			Revised scale.	Other facilities.
6			7	8
	Rs.		Rs.	
4th class	200	*plus* an allowance of Rs. 50.	200 250 300 350 400	*Rent free quarters or house rent in lieu.*—Are entitled to rent free quarters or house allowance in lieu thereof. *Electricity.*—Rent of electrical installations and fittings and the cost of consumption of electric current is recovered. *Other privileges.*—They being pensionable employees are not eligible for the benefits of the State Railway Provident Fund and gratuity rules. They are granted passes under the same rules as other railway staff and those holding commissioned rank are given 1st class passes. *Leave.*—Their leave is regulated by the provisions of Fundamental Rules.
3rd class	275			
2nd class	350			
1st class	400			
1st class (with 20 years service).	450*			
Senior Assistant Surgeons with the rank of—				
Lieut.	500	*plus* an allowance of Rs. 75.		
Capt.	650			
Major	700			

* Applies to those who entered the service before March, 1908.

Eastern Bengal Railway.

Civil Assistant Surgeons.

Railway.	Scales of pay. Old scales of pay.	Scales of pay. New scales of pay.	Other facilities.
1	2	3	4
Eastern Bengal	Rs. 200—15—425—25—450 with efficiency bar at Rs. 320.	Rs. 200 230 260 300 350 400	*Rent free quarters, or house rent in lieu.*—Only those appointed prior to 1st July, 1928, are entitled to free quarters or house allowance in lieu thereof. *Electricity.*—Electric charges are recoverable irrespective of whether they occupy rent free quarters or not. *Other privileges—T. A. and passes.*—They are treated in the same way as other subordinate staff. *Leave.*—Those appointed on and after 1st September, 1928 are governed by the State Railway Leave Rules. Those appointed prior to that date, *viz.*, 1st September, 1928 are subject to F. Rules.

Military Assistant Surgeons.

Scales of pay. Old scales of pay.			Scales of pay. New scales of pay.	Other facilities.
5			6	7
	Rs.		Rs.	
4th class . .	200	*plus* an allowance of Rs. 50.	200	*Rent free quarters or house rent in lieu.*—Military Assistant Surgeons are entitled to rent free quarters or house allowance in lieu thereof, But they are required to pay rent on electrical installations at 4 per cent. on the capital cost thereof where such installations are provided.
3rd class . .	275		230	
2nd class . .	350		260	
1st class . .	400		300	
1st class (over 20 years of service)	450		350	
			400	
Senior Asstt. Surgeons with rank of—				
Lieut. . .	500	*plus* an allowance of Rs. 75.		
Capt. . .	650			
Major . .	700			

Electricity.—Same as in the case of Railway Assistant Surgeons.

Other privileges—T. A. and Passes.—They are treated in the same way as other subordinate staff except that in the case of Military Assistant Surgeons, holding commissioned ranks, they are treated as officers for the purpose of travelling allowance and passes.

Leave.—Leave on average pay under F. Rs. and furlough under the Military Rules irrespective of the date of their appointment.

North Western Railway.

Civil Assistant Surgeons.

Railway.	Scales of pay. Old scale.	Scales of pay. Revised scale.	Other facilities.
1	2	3	4
North Western	Rs. 200—15—425 —25—450 with efficiency bar at Rs. 320.	Rs. 180 200 230 260 300 350 400	*Rent free quarters or house rent in lieu.*—Assistant Surgeons appointed before 1st August, 1928 are entitled to this concession; those appointed after that date are not so entitled. *Electricity.*—Charges for electric energy consumed are recovered from Assistant Surgeons as from all other Railway employees, but rent on electric fittings is recoverable only from those who are in occupation of free Railway quarters. *Water Supply.*—Free water service is permitted. *Conservancy charges.*—Free conservancy service is permitted. *Free Railway Passes, Gratuity, Provident Fund, Bonus and Educational assistance for children.*—As admissible to other Railway employees. *Leave.*—Staff appointed prior to 23rd August, 1927 are subject to F. Rs. and those appointed after that date are governed by the State Railway Leave Rules.

Military Assistant Surgeons.

Scales of pay. Old scale.	Scales of pay. Revised scale for those posted to railways since 1-4-31. If appointed before 16-7-31.	Scales of pay. Revised scale for those posted to railways since 1-4-31. If appointed after 15-7-31.	Other facilities.
5	6	7	8
(Those transferred prior to 1-4-31)— Rs. 4th class . . 200 3rd class . . 275 2nd class . . 350 1st class . . 400 1st class (with over 20 years service) . 450 † Senior Asstt. Surgeons with the rank of— Lieut. . . 500 Capt. . . 650 Major . . 700	Rs. 200—15—425—25—450 with efficiency bar at Rs. 320. *	Rs. 180 200 230 260 300 350 400	*Rent free quarters or house rent in lieu.*—They are entitled to rent free quarters or house allowance in lieu thereof. *Electricity.*—Charges for electric energy consumed are recovered, but no rent on electric, water & sanitary fittings is charged. *Water Supply.*—This is free except in the case of Military Assistant Surgeons holding commissioned rank. *Conservancy charges.*—Free conservancy service is permitted. *Free Railway Passes, Gratuity, Provident Fund, Bonus and Educational Assistance for children.*—*Free Passes.*—Same as other Railway Staff. *Gratuity, Provident Fund and Bonus.*—They are pensionable staff. *Educational Facilities.*—Same as other Railway staff. *Leave.*—Leave on average pay under F. Rs. and furlough under Military rules irrespective of the date of appointment.

**Plus* an allowance of Rs. 50.
†Applies to those who entered the service before March, 1908.
‡*Plus* an allowance of Rs. 75.

Information promised in reply to unstarred question No. 265 asked by Sardar Sant Singh on the 16th October, 1936.

WIRELESS WHEATSTONE SYSTEM FOR WORKING BETWEEN RANGOON AND MADRAS.

(a) Yes.

(b) (i) It lasted for about seven years and was abolished with effect from the 15th September, 1954.

(ii) Because it was found possible owing to new inventions to replace it by a more economical and efficient system.

(iii) Yes, the Baudot-Verdan system.

(iv) The additional expenditure involved in adopting the Wireless Wheatstone system was approximately, initial Rs. 50,000, recurring Rs. 30,000 per annum taken on the average over the period during which it was worked.

(c) (i) The new system was brought into force by modifying existing apparatus and the work was carried out by existing staff without additional expenditure.

(ii) The reply to the first part is in the affirmative. The last part does not arise.

(iii) No loss was incurred. The Honourable Member is referred to the reply given to part (b) (ii) of the question.

(iv) The experiments were sanctioned by Government

(d) The conditions were the same as those given in the attached copy of the Director-General's special Circular No. 24/18/3, dated the 19th September, 1924, except that in the case of the station service telegraphists it was further ordered that the selection of such men would carry with it temporary transfer to the general service from the date of posting to Calcutta for training and that they would revert to their original scale of service if they ceased to be employed in the Wireless Branch. It was further stated that the special course of training as Wheatstone operators would not qualify for ordinary service as Wireless operators.

(e) Yes.

(f) The reply to the first part is in the affirmative and to the second part in the negative.

(g) With the conversion of the experimental scheme into a permanent measure the pay of the establishment automatically became chargeable to the Budget head "Pay of permanent establishment". There was no special decision of Government on the point nor was any such decision called for.

(h) Because they were no longer required for the special work for which they had been appointed temporarily as General service telegraphists.

(i) There was no separate cadre of Wireless Wheatstone operators. Certain telegraphists were specially trained to work on the system and on the abandonment of that system, they reverted to their substantive appointments.

(j) Government are unable to trace any such announcement.

(k), (l) and (m). No.

POSTS AND TELEGRAPHS.

(TELEGRAPH ENGINEERING)

(TELEGRAPH TRAFFIC)

(Instructions relating to Department Offices)

(Wireless Branch)

DIRECTOR-GENERAL'S SPECIAL CIRCULAR No. $\frac{24}{18}$. $\frac{}{3}$

Friday, 19th September 1924.

Conditions governing the selection, training, employment and pay of Telegraphists from Traffic Branch transferred to the Wireless Branch.

In future, vacancies for Civil Operators occurring in the Wireless Branch will be filled by volunteers from General Service Telegraphists in the Traffic Branch, who will be trained at the Posts and Telegraphs Wireless Centre, Karachi.

2. The following conditions which have been approved by the Governor General in Council will in future govern selection for training at the Posts and Telegraphs Wireless Centre, Karachi.

(a) *Maximum Age.*—At the time of attachment to the Wireless Centre for training, age must not exceed 25 years.

(b) *Minimum Service.*—At the time of attachment for training, men must have at least 3 years' service as Telegraphists.

(c) *Minimum Speed of Operating.*—Telegraphists must be able to send and receive at a minimum speed of 20 words per minute.

(d) *Telegraphists before Selection* must have a clean record in their character Rolls and must be in the General Scale of Service.

(e) *Telegraphists before being attached* to Karachi for training will be required to signify in writing their willingness (i) to proceed on Field Service within India or Burma as Wireless Operators, if called upon to do so, during any period of mobilisation or emergency, *vide* note on page 113 / on page 59 of Director-General's (Telegraph Engineering) / (Telegraph Traffic) Special Circular, No. 55 / No. 27, dated the 18th March 1922, and (ii) to transfer to the Wireless Branch, as Civil Operators, at the end of the period of training, which will not exceed six months, provided they are recommended for transfer.

(f) *Telegraphists Attached to the Wireless Branch* for training will retain their lien on their former appointments during the period of such training but will be required to relinquish all claims to those appointments before being employed permanently in the Wireless Branch.

(i) Telegraphists at the end of the period of Wireless training who are not recommended for transfer will revert to the Traffic Branch.

(g) *Seniority.*—Entrants into the Wireless Branch, through the Wireless centre at Karachi, will enter at the bottom of the Wireless Branch cadre, seniority of each entrant in a batch being governed by position in Examination, irrespective of seniority in the Traffic Branch.

3. *Pay and allowances.*—The pay and allowances including Travelling Allowance of Civil Telegraphists undergoing a course of wireless training in the Centre at Karachi, will, in future with the approval of the Governor General in Council, be regulated in the manner indicated below:

(a) Civil Telegraphists selected for such training in the Wireless Centre at Karachi will be granted the usual joining time before moving from the Station at which employed at the time, to Karachi.

(b) The pay and allowances granted while under training will be at the rate drawn by them (prior to their training) at the offices from which they were sent for such training, *i.e.*, local and house rent allowances as were drawn by them in their former stations. In addition, house rent allowance may be drawn at the rates admissible to unmarried Telegraphists at Karachi for a period not exceeding three months. Compensatory and house-rent allowance will however be governed by supplementary Rule 6 and Note 2 of Rule 7 respectively. Their last Pay Certificate should be forwarded by those Offices to the Divisional Engineer, Wireless, Experimental Division, Karachi, on whose rolls the officials will be borne and paid from the date they report to him at Karachi. The charge on account of their pay and allowances for the period of such training will be debited to the Wireless Branch.

(c) After training if in occupation of free quarters at the stations from which they may be sent to Karachi for training will, on relinquishing such quarters, be granted house rent allowance in lieu thereof at rates admissible at their old stations.

(d) After training at Karachi, Civil Telegraphists will be posted to any of the wireless stations for a practical course their last pay certificates will be granted by the Divisional Engineer, Wireless Experimental Division, Karachi. No joining time will be admissible on such journeys.

(e) While undergoing their practical training at wireless stations such civil Telegraphist will receive the wireless allowance only, Rs. 1-4-0 per diem; and on successful completion thereof, provided he is recommended and permanently transferred for employment in the Wireless Branch, he will be styled "Civil Operator" and will be granted in addition the Lower Proficie

allowance of annas fifteen diem in the first instance. Officials disqualified or found unfit for service in the Wireless Branch after their course of training will be returned to Traffic side of the Department.

(f) No daily allowance will be granted to a Telegraphist undergoing wireless training. Travelling allowance will be granted to the Civil Telegraphists concerned only from their old stations to Karachi as on tour, *i.e.*, at the rate of $1\frac{3}{5}$ths fare of the class of accommodation to which they are entitled; no charge whatever on this account will be admitted for their families. When posted from the Training School at Karachi to a Wireless Station for their practical course, they will draw similarly for such journeys the Travelling Allowance at the same rates, and under the same conditions.

(g) Travelling Allowance for their families if any, will be granted at the ordinary rates indicated in Rule 116 of the Supplementary Rules only from their old stations to the Wireless stations at which the Civil Operators may finally be posted on completion of their practical course of training. The operator should also be allowed $1\frac{2}{5}$ths fare of his class from his old station to the new permanent station by the shortest route.

H. A. SAMS,

Offg. Director General of Posts and Telegraphs.

Information promised in reply to question No. 222 asked by Mr. Sri Prakasa on the 25th January, 1937.

RESERVATION FOR A CERTAIN PERIOD OF THE DUFFERIN BRIDGE NEAR THE KASHI RAILWAY STATION FOR VEHICULAR TRAFFIC.

(a) 28 trains each way daily.

(b) The Honourable Member is referred to the reply given to part (a) of starred question No. 237 in the Legislative Assembly on the 9th September 1936.

(c) No.

Information promised in reply to parts (c), (d) *and* (f) *of Mr. Sham Lal's starred question No. 226, asked on the 25th January, 1937.*

RELEASE OF MR. HIRA LAL DAS GUPTA, MR. MANORANJAN DHAR AND MR. HUNAJORANJAN DHAR, DETENUS IN THE PUNJAB.

(c) Two petitions for leave in order to see his father were received from the detenu; these were rejected.

(d) No.

(f) The medical officer's report is that he is suffering from haemorrhoids but otherwise there is nothing abnormal in his constitution.

Information promised in reply to part (d) *of starred question No. 265 asked by Mr. Sri Prakasa on the 26th January 1937.*

FRAMING OF TIME TABLES FOR THE EAST INDIAN RAILWAY.

(d) The Agent, East Indian Railway, states that the alterations in the time table made in December were intended to cater for the heavier traffic moving generally during this time of the year and the exceptionally heavy traffic to and from the Bengal and North Western Railway *via* Mokameh Ghat.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

HEADS OF EXPENDITURE IN THE BUDGET OPEN TO DISCUSSION BY THE LEGISLATIVE ASSEMBLY.

Mr. President (The Honourable Sir Abdur Rahim): The following Message has been received from His Excellency the Governor General:

"In pursuance of the provisions of sub-section (3) of section 67-A as set out in the Ninth Schedule to the Government of India Act, 1935, and brought into force by paragraph 4 of the Government of India (Commencement and Transitory Provisions) (No. 2) Order, 1936, I hereby direct that the heads of expenditure specified in that sub-section, other than those specified in clause (v) thereof, shall be open to discussion by the Legislative Assembly when the budget for the year 1937-38 is under consideration.

(Sd.) LINLITHGOW,
Governor General."

2nd February, 1937.

STATEMENT OF BUSINESS.

The Honourable Sir Nripendra Sircar (Leader of the House): Sir, with your permission I will make the usual statement of business. On Monday next leave will be asked to introduce a Bill to amend the Naval Armament Act. The next item of Government business will be the consideration of the draft amendments to the Indian Legislative Rules, as reported by the Committee. Motions will then be made to take into consideration and pass the following Bills, namely:

1. The Indian Income-tax (Amendment) Bill,
2. The Contempt of Courts (Amendment) Bill,
3. The Code of Civil Procedure (Amendment)—*Insertion of section 44A*—Bill, as reported by the Select Committee for the second time,
4. The Arbitration (Protocol and Convention) Bill, as reported by the Select Committee, and
5. The Code of Civil Procedure (Amendment)—*Amendment of section 60*—Bill, as reported by the Select Committee.

On Tuesday, any unfinished business left over from Monday's list will be taken up first. Thereafter, the Resolution relating to the Road Fund will be discussed. If time permits a motion will then be made to refer to a Select Committee the Manœuvres Field Firing and Artillery Practice Bill.

On Wednesday, the first item of business will be the motion for the election of Members to the Standing Emigration Committee. Further business on Wednesday will depend on the progress of business set out for Monday and Tuesday.

[Sir Nripendra Sircar.]

I may add, Sir, that should new Bills be ready for introduction the necessary motions for leave to introduce them will also be made on these days.

Thursday and Friday are allotted for non-official business.

(Mr. President then called out the names of the Honourable Members in whose names the Resolutions stood, but none of them was present in the House.)

The Assembly then adjourned till Eleven of the Clock on Monday, the 8th February, 1937.

LEGISLATIVE ASSEMBLY.

Monday, 8th February, 1937.

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

MEMBER SWORN.

Mr. Arthur deCoetlogan Williams, M.L.A. (Government of India: Nominated Official).

QUESTIONS AND ANSWERS.

BLOCKING OF THE PASSAGE TO THE DHARAMSHALA OUTSIDE THE ETAWAH RAILWAY STATION AND ADVERTISEMENTS IN THE *AJ* AND *PRATAP* NEWSPAPERS.

376. ***Mr. Sri Prakasa:** (a) With reference to the replies to starred questions No. 241 on the 9th September, 1936, and No. 311 on the 11th September, 1936, will Government place on the table of the House copies of the communications received from the United Provinces Government by the East Indian Railway authorities regarding the blocking of the passage by the Railway to the Dharamshala outside the Etawah Railway Station on the one hand and the stopping of the railway advertisements to the *Aj* and the *Pratap* newspapers on the other?

(b) Are Government prepared to consider the desirability of asking the railway authorities to re-consider their decision on both these matters?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government are not prepared to disclose the nature of communications between the United Provinces Government and the Agent, East Indian Railway.

(b) No.

EFFECT OF ENHANCED FREIGHT RATE OF GOODS TRAFFIC ON THE INCOME OF RAILWAYS.

377. ***Mr. Amarendra Nath Chattopadhyaya:** Will Government be pleased to state the effect of enhanced freight rate on the income of the Railways concerned, so far as goods traffic is concerned?

The Honourable Sir Muhammad Zafrullah Khan: There has been an increase of Rs. 330 lakhs in the gross earnings of State-owned Railways from the 1st April, 1936, to the 20th January, 1937, as compared with the corresponding period of 1935-36, some of which may be attributed to the changes in the tariff.

COST INCURRED IN THE PREVENTION OF DAMAGES TO THE HARDINGE BRIDGE.

378. ***Mr. Amarendra Nath Chattopadhyaya:** Will Government be pleased to state the cost, which has already been incurred in the prevention of damages to the Hardinge Bridge up to date?

The Honourable Sir Muhammad Zafrullah Khan: Enquiries are being made from the Railway Administration and a reply will be laid on the table in due course.

OPENING OF THE WILLINGDON BRIDGE AT BALLY FOR CERTAIN TRAINS ONLY.

379. ***Mr. Amarendra Nath Chattopadhyaya:** Is it a fact that the Willingdon Bridge at Bally is only opened to allow four local passenger trains, and traffic is not opened for more important trains like mails? If so, why?

The Honourable Sir Muhammad Zafrullah Khan: In addition to the local passenger trains, goods trains are also being run over the Willingdon Bridge. The question of diverting the more important trains over this route is one for the Administrations concerned to consider with reference to the requirements of public traffic.

PREPONDERANCE OF MUSLIMS ON THE STAFF OF THE KILOKRI SEWAGE PUMPING STATION.

380. ***Bhai Parma Nand:** (a) Will Government state the number of employees, permanent, substitute and work-charged, separately, by communities, under the Superintending Engineer, Health Services, Delhi?

(b) Is it a fact that Muslims are in a preponderating majority, specially on the staff of the Kilokri Sewage Pumping Station?

(c) Is it a fact that the number of Muslims in that station is to the tune of 90 per cent.? If not, will Government give the exact figures?

(d) Are Government aware that in spite of this high proportion of Muslims, preference is still given to them in any further vacancies?

(e) Is it not the policy of Government to give preference to qualified men over the unqualified?

Sir Girja Shankar Bajpai: Information has been called for and will be furnished to the House as soon as possible.

THE INDIAN NAVAL ARMAMENT (AMENDMENT) BILL.

Mr. G. R. F. Tottenham (Defence Secretary): Sir, I move for leave to introduce a Bill further to amend the Indian Naval Armament Act, 1923, for a certain purpose.

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

"That leave be granted to introduce a Bill further to amend the Indian Naval Armament Act, 1923, for a certain purpose."

The motion was adopted.

Mr. G. R. F. Tottenham: Sir, I introduce the Bill.

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

"That the draft amendments to the Indian Legislative Rules, as reported by the Committee of the Assembly, be taken into consideration."

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I rise to a point of order that the entire discussion of this motion is *ultra vires*.

Mr. President (The Honourable Sir Abdur Rahim): Does not the Honourable Member think that he should have stopped discussion in the very beginning? If the whole discussion would be *ultra vires*, should it not have been stopped in the very beginning? The Honourable Member should have taken this point of order at once.

Dr. Ziauddin Ahmad: It would have been better had I done it at the very beginning. But, I submit, a point of order can be raised at any stage of the discussion, if by chance one could not raise it at the very beginning. I will mention my point of order, and you can give your ruling. If you refer to section 129-A of the Government of India Act, here we will find that a definite procedure has been laid down for the making of rules:

"The rules shall be made by the Governor General in Council with the sanction of the Secretary of State in Council."

So the Legislature does not come into the picture at all in the amendment of rules. That is, in this case, it is not necessary for us to give any opinion or to discuss it. This is a matter between the Secretary of State and the Governor General in Council, and I think it is not desirable that we should make ourselves a party to this change in rules. Let the Governor General in Council take full responsibility for this, and let him seek the permission of the Secretary of State. I want this House to keep this in mind. The second point is this: that there is a restriction about the rule-making power as regards questions, and that is laid down in section 67 (1) of the Government of India Act. The last portion of Rule 67 (1) says:

"May provide . . . . . for prohibiting or regulating the asking of questions on, and the discussion of, any subject specified in the rules."

There are certain limitations in the framing of the rules, and the limitations are that the Governor General in Council can frame rules prohibiting that such and such questions should not be asked. In pursuance of the last part of Rule 67 (1) of the Government of India Act, the Governor General in Council did make rules prohibiting the asking of certain types of questions and laid down these restrictions in Rule 8. The Rule clearly says that no questions can be asked in regard to any of the following subjects:

"Any matter affecting the relations of His Majesty's Government . . . . . ."

and so on. Three points are mentioned. So, under the provisions of the Government of India Act, the Governor General in Council has framed rules prohibiting the asking of certain types of questions. Then, the rest of it relating to the procedure is to be regulated by Standing Orders for which there is a definite provision, how they should first be made, in what way they should be altered, and so on.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not argue the matter at length. He should only mention the points.

Dr. Ziauddin Ahmad: My point is that the motion, we are called upon to discuss, definitely alters certain classes of Standing Orders which ought to be altered only in accordance with the procedure laid down there.

Mr. President (The Honourable Sir Abdur Rahim): What is that Standing Order?

Dr. Ziauddin Ahmad: Standing Order No. 17 lays down:

"Questions which have not been disallowed shall be entered, in the list of questions for the day and shall be called, if the time made available for questions permits in the order in which they stand in the list before any other business is entered upon at the meeting."

Standing Order No. 18 says:

"Questions shall be put and answers given in such manner as the President may, in his discretion determine."

Now, my submission is that the Rules which are proposed to be enacted by the motion, just moved by the Honourable the Law Member, encroaches upon these two Standing Orders, Nos. 17 and 18. If a change of Rules is desired, then it is really the province of the Governor General in Council, in consultation with the Secretary of State, to change the rules. I think they should not make the Legislature a party to it. If they want a change, let them do so on their own responsibility.

Mr. N. M. Joshi (Nominated Non-Official): We can refuse to be a party to it.

Dr. Ziauddin Ahmad: This is a question which concerns the Governor General in Council, and is not the concern of the House. The second point is that they should change the procedure by altering the Standing Orders in the manner already prescribed in the Rules and Standing Orders.

Mr. President (The Honourable Sir Abdur Rahim): The point raised is that there should be no discussion on the motion, because it is really outside the scope of the Assembly, since the Rules or any amendments to the Rules have to be framed by the Governor General in Council and not by the Assembly. In the first place, an Honourable Member, who wants to take an objection of this character, should have done so at the earliest stage. But the Government are consulting the Assembly as to the desirability of these amendments in accordance with an undertaking given on a previous occasion that they would not, except in certain cases of emergency, amend any of the Rules in force without consulting the Assembly, the discretion remaining all the time as laid down in the Act. Now, it was open to the Assembly not to have anything to do with these rules. On the other hand, the motion was moved without any objection, and, then, there was an amendment that the matter should go to a Committee. It was in accordance with this motion of amendment, as adopted by this House, that the Committee sat and made a report, which has been presented to the House.

Now, as regards the substantive question whether the Governor General in Council can bring about or is competent to bring about the proposed changes regarding procedure relating to questions by amending the rules or whether it can only be done by amendment of the Standing Orders by the House itself, the Chair does not think the contention of the Honourable Member is well founded. The language of section 67 (1) of the Government of India Act, as the Chair read it, is quite wide enough to cover a case of this sort. It might be possible for the Legislature, it appears to be open to the Legislature also, to bring about the same result by amendment of Standing Orders 17 and 18; but the Chair cannot hold that that precludes the Governor General in Council from achieving the same object by amending the rules, which is within their province. As to the advisability of one procedure rather than the other, the Chair is not called upon to make any pronouncement. The Chair, therefore, holds that the objection taken is not tenable.

Dr. Ziauddin Ahmad: Sir, I am sorry I could not exactly follow your ruling as regards the last part of what I said, namely, that the rules may provide only for prohibiting and regulating the asking of questions on any subject specified in the rules. There is no question of procedure.

Mr. President (The Honourable Sir Abdur Rahim): The Chair's reading of section 67 (1) of the Government of India Act is that the section is wide enough to cover a case like this, giving the Governor General in Council power to make the changes in the rules which they propose.

Dr. Ziauddin Ahmad: My second point of objection, which is an entirely different one, is that this discussion of a motion of reference to a Committee, which we have done here, is not provided anywhere in the Manual of Business. You could refer to a Committee . . . . . .

Mr. President (The Honourable Sir Abdur Rahim): The Chair cannot allow any further discussion. It is the same thing repeated again, and further, as the Chair has pointed out, the Honourable Member is absolutely too late to take these points.

The Honourable Sir Nripendra Sircar: Sir, in asking the House to take the report of the Committee into consideration, I should like to refer once more to what has been done in this House, because it is quite clear from the speech of the Honourable Member, Dr. Ziauddin Ahmad, that there is a good deal of confusion in this matter, at least in some quarters. As was pointed out by the Chair, the responsibility of making these rules lies with the Governor General in Council with the sanction of the Secretary of State. It was equally made clear by my predecessor who gave an undertaking or an assurance to this House that this House will be generally consulted in connection with changes of rules. He, at the same time, made it perfectly clear that this responsibility the Governor General in Council is not called upon, nor is it prepared, to share with anybody else including the Legislature. Both, in pursuance of that assurance that the view of this House will be consulted, this motion was moved and it was referred to a Committee. This House is not really concerned with the exact drafting details, but the point of view of Government is that, supposing any new rules ultimately are framed by the Governor General in Council with the sanction of the Secretary of State, nothing should be done which should involve the just comment that rules were made on a matter which

[Sir Nripendra Sircar.]

was not presented to this House. The exact drafting or the exact form in which the rules should be made is really a matter of minor detail.

Now, Sir, coming to the report of the Committee, as regards the number of questions which could be put, Honourable Members will find that there has been a diversity of opinion. Two Members, first of all, wanted no limit to be put, but on the assumption that a limit has got to be put, they suggested 12. One suggested ten, two a limit of five, and five a limit of three. The only thing which emerges from the multiplicity of opinions is that if those who recommended a limit of three are prepared to go up to five, then, so far as the Committee is concerned, there would be a majority in favour of five. Then, Sir, I shall wait until the amendments are moved, but I think I ought to let the House know what our attitude is going to be towards these amendments. As regards the limit, I think I can say that Government are quite prepared to increase the number to five, if that is the sense of the House. As to that, no difficulty will be created.

As regards the carrying over of questions that is involved by a repeal of sub-rule 6, we are not agreed: we shall resist that. That there is some confusion again on this matter will be clear from the minute of dissent of Sir Cowasji Jehangir; and I will read from that minute of dissent:

"If we once accept a restriction on the number of questions asked by the same Member on any one day, we must accept sub-rule 6."

Whether he is right or he is wrong, that is our attitude, but the point on which I am addressing the House is this. Having said that: "If we once accept the restriction on the number of questions asked by the same Member on any one day, we must accept sub-rule 6", after four lines he proceeds to get rid of sub-rule 6. I am only pointing out the inconsistency in his minute of dissent, and not going to the question of whether he is right or wrong in his first statement or in the second.

Then, Sir, I find there are certain amendments which are going to be moved which will permit Honourable Members to withdraw questions or to get them postponed. There, again, we are not prepared to consider that, but there is a limit beyond which we shall not go. If one looks into the language of Sir Leslie Hudson's amendment, it will be clear that following Parliamentary practice, what is recommended is that this right to get questions postponed and the right to withdraw questions altogether should be given up to the end of question hour. To that we are not agreeable—we think that whatever may happen in Parliament, it will be very inconvenient here if, after questions have been answered, Members get up and some suggest that such and such a question be postponed till such and such a date while others withdraw, and so on. But we are prepared to go very near that limit, although we shall strongly resist Sir Leslie Hudson's amendment in so far as he suggests that this right of withdrawal should be extended up to the end of question hour. We are prepared to go very far indeed. At one time we thought that this withdrawal should take place at a reasonable time before the date on which the question has got to be answered. But we are quite prepared to have this limit fixed at the time of the sitting of the day: that is to say, whatever questions have got to be withdrawn or whatever questions are intended to be postponed should be indicated before questions are taken up. It is, no doubt, the difference of only an hour, but we do feel that we cannot accept Sir Leslie Hudson's idea as given in his amendment for practical considerations.

I do not think I need say anything more than this, except I think Honourable Members have realised that the scheme of these rules is that a question should state the date on which an answer is required and the question is also to be directed to some person either by official designation or by name and that the number of questions for any day will depend on Members. That is clear from these rules, but if there is any ambiguity that will be cleared up by redrafting and making it explicit that any question which is intended to be used for getting a reply must state the date on which an answer is expected, and it should be addressed to somebody. I do not think I need add anything now specially as I will get an opportunity of making further submissions, if necessary, when the amendments are moved. I move.

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

"That the draft amendments to the Indian Legislative Rules, as reported by the Committee of the Assembly, be taken into consideration."

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, this is the third instalment of discussion of these rules . . . .

Mr. President (The Honourable Sir Abdur Rahim): Is the Honourable Member going to move his amendments? He has given notice of some.

Mr. Akhil Chandra Datta: I am now speaking on the motion for consideration.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot speak twice. He can move his amendment, and then speak on the motion as well as the amendment.

Mr. Akhil Chandra Datta: But I have got several amendments. Subject to your approval, Sir, I propose to do this. I shall make one speech on the main motion, and, later, as the amendments come, I shall simply move them without any speech.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member takes up sub-rule (*3*), would not that be better? This is not a Bill: the motion only calls for an expression of opinion.

Mr. Akhil Chandra Datta: As you please, Sir. Then, I move:

"That the proposed sub-rule (*3*) be omitted."

I was going to say that this is the third instalment of discussion on this amendment of the rule No. 8. On the very first day, when the changes were presented before the House, we had a discussion. I do not know to what extent it was a profitable discussion. But it was an acrimonious discussion, and, at all events, a very undignified discussion, not calculated to uphold the dignity of this House, much less to enhance it. Then, we had a full discussion in the Committee. I regret to say that I am still unconvinced as to the advisability and necessity of the proposed changes in the rule. I am still an unbeliever. I still think that these changes are not

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as all necessary. Obviously it cannot be disputed that the whole thing is an attack on the very fundamental system about questions which prevails in this House. It is an attack primarily on the right of supplementary questions. There can be no denying that it is a very great restriction on that right. Supplementary questions are a very important right. It is not only here in this Assembly that we are keen for the right of supplementary questions. Even in England, it is so. The right of supplementary questions is no doubt an undisputed primary right of Members of the Legislature: but, as an attack is being made on that important fundamental right, it will not be quite improper to discuss as to how this right of supplementary questions is regarded even in the House of Commons. I find that, in 1920, in the House of Commons, it was observed by Mr. Devlin:

"I do not care if I am allowed to ask only one question, provided you do not limit the supplementary questions, because I regard the supplementary questions as the foundation of well-ordered Parliamentary liberty, as the most serious embarrassment of Ministers who do not want to give accurate answers, and as the most scientific method of securing Parliamentary truth."

Curiously, the same thing prevails there also . . . . .

Mr. President (The Honourable Sir Abdur Rahim): What is the Honourable Member reading from?

Mr. Akhil Chandra Datta: Debates of the House of Commons, Vol. 125, page 1229. It is the speech of Mr. Devlin.

The Honourable Sir Nripendra Sircar: Who is he? Who is Mr. Devlin?

Mr. Akhil Chandra Datta: A Member of the House of Commons.

The Honourable Sir Nripendra Sircar: That is all that is known about him?

An Honourable Member: Much more than that!

Mr. Akhil Chandra Datta: I did not care to inquire about his family affairs, and other matters relating to him. All that I am concerned with is that he is a Member of the House of Commons, and, in the course of a speech in the House of Commons on this right of supplementary questions, he made this observation. The Honourable Member interrupted me when I quoted this observation:

"I regard the supplementary questions as the most serious embarrassment of Ministers who do not want to give accurate answers."

He did not like that observation. I find the importance of supplementary questions emphasised in this book of Campion "An introduction to the Procedure of the House of Commons"—a standard book on the question of procedure in the House of Commons. He says:

"It is expected to provide lively moments and seems to be of unfailing interest to Members and the public. It is modern and affords a useful method of supervising the administration of the Government. Its effectiveness is generally recognised. Questions

'turn a searchlight upon every corner of the public service'." *This is a quotation from Lowell.* "Their chief object is 'the explanation to the public of the meaning of political events', and, 'they are often arranged by the Government itself so as to give them an opportunity of making announcements in a somewhat informal way'."

This is a quotation from Redlich. I do not know if that is the attitude of the Government here.

Mr. President (The Honourable Sir Abdur Rahim): Do these rules propose to limit supplementary questions?

The Honourable Sir Nripendra Sircar: No.

Mr. Akhil Chandra Datta: Sir, in view of rule 6 . . . .

Mr. President (The Honourable Sir Abdur Rahim): Then the Honourable Member can read the whole thing.

Mr. Akhil Chandra Datta:

"They are serviceable; they are often arranged by the Government itself so as to give them an opportunity of making announcements in a somewhat informal way."

I do not know if ever any opportunity was taken by the Government in this country for making announcements in an informal way about political events:

"They are 'serviceable as obviating the necessity in many instances of more extended debate and of motions for papers'."

This is a quotation from Todd:

"And finally questions afford to the Private Member under modern conditions almost his only opportunity."

That is a quotation from Marriott, page 571.

In fact it was observed in the House of Commons,—I shall read only one short sentence:

"Criticisms of Ministers at question time is one of our primary functions."

If that is so in England, my submission is that the right of supplementary questions is far more important here in India where the executive is not responsible to the Legislature. Besides that, so far as Resolutions are concerned, they are not binding, opportunities for moving Resolutions are few, and if Resolutions are carried, they are not at all binding on Government, and, therefore, if the right of supplementary questions is so important in the House of Commons, it is much more important in our Assembly.

Sir, it has been said on our side that the proposed rules will curtail the rights of Members of the House. I must go further and say, the right of supplementary questions is not a right merely of the Members of the House. Members of the House put questions and supplementary questions, not relating to personal affairs of their own, not on behalf of any private individuals, but they put questions under our Standing Orders;

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under rule 8 they must relate to matters of public concern; under Standing Order 14, they must relate to public affairs, and, therefore, if the right of supplementary questions is in any way affected, it will affect the whole country, and not merely the Members of this House.

Then, Sir, number 3 is being imitated by the analogy in the House of Commons. My submission is that this limitation will be most anomalous and incongruous in our system. It is possible in the House of Commons, because there the questions are set down by the Member himself for a particular day. The questioner fixes the date on which his question should be answered, whereas our system is radically different, because we have no such rule. No such rule has been proposed by the Honourable the Law Member. The question was, however, incidentally raised in the Committee, but it was ruled out, and even after that, we have not yet had any such rule formally proposed by the Honourable the Law Member. This rule of the date being fixed by the Member himself for answering the question is the key-stone of the whole system in the House of Commons. What does the Honourable the Law Member want? He wants to pick up one link from the chain of rules of the House of Commons, and wants to fit it in with the chain of this Assembly. The result is bound to be a hybrid, incongruous and anomalous system.

Sir, it appears that there is another reason why it is necessary in the House of Commons to limit the number to three, and it is this. There only one day's notice is to be given. That difficulty we have not got here in this House. We have to give 10 days' notice, and it is now proposed that, so far as the Government are concerned, they must have at least five days' notice after the admission of the question by the President. So, in view of the fact that in the House of Commons only one day's notice is necessary, it becomes certainly difficult if the Government have to answer many questions on one particular day, namely, on the day following the day on which the notice is given. Our system is so very different.

Then, Sir, I need not repeat the commonplace arguments that the Parliament sits more frequently and for a longer period. Therefore, although the number of questions there is restricted to three, the Members of the House of Commons get, even under that restricted rule, far more opportunities for putting questions than we get here.

There is also another matter to which I wish to invite the attention of this House, and it is this. Even in the House of Commons, there is no rule, there is no Standing Order, restricting the number to three; it is a matter of practice there, a convention has grown up . . . .

Mr. President (The Honourable Sir Abdur Rahim): Is there no such Standing Order in the House of Commons?

Mr. Akhil Chandra Datta: There is no such rule or Standing Order.....

Mr. President (The Honourable Sir Abdur Rahim): There are Standing Orders.

Mr. Akhil Chandra Datta: There is neither a rule nor a Standing Order.

The Honourable Sir Nripendra Sircar: That is wrong.

Mr. President (The Honourable Sir Abdur Rahim): There are Standing Orders regulating the practice of the House of Commons.

Mr. Akhil Chandra Datta: There are, of course, Standing Orders,—but what I mean is, there is no Standing Order on this matter. There are certainly Standing Orders, but there is no Standing Order restricting the number of questions to three. From experience they found it necessary to restrict the number which was originally restricted to eight, then to four, and then to three.

Mr. President (The Honourable Sir Abdur Rahim): But it was done with the consent of the entire House there.

Mr. Akhil Chandra Datta: Yes, that is how the number was restricted in the House of Commons. I dare say it was an evolution of convention and not a revolution like this by hard and fast rules. Then, the question is as to the precise number. While dealing with this, as you have permitted me, Sir, let me also deal with sub-rule (6) . . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can deal with the general features of the rules, as to the necessity and desirability of making any such rules. As regards particular amendments, he can move them later.

Mr. Akhil Chandra Datta: I shall not waste the time of the House by repeating my arguments when I move those amendments. I would simply move them.

Mr. President (The Honourable Sir Abdur Rahim): This is a motion for consideration. When the discussion of this motion is over, the Honourable Member can move his amendments. That will perhaps be more satisfactory. Has the Honourable Member finished his general speech?

Mr. Akhil Chandra Datta: No, Sir!

Mr. President (The Honourable Sir Abdur Rahim): He can finish that, and, as regards particular amendments, he can move them later.

Dr. Ziauddin Ahmad: May I suggest that the practice as regards Resolutions may be followed, that all the amendments be moved and then there may be a general discussion, and thereafter, there may be voting on all the amendments?

Mr. President (The Honourable Sir Abdur Rahim): This is a motion for consideration of certain proposed rules, and we had better follow the usual procedure.

Mr. Akhil Chandra Datta: Sir, what is the change that is really introduced by sub-rule (6)? The result will be that starred questions will become unstarred and the right of asking supplementary questions extinguished so far as those questions are concerned—that is, questions not reached on a particular day. As a result of sub-rule (3), the right is restricted to three questions, and if those questions are not reached, the further inevitable result will be that some Members will absolutely lose the right of asking starred and supplementary questions. Some Members will lose their right of supplementary questions, say, with regard to two questions . . . . .

Mr. President (The Honourable Sir Abdur Rahim): That can be discussed when the Honourable Member moves his amendment. Now he should discuss only the general features.

Mr. Akhil Chandra Datta: It is very difficult to discuss them piecemeal.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better confine his remarks to the general features of the rules.

Mr. Akhil Chandra Datta: As regards the particular number, I feel I am entitled to say that if you reduce it to three all of a sudden, it is certainly a revolutionary change.

Mr. President (The Honourable Sir Abdur Rahim): There are amendments on paper to that effect.

Mr. Akhil Chandra Datta: There are amendments on that question also. In that case, so far as the general discussion is concerned, I shall conclude with one remark. We must start, on this question of questions, with our Standing Order No. 10, which lays down that the first hour shall be available for questions.

Mr. President (The Honourable Sir Abdur Rahim): If there are questions.

Mr. Akhil Chandra Datta: Yes, Sir, that goes without saying. That is the common sense view of the matter. One hour shall be available not to one Member, but to the whole House, to the entire body of Members. What will be the likely effect of sub-rule (3), that is, the restriction of the number of questions to three, so far as this one hour privilege is concerned? I want an assurance from the Honourable the Law Member whether sub-rule (3) is in any way likely to affect the right of the Members given by Standing Order No. 10 regarding the whole of the first hour being available to the Members for questions? The questions may be exhausted before the hour is finished, I am not speaking of one minute or two minutes or five minutes or even ten minutes, and I am not speaking of any particular day. My difficulty is this. Are we satisfied, speaking generally, that the result of restricting the number to three will not curtail the right of Members so far as the entire first hour being dedicated to questions is concerned? I wanted to know about this in the Committee, but I could not get an answer. Before I can agree to this sub-rule, I must have an assurance from the Honourable the Law Member that the proposed change will not in any way affect that right, that very important privilege of the Members. What is the extent of that right? This Assembly sits from 11 to 5 *minus* five quarters for lunch, that is to say, we sit less than five hours, and, out of that, one hour is dedicated to questions, that is, more than one-fifth of the entire time of the House is intended to be devoted to questions—the right of putting questions was looked upon as so very important by the author of the Rules and Standing Orders of this House. Therefore, before we can agree to a change like this, apart from other difficulties, apart from other considerations, we want to be satisfied that our right, given under that Standing Order, will not be in any way affected. We want full one hour, we

want sixty minutes, we want 59 minutes and 60 seconds for questions, of course, if questions are available. That is the position. One word more, and I have done. What is, after all, the real motive for these changes? Who is moving in this matter, the Government, or the Members interested? It is said that there is an abuse by some Members of this right of supplementary questions, with the result that other Members are prejudiced. In other words, we are asked to believe that this question is raised for the benefit of the Members of this House. Some Members are very forward, with the result that other Members cannot have their share of the time of the House. That is the motive that is being put forward. So far as the Government are concerned, what does it matter to them? There is the limit of one hour. Whether any particular Member puts three questions or three hundred questions, the Government are not affected. They have not to sit here for answering questions for more than an hour. I may be very uncharitable, but it appears to me that the real motive is not the one that is alleged. It appears to me, what is really wanted is to get rid of these supplementary questions. They are not very palatable. Very often they are inconvenient to answer. We know of unwilling, fencing witnesses in the law courts. The Honourable the Law Member will tell us of his extensive experiences in this matter, and it will be interesting and instructive to hear from the Law Member as to the contrast of the attitude of unwilling, fencing witnesses in the box in the law courts and the attitude taken up by Members of the Treasury Benches at question time in this House, when supplementary questions are put. They go on fencing, trying to withhold information whenever they have inconvenient questions to answer. It appears to me that the real motive is that they do not want to face the music of this cross-examination under supplementary questions. That is the real motive in bringing forward these changes in the rules about questions and supplementary questions. I may be very uncharitable, but I do feel that the Government are really shedding crocodile tears on behalf of the Members.

Mr. President (The Honourable Sir Abdur Rahim): Having regard to the nature of the motion, it will perhaps be more convenient to follow the ordinary course.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): When Government gave an undertaking to consult this House, the underlying idea was that there are two classes of Members in this House. One is the class which puts questions, and the other class is the class which is responsible for giving answers to questions. As the Governor General in Council represents the class which is responsible for giving answers to questions, they thought that it was desirable that the other side of the House which puts questions should also be consulted before making any alterations in the rules.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Where is that other side of the House?

Sir Muhammad Yamin Khan: Please don't interrupt. Wait and see. Though technically the Governor General in Council is consulting the House today according to the guarantee which they gave, in reality, that

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other side which is being affected by these rules, that is the party which is responsible for putting questions and safeguarding the interests of the country is not present. I quite agree in saying this, that the circumstances which have been created by certain Members absenting themselves from this House today are not justifiable in any manner, and the Members who have absented themselves and did not come to safeguard the interests of the country which are much larger than the mere interests of a party have done the greatest disservice to the country by not being present today and letting the Government have full powers in the House in the manner they desire to take. I think it was clearly the duty of the Members, to whatever party they belong, to muster strong when a matter of this vital importance is being discussed and express their opinion on these rules. Their lack of responsibility in preferring party politics to the interests of the country does not absolve the Government from the responsibility which the Government have also to share. In England, the Government represents the party which has got the majority of the people behind it . . . . .

Mr. Akhil Chandra Datta: On a point of order. Is this relevant?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will make it relevant. I hope so.

Sir Muhammad Yamin Khan: The Government in this House is not the party which represents the majority of the people of the country. Therefore, this Government, as they stand, have not to go by the mere letter of the undertaking which they gave, but they have to go by the spirit of the undertaking which they gave, that is, to consult the other side of the House which puts questions in the interests of the country. You find, Sir, that opinion was equally divided, especially on one important rule, and, at one glance, you will see that the Members who did not agree to the proposed amendment of clause 6 were all the elected Members of this House. The Members who agree to the proposed section belong to only one side of the House, that is, the Governor General in Council or the people responsible in this House through them, excepting my friend, Sir Leslie Hudson. Although Sir Leslie Hudson agreed with clause 6 and did not put down any minute of dissent, still you will find that there is an amendment from him today in which he seeks to make an alteration in rule 6. This shows that he also does not agree with the proposed amendment as has been put in by the Government. This means that clause 6 was opposed by seven Members and supported by five. The six Members who did not agree with it were Mr. Joshi, Sir Muhammad Yakub, Sardar Sant Singh, Sir Cowasji Jehangir, Mr. Akhil Chandra Datta and myself, and now we have Sir Leslie Hudson as the seventh. Thus, the Members, now left agreeing with clause 6, are the Honourable Sir Nripendra Sircar, Mr. Griffiths, Sir Sher Muhammad Khan, Mr. Anderson and Mr. Williams. Now, the three gentlemen, Mr. Anderson, Mr. Williams and the Honourable the Leader of the House, Sir Nripendra Sircar, all three belong to one Department, that is, the Legislative Department. The only people who agree to this are Mr. Griffiths, the Chief Whip of the Government, Sir Sher Muhammad Khan, the Assistant Whip. Thus the only people who agree to this are the two Whips and three Members of one Department.

12 NOON.

All the people who disagree with the rules are all the elected people,—people about whom Government can never say that they have ever acted in any manner to obstruct any business or that they have in their life-time in this House shown any such spirit that they are not ready to co-operate with all reasonable matters which the Government put before the House for the benefit of the country. Therefore, Sir, Government ought to realise that the voice now comes from a small party left in this House—Members whereof have always lent their support to the Government on all matters against the obstructionists of the Government, and, that being so, the opinion of such Members must carry a great weight, and Government should not carry votes against them, simply because they want to carry votes against these six men. We are here, because our duty and our responsibility in this House to the country becomes much greater owing to the absence of Members who did not think it their duty to come and safeguard the interests of the country and are simply fighting for their own party politics. Therefore, I think we have to take very seriously indeed the drastic rules and changes that are being made, because the whole burden and responsibility to the country lies on our shoulders now to safeguard; and if we come forward to put forth our opposition now to certain of these rules, it is because we feel that our responsibility is so great that we cannot give an answer to the country if we allow any changes to be made which are really bound to affect the interests, not of a few people, but of the country as a whole. When I agreed to the proposal for allowing one Member to put in only three questions, I must explain that I take it that that clause reads along with clause 6 also and other clauses too. Under clause 6, in these proposals, about 40 questions are to be put on the agenda paper for a particular day, and that again assumes that all the 40 questions will be reached, because that is the normal number that is answered every day; that means that 13 Members will be only allowed to put in three questions each. Thirteen Members will ask 39 questions,—and the Members who are asking the questions may be only thirty-six on account of the supplementary questions which may be put in the House; and only three questions which are to be left over that day may belong to one Member alone, because twelve Members will have the right to get their replies to their questions for oral answer, and thus, the only Member who may have got very important questions may be prejudicially affected, because the nature of those questions may be such that, in the interests of the country, they should be answered by the Government, but unfortunately those three questions may not be reached at all; and that will mean that while by your action of choosing 39 questions to be put on that day's agenda, twelve Members will get the privilege of putting supplementary questions, while one Member will not be allowed to put supplementary questions to the very important questions which happen to be the last of that kind.

The Honourable Sir Nripendra Sircar: He can get it postponed—if Sir Leslie Hudson's amendment is put.

Sir Muhammad Yamin Khan: That is not in the proposed amendment. I was discussing the point that Sir Leslie Hudson did not agree to the proposals as they have come out from the Select Committee, and now he has given a much better amendment. This amendment will produce the result that you will choose 39 questions to be put on the agenda—and I find and also Mr. James finds that that will be by 12

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and 13 Members. They will probably come to you, Sir, and say "please do not put those questions today, and please ask them to put them down some other day". Such requests you will be having constantly from the Members, which will embarrass you. . . . .

The Honourable Sir Nripendra Sircar: Why should that embarrass him—he can have no discretion.

Sir Muhammad Yamin Khan: This will be the meaning, that if any Member wants to have lunch, and if he says, "please do not put down my questions for today". . . . .

The Honourable Sir Nripendra Sircar: Lunch at eleven o'clock!

Sir Muhammad Yamin Khan: .. . . . he gives you notice at eleven, because he has to be absent on some business, connected with his party or otherwise, and he may send in a notice saying "I do not want my questions to be put down",—and anyhow if the Members choose not to be present on those days and they will ask you, Sir, to put these questions on the notice paper for some other day, and they will thus really obstruct the other Members for whom you had originally intended to provide by putting down their questions on the paper. This will bring constant requests to you, and you will not really be able to agree to many Members' requests which will mean that the responsibility of the Government will be thrown on the Chair, and the Chair will be coming in constant conflict with the Members' requests. How will you be able to accommodate them? Supposing ten Members out of thirteen, whose questions you have put down for a particular day, say that they are holding their party meeting and they send in a request to you to postpone their questions which are on the agenda paper. I fail to understand how such a situation can be avoided even if Sir Leslie Hudson's amendment is accepted. Sir Leslie Hudson has only said that if any Member wants that his questions may not be put on the agenda of a particular day, he can request the President to postpone them. But, supposing, at half past eleven, I and my Party want to have a consultation in our room. During this half hour, Government might have answered 20 questions, but about the other 19 questions you get requests from different Members that they be postponed. Now, under this rule, you are obliged to postpone these questions. There is no provision to the effect that if the President finds that the request is unreasonable, he may not accept it. Therefore, I do not think that Sir Leslie Hudson's amendment can be very effective unless it is intended to safeguard the interests only of those Members who may happen to be at the end and whose fears are that their questions may not be reached, and, with this idea in their mind, they request the President to postpone their questions till the next day. In that case, it will be a sensible amendment and it will have the desired effect. But the amendment, in its present form, will only cause the questions to be finished at half past eleven on many days.

The Honourable Sir Nripendra Sircar: That can be done even now while they are not getting up and asking questions.

Sir Muhammad Yamin Khan: If they do not get up and do not ask their questions, then they lapse or become unstarred. But, in this case, they continue to be the starred questions, and they will have to be answered by the Government on a subsequent day.

The Honourable Sir Nripendra Sircar: What is the harm?

Sir Muhammad Yamin Khan: There may be no harm to the Honourable Member who answers these questions, but there is a harm to the other Honourable Members who put questions, for that subsequent day. Besides, it will entail a great hardship on the Members concerned, because they will not be able to get the priority which they had then. I submit that so many complications will arise afterwards that even the amendment requires the careful consideration of the House.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has perhaps now sufficiently stated his point.

Sir Muhammad Yamin Khan: Sir, in practice you will find lot of difficulties, and, therefore, it will be wise on the part of Government if they were to drop this rule 6 altogether, because it will not effect much. Altogether there will be not more than three or four questions which will have to be carried over. So, if rule 6 is not there, then, at the most, these three or four questions will not be answered by Government and they will be taken over to the next day. Of course, the Chair will take note of the nature of the questions, and if the questions are of an important nature, the Chair may allow only 36 questions to be answered instead of 39. You yourself will like to see that the questions are so put that they may finish by 10 minutes to 12 inspite of supplementary questions that may be asked. If on one day you find that six questions were not answered, then you will have only 33 questions on the following day to safeguard the interests of the other Members. In this way, constant changes will be made by you, and I do not think that the President should be required to pay so much attention to this subject. Therefore, I am of the opinion that rule 6 is not a desirable rule, but the other rules are, to my mind, acceptable, and they will produce good results. I do not think that the number of questions allotted to each Member, namely, three, is too small for a particular day. But if they work according to the party system, then they can do it in a much better way. But in any case Members will be stopped from sending in questions four or five months before the Session starts. Such questions take away the time of the House, and, at the same time, they cost a lot. Each question costs the tax-payer Rs. 75, and, therefore, it is desirable that this huge list of questions should be curtailed in order to save the poor tax-payer from this heavy burden. I support the motion that these rules be taken into consideration, but I would request the Government to remember that. even if there are only ten elected Members left in the House, they do represent the views of the whole non-official bloc. So, this is not the voice of the ten elected Members who are in the House, but of 103 elected Members who belong to this House. With these words, Sir, I support the motion.

Mr. Lalchand Navalrai: Sir, it cannot be denied that this is a very important question. It pertains to the privilege of the Members, and I think this is a most substantial privilege that the Members have under the present Constitution. Therefore, very great attention should be given to it, and it should not merely be said that the question should only be discussed and certain views given upon it. The Government themselves ought to see that the present practice and the particular rules which have been in vogue for the last so many years should not be interfered with in this manner. One thing has been made clear to the House that we have nothing to do with the framing or the alteration or the modification of these rules. It is all the responsibility of the Governor General in Council and the Secretary of State, but it is only through grace that the House is being consulted to express our opinion. But I think this question is of such a nature and of such importance that there should not only be a nominal consultation, but consultation of the full House. It should be consultation of those Honourable Members especially who will be very much affected by the present practice being given up. At present no difficulty has arisen and no attempt has been made by the Governor General or the Secretary of State for the last 15 years or 16 years to change these Rules. The present practice has continued all along. Lately it was said that too many questions were being sent to the House, and, therefore, it was that the Governor General in Council thought it necessary to change the Rules in the manner so drastically as the Resolution has shown. On this point it should be remembered, that it is not all the elected Members who send in questions. It is not all the 100 odd elected Members that send in notice of questions. They are only about 30 or 40 Members. This shows that it is only a very few of the elected Members who take any interest in it, and, on that account, it cannot be ruled that each Member could only put three questions. If many questions are sent in and they are not reached, what happens? Those Members suffer as they lapse after the Session is over. It is also said that other Members will have no chance of their questions being answered as they get blocked by others who have put in many questions. Such cases are very few, and I submit that, instead of making such changes which affect the rights and privileges of Members, of which all Honourable Members are jealous, except perhaps the Honourable the Baronet from Meerut . . . . .

An Honourable Member: He is not a Baronet.

Mr. Lalchand Navalrai: I beg his pardon. The Honourable Knight from Meerut may not be jealous. Well, if he goes on supporting the Government, on all questions, who knows, he may get a Baronetcy next time very easily. My submission is that this is a matter in which some other procedure should have been adopted, and I think that the other procedure is this. The admission of questions is in the hands of the Chair. If any Member sends in an unreasonably large number of questions or he does it in such a way as to interfere with the rights of other Members, then, I expect that that Honourable Member would be amenable to any advice which the Chair gives him. The Leaders of Parties could be sent for in a conference and they might be informed that such and such a Member belonging to such and such a Party was putting an unusually large number of questions. Then, surely, the Leaders of Parties would devise some way of remedying the situation. As it is, we

are groping in the dark. We are only led to surmise that this will happen or that will happen. The question is a very important one, and it needs consultation of the whole House. All Members are reasonable Members and they would not desire to obstruct the transaction of business. No one has alleged that a large number of questions are put in with a view to obstructing the business of the House. If a Member sends in a large number of questions, that only shows that he is taking more interest. My Honourable friend, Sir Muhammad Yamin Khan, said that Honourable Members go on writing out questions from day to day and then send them in heaps. I submit, credit should be given to that Member for taking interest in questions of public nature. For whom does he put questions? Not for his own selfish ends. Not for his domestic purposes, but it is for public cause. Once the questions are admitted, that means that those questions are such that they should be answered in the House. This motion for altering the procedure with regard to questions is specially aimed at my Honourable friend, Mr. Satyamurti, who sends in a large number of questions. I think he is the proper person to be consulted on this matter. It is not that other Members should be blamed for it. At present Mr. Satyamurti is not present in the House, and other Members belonging to the Congress and Nationalist Group are also not in the House. In an empty House like the present one, what opinion can be expressed? I would say it is most futile to ask an empty House to give its opinion. This motion would simply go without any opinion from this House. I would not dilate upon or say anything with regard to the absence of these Members. It is all very well for my Honourable friend, Sir Muhammad Yamin Khan, to come into the House every now and then and blame the Congress Group for not being present in the House. They have explained their position. It is quite plain that they are obliged to be outside for public purpose and not for party questions. The public have told them to go and contest the elections. The Congress Members are going from place to place on election propaganda.

Sir Muhammad Yamin Khan: Why didn't you keep out of the Assembly?

Mr. Lalchand Navalrai: The Honourable Member can never blame me of being a Member of the Congress Party. I am a Nationalist and I have my own views, and it is only on that account that I am in the House at present. If I also had not been present here, then even the voice of protest that I am raising now would have been absent. I submit there is no use of blaming the Congress Party for being out. They are rightly out. But, anyhow, that is not the point in issue. The point is, are you consulting the House in spirit or in letter? The Government gave a promise that consultation will be made when any rules are changed. Are you really consulting? That is the main issue. If you are only making a farce of consultation, or if it is only a bluff that Members are being consulted, then you can please yourself by consulting empty Benches, and I trust that the Governor General will realise that it is not real consultation. He may do whatever he likes. There is no responsibility on this side of the House, but the whole responsibility falls on the Governor General in Council and the Secretary of State. I, therefore, say that the spirit of that undertaking should be followed, which is not being done now. It is being done only in name, and you are getting the opinion of one or two Members, but that is not enough. My

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own opinion, if it were asked, is that the old practice should continue, along with the method that I have suggested, namely, leaving it to the President to adjust it in consultation with the Leaders if there is anything wrong. The rules should not be changed; we should first see if the Members are so unreasonable as to send in too many questions even after this debate.

Then, Sir, coming to the report of the Select Committee, I find there are some Members who have suggested 12 questions. I submit that those who suggest three or five questions do not realise the position. Perhaps they themselves are not interested in putting questions. Those who are so interested will find that three will not serve their purpose, and it should be at least 12, if any change is to be made at all.

Then with regard to the power of the President to increase the number for any day, I am absolutely for it, and that will be in consonance with my opinion that all points should be left to the power of the President.

As regards the question whether Members should be required to state the day on which their questions will be asked, a majority of the Committee may have been against it, but some concession should be allowed to the Members. If they were to fix a day, it would only show their anxiety to put the questions, not to do anything in the way of obstruction or delay.

Coming to the question of rotation for Departments to answer questions, I am absolutely against it. When, on a particular day, we put questions regarding only one Department, the representatives of other Departments will not be here. And if in supplementaries points arise which are to be answered by a representative of another department, we will have to give fresh notice; and the object of putting supplementary questions will be nullified. Therefore, this rotation business will in no way be useful or effective.

Then, I come to the last thing for which Sir Muhammad Yamin Khan is very anxious. I join him in wishing that that clause is omitted, but if it is not omitted, I am certainly in favour of the amendment of Sir Leslie Hudson, which gives some privilege to the Members. It says that when a Member asking a question has, before questions are disposed of, signified his desire to have the question postponed, it should be done. My Honourable friend has vehemently opposed this amendment, but he should see through it. He says there will be so many notices, the President will be disturbed and his work will increase, etc., etc. No, the notice will be given to the Secretary and the questions will be postponed and not answered as unstarred. That is a privilege of the Member which should not be taken away from him. This is an amendment which is surely not unreasonable. I would strongly urge upon Government that even if they get through these changed rules in this House, they should wait and consult all the Leaders of Parties before they advise the Governor General in Council or the Secretary of State to pass them. This will save them from being exposed to the blame of not consulting the wishes of the people as expressed through their representatives in this House.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, my Honourable friend, Mr. Lalchand Navalrai, has just said that these amendments are being proposed only because certain Members have abused their right of putting questions.

Mr. Lalchand Navalrai: I did not say it was only on that ground.

Sir Muhammad Yakub: But that was the only defect which he pointed out in his speech. I may submit that that is the least important defect in the present rules as regards the asking of questions. There can be no doubt that there are other patent and inherent defects in the rules. In fact, on account of the rules, as they stand at present, the very object of asking questions is nullified. Questions are mainly asked for three purposes. The first is to elicit information about certain points which can be utilised by an Honourable Member in his speeches. For instance, I want certain information as regards the working of the railways in India. I would like that the information should be available to me before the Railway Budget is discussed in the House. But, under the present system, surely I cannot expect that information before the Railway Budget is discussed. My question may be No. 2345 in the list, and, therefore, it will not come before the House until the Session is over. Therefore, that object is not gained. I will give a concrete example. Only in December last, I tabled a question asking the Government of India to let me know what was the effect of their rules as regards the communal representation in the services during the year 1936. I want this information before the two Budgets come before the House. I do not know when I will get this information, and probably, I will get it after the discussions on the Budgets are over, and then my object will be entirely lost; and the very purpose for which I have tabled the question will be nullified.

Another difficulty is this that there are certain questions which have a value and importance only if they are answered, say, within a particular time. After that, they lose their importance. For instance, during the last few days, elections were going on throughout the country, and Honourable Members were anxious to put certain questions about the way in which the election arrangements were being carried on. Under the present system, those questions will not be answered and the elections will be over and then those questions will lose their value and will be of no interest to anybody.

Another difficulty of the present system is that the chief utility of asking questions for which the privilege is really valued by Members is that they can exercise supervision over the Departments of the Government of India. If Honourable Members find that there is something wrong in a particular Department of the Government, they can put questions and expect answers one after the other. Under the present conditions, in the first place, we do not get answers in time; and, even if we do, one Department is required to give one answer or two answers to matters relating to that Department one day: then there is a gap of two weeks, and the effect which Honourable Members wanted to create about the working of that Department is lost. The present system of asking questions is really such that the whole object of asking questions is lost and we do not gain anything by tabling questions. It is perfectly right that there is a genuine feeling among the Members of the House that the present rules should be amended. In fact, an attempt in this direction was made in 1933 when my friend, Mr. Mitra, moved his motion to get these rules amended; but he did not succeed. Now, these rules have come at the eleventh hour, when probably they will not remain in force for more than a year or so, because, as I understand, His Excellency the

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Viceroy is very anxious that Federation should come by the end of 1938, and when the new Federal Assembly comes into being, they will frame their own rules The fire brigade is being brought to action, when the fire has done its work, and everything is spoiled. During last fourteen years, the right of asking questions has been abused and misused and the real object of asking questions is lost: still Government were sitting quiet for fourteen years, and now, in the fifteenth year, they are anxious that these amendments should be passed even though the House is vacant. It is really very difficult to understand the mentality of the Government. I do not want to justify the Congress Members' decision to remain absent. My friend, Mr. Navalrai, has tried to justify their absence. On the other hand, I think, as I said before, they are guilty of a great dereliction of duty on account of being absent today. The Congress people claim themselves the whole country to be with them, and, then, they have got more prominent and more powerful and more forceful leaders like Pandit Jawaharlal Nehru, Babu Rajendra Prasad, Mrs. Sarojini Naidu and others, who are not members of this House, and they are working outside in the country. . . . . .

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not think the House should go into a discussion of that matter.

Sir Muhammad Yakub: I did not wish to raise the point, but my friend, Mr. Navalrai, put in a defence, and I was made to say these few words by way of reply. If the Honourable Members wanted to come, they could have come without causing any detriment to their party in the matter of elections in the country. I think these rules are very important. The defects in the rules I have already pointed out. But I want that the remedy should be such that it should not be worse than the disease itself. I submit that the amendments which are proposed by the Government should not be such as in any way will deprive the Members of their right of asking questions I am afraid, the rules or changes, as placed before the House by the Honourable the Law Member, cannot be acceptable to the Members of the House. Their defects are as patent as the defects of the present rules. For instance, they provide that each Member will put only three questions a day. They say they have copied this from the practice of the House of Commons. As I pointed out during the discussions in Select Committee, the analogy of the House of Commons cannot apply to this House. In the House of Commons, there are 600 Members, while here there are only 140 all told, and only 100 elected Members who are interested in asking questions, that is, one-sixth the number of the House of Commons. Even in the House of Commons, this number of three questions per Member was not adopted for the first time when a limit was placed: at first they fixed the limit at eight; then it was reduced to four, and then to three. We are now making a start, and, therefore, we will not be justified in putting that limit which was adopted by the House of Commons only recently. Even if we multiply the number of questions here by six, which is the proportion of the Members of this House to the Members of the House of Commons, each Member must be allowed to put eighteen questions. But, taking into consideration the fact that this House does not sit for as many days as the House

of Commons sits, I have suggested the very moderate number of five questions, because five is such a number that it will afford facility to a very large number of Members to ask their questions every day; and I hope this suggestion of mine will be acceptable to the Government.

Mr. Akhil Chandra Datta: That is already accepted by the Government.

Sir Muhammad Yakub: They did not say that.

The Honourable Sir Nripendra Sircar: Yes, I said that.

Sir Muhammad Yakub: Then, I am very glad indeed.

Then, Sir, another point is about giving notice of questions indicating the particular day on which they are to be answered. This is a very difficult and contentious point, because it means that Members will have to wait for sending their questions until the whole programme of the Assembly meetings has been fixed, and until they have been informed that the Honourable the President has fixed such and such a day for a particular Department. That would mean that the Members will have to send in all their questions, say, only a week before the Assembly Session begins. Besides the difficulty which it would entail upon the Members to send their questions in time, it would also cause very great hardship to the Assembly Department. The work which they now spread over a period of one month or six weeks or two months would have to be done within a week or so, and, therefore, I think this amendment is not at all to the benefit either of the Members of this House or to the office of the Assembly.

Then, Sir, another, and more important, question is the one which is provided for in rule No. 6, to which nearly all the Indian non-official members of the Select Committee have objected, and that relates to starred questions. Now, the proposal is that those starred questions, which are not reached on a certain day, should be treated as unstarred questions. This, I think, would create great resentment and entail great hardship upon the Members, and I feel that some remedy ought to be found out to avoid this difficulty. Certain Honourable Members have moved amendments in regard to this. My friend, Sir Leslie Hudson, has proposed an amendment, and there are other amendments also, and when those amendments are taken up, I think we shall be able to adopt the one which would be most acceptable to all Members of the House.

I am sorry, I cannot agree with my friend, Mr. Akhil Chandra Dutta, when he says that the number of questions which a Member may put in one Session should be restricted to 200 in the Budget Session and to 100 in the Autumn Session. Sir, there may be very many Members who can put more than 100 questions, and by adopting the amendment of my friend, probably the object of improving the system of asking questions would be entirely defeated, and we would find ourselves in the same position in which we are today. If, say, six Members of one party want to block the questions of other Members, they can send in 1,200 or 600 questions, and then the object of improving the present system would be completely lost. Therefore, I cannot support that amendment.

Sir, a great deal has been said that the first hour should be made available for asking questions . . . . . .

Mr. Akhil Chandra Datta: Not should be, but shall be made available.

Sir Muhammad Yakub: Yes, shall be made available for asking questions, but that does not in any way mean that in any case nothing but questions should be asked, or that even if there are no questions available, some should be forged and the first hour must be employed in asking questions. The idea is that generally the first hour of the Assembly should be devoted to asking questions. Now, if the new amendments are accepted, with modifications, then by practice in a week's time, we shall be able to see where we stand. Even now we know usually how many questions are put and answered in a day, and I think it should not be very difficult to make a fair calculation for the office to enter such a number of questions on the agenda as it may be possible to answer all of them, perhaps one or two questions might be left over. The object is that the whole of the first hour should be devoted to answering questions, five minutes may some time remain before all the questions are exhausted, but the calculation of the office will not be far wrong, and, therefore, the danger which has been apprehended by my friend, Mr. Akhil Chandra Datta, is not a grave danger, and we need not worry about it.

Then, Sir, there are other difficulties. If we accept the amendments as they are moved by the Government, they will place the Honourable the President of the House in a much greater difficulty than the Honourable Members. Probably, the Honourable the President will come every day in conflict with the Members of the House. A Member will ask why such and such question was given preference over the question of some other Member, why questions relating to the Home Department were given preference over those relating to the Finance Department, and so on. Therefore, I think these rules should be framed with great caution and precision, and we should not hasten the matter and frame the rules in such a manner as would bring the office of the Honourable the President in perpetual conflict with the Members of the House. Having said this, although generally I am not in favour of postponing any measures until the Members representing the Congress have come in, I think that the question of the amendment of the rules should be postponed until all Members are present. Again, I say, it is only for about a year or so that we want these rules. Therefore, Sir, if it is possible for you, I would request you to postpone this question to a later date, when the opinion of the whole House will be available. It may be said that Provincial Autonomy is soon coming in the provinces, and probably the Provincial Governments would look up to the Central Government for guidance as regards framing of their own rules in the light of the rules which we make today . . . . .

Mr. President (The Honourable Sir Abdur Rahim): With regard to the suggestion made by the Honourable Member, does he suggest that it is the desire of the whole House that the debate should be postponed to a later date? Then the Chair will be in a position to consider it.

Sir Muhammad Yakub: I cannot speak on behalf of the whole House, but I think that all the non-official Members of the House, who are present here today, would unanimously agree that the debate should be postponed. What I was submitting is this, that even if the Provincial Governments want a lead in framing their rules, we should not place a defective model

before them, because it will not be easy for them to frame new rules every day, and so we ought to frame our rules a little more cautiously. Provincial Governments who would look up to the Central Government for guidance will be benefited only if they can get the opinions of the whole House. Therefore, I submit that we should wait until such time as we can get the benefit of the opinion of the whole of this House. With these few remarks, I resume my seat.

Maulana Shaukat Ali (Cities of the United Provinces: Muhammadan Urban): I do not want to interfere in this debate, because I know very little of the subject. I have been busy elsewhere, but I entirely agree with my Honourable friend, Sir Muhammad Yakub, that this matter should be postponed so that the whole House may be consulted. I have myself been absent from this House, and I am off again this night. I came only yesterday and I am going away again tonight to Madras to work there so that a better type of Members may be returned to the Legislatures. If our suggestion had been accepted by the Government that the elections should be held before the Assembly began, we could have easily avoided all this unpleasantness. All would have been here on the 23rd February and taken part in the discussion. I entirely agree with my Honourable friend, Sir Muhammad Yakub, as regards his opinion about the position of the President under these proposed rules, and I feel very strongly, and I think you will have to give me a certificate that I have always obeyed your orders and never given you any trouble. In these difficult days, when there is so much bitterness in the country, we do not want to add to that bitterness or that the bitterness should go on. The bitterness is growing. I have been touring the whole of India practically, and I have toured round the United Provinces, and let me say that the bitterness is growing, and it is unfortunate for everybody. We want that there should be a better feeling, a better kind of understanding between the Government and the people and it is necessary that every effort should be made to avoid bitterness, and your position we will value a great deal as a judge, an impartial judge, sitting in judgment over all of us, and as a guide who without prejudice can control both sides of the House, and that argument of Sir Muhammad Yakub appealed to me very much. My Party is not here, my Leader is not here, my Deputy Leader is not here, nobody is here, two of us only are here, and if you postpone the discussion, I am sure, you will get a nice set of rules framed which will help everybody. I have myself asked only one question in these two years and you cannot, therefore, blame me for having wasted the time of the House . . . .

1 P.M.

Sir Muhammad Yakub: That question was disallowed. It was against the rules.

Maulana Shaukat Ali: I do not know the rules. All these rules are a nuisance, and the fewer the rules the better for all of us, without wasting the time on points of order and explanations and other points of order, and so on. We can get on with work then, I am a worker myself, and I know how to work. I think you will find it useful when you consult the Party Leaders, and I beg to support the suggestion of my Honourable friend, Sir Muhammad Yakub, that this question be deferred to a date when there is a full House.

Dr. Ziauddin Ahmad: I find that the present position in the discussion is that the Honourable the Mover has made a certain motion following a certain undertaking. That motion was referred to a Select Committee. The Select Committee's Report is now under consideration. We have also tabled several amendments to the individual clauses, and the discussion is now proceeding practically in the same manner as we follow in the case of a Bill. I do not find any paragraph in this Manual of Business and Procedure which really provides for reference to Committee of any particular motion. Reference to Select Committee of Bills, etc., is possible, but there is no provision in the Manual of Business and Procedure that a particular motion may be referred to a Committee. I am not criticising, but the present position is this.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member calls it a Select Committee or only a Committee.

Dr. Ziauddin Ahmad: A Committee.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will find some precedents for that.

Dr. Ziauddin Ahmad: But still I do not find any provision in the Manual of Business and Procedure. Government have given an undertaking to consult the House, but I hope that they did not give an undertaking to consult an empty House. Whenever you consult any person, you assume that the person whom you are consulting is there. You cannot be supposed to be consulting a person when he is not there. In the matter of voting, you can say that people did not exercise their right of voting, because they were absent and they are themselves to blame, because they did not come here and exercise their right of vote. The House is not to blame, nobody is to blame, but only the absentee Members are to blame when the question is one of voting. But whenever the question of consultation is concerned, that is entirely a different thing. When you are consulting any individual, it is your business to find out whether the person whom you are consulting is there or not. You cannot say you have consulted the House when there is nobody to consult.

Coming to the motion itself, I would very much like to express my individual opinion. The provision now before us is not really the amendment of rules. It is the amendment of Standing Orders. According to the Government of India Act, those provisions cannot come under the rules. They are outside their scope. They should be embodied in the Standing Orders. Those who are charged with the framing of the rules may or may not accept my own individual opinion, but I do feel that the Government of India ought not to introduce all these provisions under the rules; it is really outside their scope according to the Government of India Act. As these rules are now under discussion, let me deal with them on merits. I have not got long experience of the Assembly here, I have been here for only eight years, but I had similar experience in other Councils and I have seen cases of misuse very rarely. I quite realise that in this Assembly there have been some cases of misuse, and I think that some remedy is also desirable. That I admit. I am also prepared to admit some limitations to the number of questions, so that every Member may have the same privilege and may show to his constituency that he is not a sleeping partner. I am prepared to accept the method of

restricting the number of questions of individual Members. It is still open to discussion whether the restriction should be for the whole of the Session as suggested by the Honourable the Deputy President, or it should be for each day, that is, not more than a certain number of questions. Therefore, on this principle I agreed about the merits of the case that there ought to be certain restrictions, but the number suggested—three—is really too small. This has been done according to the practice in Parliament.

Sir Muhammad Yakub: But the Government have now accepted my proposal for five.

Dr. Ziauddin Ahmad: That is something better, though even five is not sufficient. As I suggested last time, according to the simple rule of arithmetic, it ought to be 18. In Parliament, there are 600 Members, and if they are allowed to ask three questions, here, with 100 Members, it ought to be 18. Let us forego a portion of 18. Let us have 15 or 10. My friends say that Parliament sits all through the year. It might help us to know the total number of questions and the total number of sittings, and then we have to determine the number of days in which they have been distributed (*An Honourable Member*: "You yourself proposed six.") to find out what is the maximum number which the Government would accept.

Then, the second point is whether a particular day should be set apart for asking questions. That involves going away from the present procedure. This is to my mind a question of doubtful advantage. Government think that there is an advantage to the Members and future Ministers, but I do not know whether this is really an advantageous thing. Some persons think that it is an advantage to the Members of the Government if they have to come only on one day to answer questions. The idea is that they will be able to absent themselves from the House on days on which their turn does not come. This has two disadvantages. First is that it is not desirable that any person should stand the test of cross examination continuously for one full hour. It would be some kind of relief if other Members of the Government also answer some questions in between and give relief to their colleagues.

The second thing is that Members of the Government, who are not interested in the question hour, will absent themselves and do their office work, but I think it is very desirable that Members of the Government who represent other Departments should also be present to hear what is going on in the other Departments for which they are not directly responsible. This broadens their outlook and removes their aloofness. At any rate, this question of alloting a particular day is a matter of doubtful value, but this is a point on which I am not very keen.

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, Sir Muhammad Yakub (one of the Panel of Chairmen) in the Chair.

Dr. Ziauddin Ahmad: Sir, I drew the attention of the House to certain constitutional difficulties and, then, afterwards, I wanted to draw attention to the difficulties of these rules in actual working. Taking the

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first clause about the restriction on the number of questions, I said—and here I have also got some experience of their working in this House for eight years and of another House for a similar period—probably there is only one case which I have come across where this rule has been misused. There may have been more cases elsewhere but I only know of one solitary case. Now, for that solitary case, it is not necessary that we should restrict the number of questions; I am not very keen myself on this point, but if a restriction is made, I would certainly like to press that the number should be more than three, and the more, the merrier. In this case, I would like to increase this number; and even from the analogy of the House of Commons, the number is not sufficient on account of the smallness of the size of this House. The second point to which I was drawing attention before Lunch was about the allocation of days for different subjects. I said that this is a question of very doubtful advantage to the Members of the Government themselves. Some persons think probably it is advantageous to them, but I have very great doubts about it and I gave two reasons in support of my doubts. The second difficulty to which I referred and which I would now like to develop is the question of the allocation of questions for different dates. Though it may be easy to describe and easy to write, it is very difficult to carry it out in practice. Firstly, on whom will the responsibility of allocation depend? Will it depend upon the Member himself or upon the Department? That is the first issue we should settle. If the responsibility for the allocation lies on the Member himself, I can picture to myself the difficulties which I would have to face and afterwards I will describe the difficulties of the Departments if they have the responsibility for allocating the different questions for different dates. Suppose the responsibility is mine. When I send a question, I must say that I will ask this question from such and such a Department and on such and such a date. Before I fix any date I would expect that the Assembly Office would supply me every day, not only during the Assembly Session, but from the very moment questions can officially be sent, to tell me every day that so many places have been filled up, and I must have a notice from the Secretary every day, not only during the Assembly Sessions, but from the very moment I am authorised to send questions, showing, for instance, that on the 25th January 25 questions have been notified, that on the 26th January for the Foreign and Political Department seven questions have been noted down: and, then, afterwards, I will make my own choice. So, unless I get a notice from the Secretary from the moment I am authorised to ask questions, it is impossible for me to fix a date,—because I should know what dates are free. I should definitely know what dates are already occupied and by how many questions and I must write all these questions and find out the probable time questions will take on each of those questions and then afterwards I must consider a question which I cannot decide,—whether Mr. Satyamurti will be present on that date, and how many supplementary questions he will ask, and whether my turn will come on that date. All this responsibility will be mine, and I must give at least two hours solid thought before I will fix up a particular date for my questions. The difficulties of the office also will be great because, whenever the responsibility will fall on

them. I will insist that I must be supplied every morning with a list of the questions which have already been sent and what are the number of days for which questions can be put. So this is the first difficulty.

My second difficulty will be that there are certain questions which really touch the border-line of more than one Department: and we the Members, not knowing the inner working of the Departments, will usually fail to allocate the particular Department to which a particular subject belongs. I will mention, for example, a difficulty which occurred in my own case. I wanted to ask something about the Medical Department at Aden, and I was quietly told that this is not now the function of the Medical Department of the Government of India, but of the Foreign Secretary. Really speaking, if I were to put any question I will put it to the Education Department and then when we come here, I will be told: "You made a mistake; the question ought to have gone to the Foreign and Political Department and not to the Education Department." There are series of questions which the Government officers know fully well to which Department they belong and the non-official Members do not know it because they are not familiar with the internal working of the Government. We are not like the Members of the House of Commons where the Opposition has once been the Government and therefore they are familiar with the working of the Government. In this country, the Opposition has absolutely no knowledge of the internal working of the Government and they are left entirely in the dark. Therefore, it will be very difficult for me to decide on which particular date I should fix a question particularly when my question refers to more than one Department. I should now like to develop my third difficulty. I should like to know from office not only how many questions are asked but I should know definitely the wordings of each question because without this information I cannot tell how many supplementary questions could be asked on those particular questions and whether my turn will ever come if those questions are asked. Suppose there are 30 questions put down on the agenda out of which 5 or 6 may exhaust the whole one hour. In that case, my turn will never come. On the other hand, some of these questions may be of a formal nature on which supplementary questions may not be asked. To enable me to discharge efficiently my own responsibility for fixing my questions to a particular date, I must know definitely not only the number of questions but the subject-matter of each question for each day. Besides, I must also have at my disposal some kind of advice to enable me to which Department my questions relate. Of course, it is easy to get this advice when we are in Delhi but when the Members are not here and the Assembly is not in Session, then this advice will not be easily available and the mistakes will be oftener. If I have made a mistake in this connection, I do not know whose responsibility it will be to point it out. Suppose, I say that my question belongs to the Department A while really it belongs to the Department B, then the Department A will say: "Out you go because that question does not belong to me." Therefore, my question will be left out altogether because it was not addressed to the proper Department. These are the difficulties which I will have to face if I am asked to choose myself the dates on which I would like to put my questions. If the choice is left to the Department, then I would pity every Member of the Department because it will become unpopular with every single Member of the House. Whatever their

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selection may be Members will say: "Why, on earth have you put down my question on this particular day because I will not be present on that day? Also, why on earth have you put down my question on this day when you knew that about 200 supplementary questions will be asked on the questions that have been put down before mine?" Therefore, all these difficulties for which I was to be responsible will now fall on the office and they will be exposed to enormous difficulties. They might say that whenever a question comes in they will put it along with certain others on a particular day, but I would like to know in what way will you decide that so many questions will be allotted on one particular day? Will the number of questions be 40, 50 or 60 and who is going to fix this number? Is the President or the Secretary going to fix this number or is it to be fixed by means of Standing Orders and Rules because the Rules have now become so extensive and beyond the intention of the framers of the Government of India Act. This point has not been decided at all and nothing has been said about it.

Then, Sir, there are questions and questions. In our examination papers we say that these questions are not of equivalent difficulty; they are not questions which will take equivalent time to answer. One question may take very great time on supplementary questions, others may take less time. Therefore, in fixing the number of questions, the office must also consider what in their judgment will be the time taken by supplementary questions, and this is a great responsibility which will have to be taken from day to day. On a certain day, it may happen that Members who are anxious to put supplementary questions may be absent and the questions may be finished in half an hour. In that case, Members will blame the office for not putting sufficient questions. On the other hand, on some day it may happen that a large number of supplementary questions may be put on a few questions with the result that some questions are left over. Even then the office will be blamed. So, Sir, if this responsibility falls on the office, they will be no better than the man who was conducting a donkey and a small boy together. In whatever condition he rode the donkey, the man was to blame. If he rode the donkey with the boy, people said how cruel he was to the animal. If he asked the boy to walk, people said he was cruel to the child. If he put the boy on the donkey and he himself walked, then he was blamed for allowing the boy to fall down. So, in whatsoever way the office may arrange questions, their case will not be better than that of the man driving the donkey; they will be blamed for their method of selection. At present they have got a simple rule and nobody can blame them. They put questions in the order in which they are received. So, if the responsibility of the selection of the date falls on the Members, they will have enormous difficulties and they will have to be supplied with all the information which I have mentioned. If the responsibility falls on the office, they will also be placed in a very difficult position as I have just shown and they will become unpopular with every Member of the House. Sir, I have failed to picture in my mind how this rule can actually be worked satisfactorily and I hope that some Members who are very much attracted by these particular regulations will give us the benefit of their wisdom and tell us the method by means of which these rules can be worked. Now, the next difficulty to which I should like to refer is part (6) of this particular proposal.

that is, if questions are left over without being answered on a particular day, they will be changed into unstarred questions. An amendment has been tabled to the effect that Members should be given the choice before the question is actually answered whether they would like to treat those unanswered questions as unstarred questions or to be carried over to the next day. When have I got to make this choice. The question hour begins at 11 o'clock and ends at 12 Noon. Should I write out a chit at 11-30 or 11-45 or just before 12 Noon to the Secretary asking that my questions should be treated as unanswered. This is also very unpractical. I should be obliged to sit here all the time and just at the right moment, I should give notice to the Secretary whether my questions should be treated as unstarred questions or whether I would like to shove them on to some other day. What other day is that to be? Suppose I ask a question on Railways which is set down for answer on Tuesday, but it is not reached. Then supposing the next day allotted for questions relating to Railways is Saturday. Then is my question to be shoved on to Saturday. Will this question have priority over all the other questions already set down for Saturday. I submit this will lead to enormous difficulties because Saturday's programme is already full. Or if the arrangement is to be that questions set down on a particular day and not answered on that day have to be shoved on to the end of the Session when all the other questions are exhausted, then this will be very unfair to my questions which have been delayed for such a long time.

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

We have at present a rule of thumb. It is very easy for the office to arrange questions now. The procedure adopted is intelligible to all the Members and nobody has got any complaint. One of my Honourable friends said that by putting the questions into various departments and by the allocation of particular days for particular departments, there will be better chance for all the questions being answered and they will not be long delayed as they are at present. I cannot understand this. If the number of questions is 2,350, in whatever way you may distribute them, they will remain 2,350, whether you take them as 1, 5, 10, 20 and so on or whether you take them in the serial order as 1, 2, 3, 4. Perhaps in certain departments, where the number of questions is very small, say like the Foreign and Political Department, all the questions relating to that Department will be answered quicker. I hope that the time allotted for the Foreign and Political Department will be very small so that other departments which have greater number of questions to their credit will be allotted more time. All the departments should be well balanced and there should be no disparity in the allocation of time. This difficulty of dealing with questions which are left over on a particular day is very enormous. Whatever procedure is adopted, it will be unpopular among the Members. If you treat them as starred questions in the end and then do not answer them at all, in that case, Members whose questions come in the end will begin to grumble. The Member who put down that question might have intended to put supplementary questions if the answer was given orally and he will be deprived of this privilege, if the questions are shoved in at the end of the Session. The first answers themselves are not of much use because they are given in set words and unless supplementary questions are put to clear ambiguities or to give proper

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interpretation of those words, it is no use asking questions. We really get very little out of the original answers, except mere quibble of words. The only way to get the information which a Member wants is to put supplementary questions based on the oral answers given. In this way all the ambiguities and all the double meaning in the answers are cleared. If the privilege of putting supplementary questions is taken away, I would rather not hesitate in giving up the right of putting original questions, because the oral answers to these questions lead us nowhere. It is only the supplementary questions which really convince the world how the whole administration is being carried on because the answers to the original questions are clothed in guarded language that they avoid giving full information, and they do not give all the facts which we want to know. This right of putting supplementary questions is a very valuable right which we do not want to lose. If the nature of the questions is such that Members do not want to put supplementary questions, then they put them as unstarred questions. By this new proposal, we do not like to lose this privilege of putting supplementary questions, because part 6 of the new proposal aims at curtailing the right of Members to put supplementary questions. It is impossible for any human being whether he be the Secretary, or the President or one of the Members of this House to say exactly how many questions will be answered on a particular day with all the supplementaries thereto. Who will calculate how many questions are to be put on a particular day. Who can calculate beforehand how many supplementary questions my Honourable friend, Mr. Satyamurti, will put on a particular day. You must also take into consideration how many Members who usually ask supplementary questions will be present in the House on a particular day and in what temper they would be to ask supplementary questions. All the difficulties which we have calculated about the valuation of the answer books of examinations will all come in in the evaluation of the time which will be spent in asking supplementary questions. This is a problem which nobody can solve. Whenever the question of any particular Member is not answered, then he will immediately complain to the Secretary of the Assembly to the effect, "Oh!, you knew all the time that so many questions will not be answered on this particular day and yet why did you put in so many questions with the result that my questions have remained unanswered and they will be shoved in to the next day as unstarred questions". This is the sort of complaint which the Secretary will receive every day if part 6 of the proposed amendment is adopted. The system that we are going to introduce is very faulty. I think we ought to save ourselves and we ought to save the office from this unnecessary trouble in which we will be landed if part 6 of the proposed amendment is adopted. This consolation that I will get my questions after the lapse of six weeks if the programme is not already full is a poor consolation for me. I would not mind if my question comes on the list on the next day when that particular subject will come up. If you have already 2,000 questions on the list, then if this question is shoved on as the 2,001st question as if fresh notice has been given, then in that case, it will be a poor consolation to me. If my question is shoved in to the last, then again I will blame the office as to why they did not give me sufficient information, for lack of which I came to wrong judgment. So the difficulties which are contained in part 6 of the amendment are really very great and there is no easy solution for this. I am

waiting for any Honourable Member to get up and explain how these difficulties could be solved. Without my losing the privilege of supplementary questions to other questions of which notice has been given, which have been approved by the President and which have already come on the agenda, how it would be met I should like to know.

3 P.M. There is one more difficulty to which I should like to refer, and that is with regard to clause 4 which refers to five clear days' notice. At present according to the Standing Order, ten days' notice is necessary. Out of these 10 days, Government take away 5. So only 5 days are left for the office to arrange the whole agenda,—for inclusion, approval, printing, assortment, distribution; and the Member also should know two or three days before. So I do not see how the whole official process is to be gone through in the short period of five days which are left at their disposal. This to my mind is another difficulty in the working of these rules. Therefore, on account of the technical difficulties which I have mentioned, on account of the practical difficulties which I have just mentioned, I think it will be wiser to leave these rules of detail to the Members themselves. It is not desirable for the Governor General in Council or the Secretary of State to take this responsibility on themselves. Let us make these provisions ourselves in Standing Orders and be responsible for their working. The Government should not expose themselves to the risk of being charged every day with making rules which may raise all kinds of difficulties. Therefore, I submit that we should leave this thing over for the present. I have myself realised a difficulty and it is this. If one man puts all the questions my constituency will say that I am a sleeping partner in the Legislative Assembly and am doing nothing. So we should find some way by which the difficulty may be overcome; and perhaps this can be arranged by the President in consultation with the Leaders of various Parties to have some kind of convention by which one Member should not ask too many questions. And some kind of power may be given to the President to regulate the matter.

Therefore, in conclusion, I would again emphasise that we will be wiser in leaving this matter over. It is not an emergent measure in which important questions of administration are at stake. There is nothing lost and nothing gained, and I think my friend, Sir Muhammad Yakub, was perfectly right when he said that it would be better if this thing were postponed.

The Honourable Sir Nripendra Sircar: Sir, I shall try to be as brief as possible and take the Honourable Members in the turn in which they addressed this House. My Honourable friend, Mr. Akhil Chandra Datta, gave us a long lecture about the importance of supplementary questions; as if anybody had suggested that supplementary questions may not be important. He suspected that the idea is to stifle these supplementary questions. Where he has got this from I am not aware, and I am not able to find out. Then he quoted from a book and he told us that, so far as supplementaries are concerned, they are in the nature of a searchlight. But there is nothing in the modifications which we are proposing to dim the incandescence of that searchlight, nor is there. . . . . .

Mr. Akhil Chandra Datta: Not to dim, but to extinguish. . . .

The Honourable Sir Nripendra Sircar: I should like not to be interrupted. Nor is there anything in the rules which would justify the comment that one hour will not be available for questions. In a very dramatic mood Mr. Akhil Chandra Datta said, "Will the Honourable the Law Member give us an assurance that one hour will be available?" May I ask him this? Where does he find anything to justify a question asking for an assurance? The number of questions which may be put down on the list for a particular day will depend on the judgment of Members and not the President. The matter is really for the Members as to what number of questions will be put for being answered on a particular day. Of course, all human calculations may go wrong at times, just as at the Simla Session, under the existing rules, at the end of the Session, one Member putting 35 questions and another Member putting 15 questions did not turn up at all, and the question hour was finished at 11-40. These accidents cannot be prevented.

Then, Sir, his next point was, he wanted an assurance that 59 minutes and 60 seconds will be available. Sir, we may not be able to give that assurance in that form, but we can give him an assurance that 3,600 seconds will be available for questions. Then, Sir, I do not know why he twice repeated the phrase, "I may be uncharitable in ascribing motives". Sir, I do not understand that statement. No one will accuse Mr. Datta of having been charitable to Government on any occasion; no one will suggest that he is capable of doing that; so that is a wholly unnecessary statement. Then, Sir, I had the honour of being mentioned again by Mr. Datta when he wanted me to give him my experience of fencing witnesses to this House. Yes, Sir, my experience is that in the law Courts you come across witnesses who refuse to give a straight answer and they are said to be fencing with questions. Equally, it is my experience that incompetent pettifoggers go on badgering respectable people, not for doing any good to their clients or for drawing information, but because that gives them an opportunity with the help of a friendly reporter to see their names in the newspapers the next day. There has been no fencing here and no instance has been cited by Mr. Datta.

Then, Sir, these statements of Mr. Datta, however inappropriate and irrelevant they may be, are useful in showing the wrong impression under which he is labouring, and I hope his other friends are not labouring under the same impression. As regards the distinctive functions of a supplementary and of cross-examination, I need not remind an experienced lawyer of my Honourable friend's standing that in cross-examination you are not limited to matters which have been brought out in examination-in-chief. I do not remind my Honourable friend of the authority which lays down that if the witness merely states his name and his age and is asked no further question, he can be cross-examined on all matters which are relevant in that case. What is the function of a supplementary? That is not cross-examination. A supplementary is permissible if it is wanted for elucidation of the answer which has been given, and only in that sense it is cross-examination, but not in the sense in which it is understood by him. He drew a vivid picture of Government Members getting terror-stricken when these questions in the shape of supplementaries are put to them. The nearest parallel which my friend could think of, when a supplementary is put by an Honourable Member from the opposite side to a Government Member, would be in his mind, a low horse-thief being cross-examined by Sir Edward Carson. It is nothing of the kind. We

have survived supplementaries and we shall certainly survive them, and shall have no occasion for fencing as we never had.

To Sir Muhammad Yamin Khan we are very thankful. In his long speech, he describes his yearning for the Congress Members who—according to some, I will not go into the merits of the thing—by being absent are guilty of breach of duty: yet we have from him that he agrees with five of the six sub-rules which we propose. That is a great comfort, because, after all, he is an elected Member; we have been told that the voice of the people is the voice of God: at least one of the 103 gods who are here has spoken for us to the extent of five-sixths. As regards his comments on sub-rule (6), I shall have to discuss sub-rule (6) on Sir Leslie Hudson's amendment and so I shall not take up the time of the House now, except to make a statement that with great respect to my Honourable friend, either he had not the time or the desire to understand that sub-rule. My friend, Mr. Lalchand Navalrai, is conspicuous by his absence at the moment, and so I leave him alone severely. I think there is nothing in the speech of Maulana Shaukat Ali, which needs a reply at this stage. I will not go into Sir Muhammad Yakub's statements about the absence of Congress Members, and so on, except that he has landed himself into this incongruous situation. He asserts that the absentees are guilty of gross dereliction of duty, and, having said that, he accuses the Government of having brought forward this matter when the House is not full: that is to say, if some people by reason of their breach of duty choose to keep away from the House—that is an assertion into the merits of which I am not going at all—then Government's duty is to wait until a sense of duty reappears in the absentees. I submit that is an incongruous situation. I think the same remark applies to my friend, Dr. Ziauddin's complaint of consulting an empty House and also no House can be regarded as empty so long as Dr. Ziauddin is here to give his advice.

I think the procedure we are now going to follow is that these amendments will be severally moved, and if that is so, I do not want to add anything to my speech now, because I shall have ample opportunity of discussing my points very soon. Once more I would like to state what I have said already that we are willing to accept the limit of five questions instead of three and we are equally willing to accept the suggestion of the right of withdrawal or of postponement of questions except that we are not agreeable that this right should be exercisable up to the end of the question hour. Subject to that, I do not think there is anything further which I need say just now.

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

"That the draft amendments to the Indian Legislative Rules, as reported by the Committee of the Assembly, be taken into consideration."

Dr. Ziauddin Ahmad: What about Sir Muhammad Yakub's amendment for postponement?

Mr. President (The Honourable Sir Abdur Rahim): It was only a suggestion: no motion has been moved. The question is:

"That the draft amendments to the Indian Legislative Rules, as reported by the Committee of the Assembly, be taken into consideration."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): (a) is merely consequential, is it not? Sub-rule (3). The Chair may say that these amendments have been discussed, more or less, though not perhaps fully.

Mr. Akhil Chandra Datta: Sir, I move:

"That the proposed sub-rule (3) be omitted."

On this question I have already made my general observations. I shall say only a word or two with regard to the remarks that have just fallen from the Honourable the Law Member. My case is that the real object of this sub-rule (3) is to stifle supplementary questions; and my further point is that the real object of this is to avoid inconvenient supplementary questions. The Honourable the Law Member has given us an assurance that the Members of the Government will survive these supplementary questions. No greater truth was ever uttered by the Treasury Benches. It is perfectly true that as long as the present Constitution continues, they will survive all supplementary questions, for the simple reason that they are not responsible to those gentlemen of the Legislature who are in the habit of putting supplementary questions. They are irresponsible and irremoveable. That is absolutely true. Of course, the witnesses in the box in the law Courts also do survive the cross-examination. . . . .

The Honourable Sir Nripendra Sircar: Not always.

Mr. Akhil Chandra Datta: Physically they do survive. I do not know what is my Honourable friend's experience: I have not heard of any witness in the box actually dying under cross examination . . . .

The Honourable Sir Nripendra Sircar: Imprisoned for perjury.

Mr. Akhil Chandra Datta: That is another matter. It is a question of surviving cross-examination. But I do know this, that although they do survive, sometimes they cut very sorry figures; they fret and fume. I do not know what is the experience and impression of the Honourable the Law Member, as to whether the Members of the Treasury Benches do cut sorry figures or not under supplementary questions . . . .

The Honourable Sir Nripendra Sircar: Emphatically no.

Mr. Akhil Chandra Datta: There may be an equally emphatic "no" to the Honourable the Law Member's assertion from this side of the House: it is "no" *versus* "no", and that does not improve the position. That does not improve anything. It is said that the object of supplementary questions is not cross-examination, but only elucidation of matters. Only, this elucidation requires a bit of cross-examination; and, therefore, directly or indirectly you must have cross-examination when you put supplementary questions. But one thing is very significant. I was talking of fencing on the part of Members of the Government Benches at the time of answering supplementary questions; and I am very glad to find that that statement of mine has not been repudiated by the Honourable the Law Member although he spoke with a great deal of heat, if not a great deal of passion also.

Now, Sir, as regards the question of restricting the number of questions to three, I should be very glad to know, except the analogy of the House of Commons, what is the basis on which that number three, four, or five is fixed. I don't want to pin the Government down to three, but I want to know what is the scientific basis on which this number three was once fixed and now altered to five. I should also like to know what should be the number fixed in view of the number of Members in the House of Commons and the number of Members here, and also in view of the number of working days in the House of Commons and the number of working days in our House. So that, before the exact number is fixed, I should like to have some idea of the basis on which the number is proposed. Sir, I move.

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

"That the proposed sub-rule (3) be omitted."

Dr. Ziauddin Ahmad: Sir, there are two points which I should like to mention in connection with this motion. The first is that it is not quite clear from the wording of the motion whether a Member can ask 6 questions every day, that is to say, on the day allotted for my questions, my 3 or 6 questions will always be there, or whether I will be restricted to a certain number. I should also like to know whether any further restrictions will be imposed on Members in regard to asking questions, or whether every Member will be at liberty to ask 3 questions every day, whether it relates to one particular Department or to all Departments; or if I have a fair number of questions relating to each Department, my turn will come every day. If this is so, then I cannot understand how you will be able to solve the difficulty we are already faced with. The same difficulty will be present then also; if I can ask many questions, then I shall monopolise three questions every day from the beginning to the end of the Session.

Then, the second point is that the Government suggested that the number should be restricted to 3 for each day, and they have now increased that number to five. I should like to know whether there is any basis or calculation on which they have fixed this number of 3 or 5. Is the number 3 selected, because it is a prime number, or 5 is selected because it is also a prime number or because we have five fingers on our hands, and that is why the number 5 is fixed? Or is there any scientific basis on which this number is fixed? Have they taken statistics, of the last 16 years? My basis was simple. I proposed 18, because if we followed the Parliamentary practice where 3 questions are allowed to every Member, in proportion to the number of Members here, I thought 18 would be a fair number, but the scientific basis on which you fix a certain number can only be obtained by taking statistics, which the Government never attempted. I should like to have an answer to these 2 questions, that is to say, whether I can ask three questions every day without restrictions, and how this number has been fixed. In the absence of complete information on these two points, I shall have no other alternative but to support the motion made by the Deputy President.

Sir Muhammad Yakub: Sir, the defects in the present rules have been pointed by me and by other speakers as well. Now, if any amendments are to be moved, and if any improvement is to be effected, then we must

[Sir Muhammad Yakub.]

restrict the number of questions which a Member should be entitled to put every day, and unless we can debar Members from putting numberless questions every day, no improvement in the rules can be made. Therefore, I oppose the amendment which has been moved by my friend, Mr. Akhil Chandra Datta.

Mr. Lalchand Navalrai: Sir, I support this motion. I have already given my arguments.

The Honourable Sir Nripendra Sircar: Sir, my Honourable friend, Mr. Lalchand Navalrai, has made the briefest speech I have ever heard. (Laughter.) I shall merely follow his example, and say that I oppose the motion.

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

"That the proposed sub-rule (3) be omitted."

The motion was negatived.

Mr. Akhil Chandra Datta: Sir, I move:

"That for the proposed sub-rule (3) the following be substituted :

'(3) Maximum number of questions asked by a single member for oral answers shall be limited to 200 in the budget session and 100 in the autumn session :

Provided that when all such questions have been answered before the close of the session and no questions remain, the President may permit any member who has already exhausted his quota of questions for oral answer to ask more questions during the remaining days of the session subject to the conditions laid down in the standing orders'."

Sir, the last amendment having been negatived, the verdict of the House should be taken to be that some limit in the number should be placed on the asking of questions. The question then arises what should be the form of the limitation,—that is to say, whether we should limit the number for one particular day or for the entire Session. As between these two, I feel that the course suggested in my amendment is the better one to adopt. That does not bring in any complications in our present system. Only the total number is restricted. I am not particular about the precise number I have suggested in the amendment, it may be 200 or it may be 150.

Sir Muhammad Yamin Khan: Or it may be even 20?

Mr. Akhil Chandra Datta: There is a lot of difference between 200 and 20.

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

"That for the proposed sub-rule (3) the following be substituted :

'(3) Maximum number of questions asked by a single member for oral answers shall be limited to 200 in the budget session and 100 in the autumn session :

Provided that when all such questions have been answered before the close of the session and no questions remain, the President may permit any member who has already exhausted his quota of questions for oral answer to ask more questions during the remaining days of the session subject to the conditions laid down in the standing orders'."

Mr. Lalchand Navalrai: Sir, this is a lesser evil, and I support the motion.

Dr. Ziauddin Ahmad: Sir, there is a very important point underlying this particular motion, and I should like to mention it. This motion is not so good as far as the quantity is concerned, as the motion which the Government have accepted, namely, that they would agree to 5 questions a day, because usually in this Session of 11 weeks we have about 50 working days, and if we are given 5 questions a day, then it means that every Member is authorised in theory to ask 250 questions but these 250 questions should cover all the Departments of the Government of India. But the principle underlying this motion is rather an important one, because many Members want to specialise in one particular subject. If I have a right to ask 250 questions, I shall not have the desire to spend all my energy and time to all the Departments, but I shall conserve all my energy to one or two Departments in which I am most interested. So instead of distributing three questions to each Department, I shall be able to concentrate all my time and energy on special Departments. Instead of asking questions on matters about which I know nothing, I will concentrate myself to a few Departments. Therefore, I think, instead of fixing the quota for each day, we should fix the quota for the entire Session, because, then, it will afford an opportunity to every Member to specialise himself in the subjects in which he is most interested, and Members will not dissipate their energies and time in asking questions about all kinds of things about which they know nothing, but probably somebody gave them certain questions and which they merely initialled. So, I think if we give a quota, it will give an opportunity to Members to specialise in subjects, and our work will become more efficient. With these reasons, I support the motion.

The Honourable Sir Nripendra Sircar: I oppose this amendment.

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

"That for the proposed sub-rule (3) the following be substituted :

'(3) Maximum number of questions asked by a single member for oral answers shall be limited to 200 in the budget session and 100 in the autumn session :

Provided that when all such questions have been answered before the close of the session and no questions remain, the President may permit any member who has already exhausted his quota of questions for oral answer to ask more questions during the remaining days of the session subject to the conditions laid down in the standing orders'."

The motion was negatived.

Mr. Akhil Chandra Datta: Sir, I move:

"That in the proposed sub-rule (3) for the word 'three' the word 'twelve' be substituted."

I only wish to make one small remark. We are only fixing the maximum. It does not follow because the maximum is twelve, therefore all the Members of this House will put twelve questions. As a matter of fact, many Members do not put one single question in the whole Session. There are some Members who are industrious and the maximum is required only for those Members. This is not mandatory; it is only giving the maximum number. In that view of the matter I do submit that twelve should be the number. As a matter of fact, in the first instance the number was limited to eight in the House of Commons. Sir, I move.

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

"That in the proposed sub-rule (3) for the word 'three' the word 'twelve' be substituted."

Mr. Lalchand Navalrai: I thought that the Honourable the Deputy President would have profited by seeing what is going on in the House, and I thought that he would not move any of the amendments or give any opinion at all. I give no opinion on this.

Dr. Ziauddin Ahmad: I know that this is not a Bill which we are discussing. This is really a matter which concerns the Governor General in Council to take action. We are merely giving an expression of our opinion.

Mr. Lalchand Navalrai: Give no opinion. It is useless to give it here in this House.

Dr. Ziauddin Ahmad: When they ask our opinion, we give it freely. We said clearly that we wanted a postponement and pointed out our difficulties. Really speaking, whenever any number is proposed, whether it is twelve or something else, we should like to know what is the argument behind it. If Government give their arguments as to why they choose a particular number, then we will suggest another number and give our reasons for it. Either they say, "All right. What is your opinion? Should there be restriction or not?" We give our opinion whether restriction should or should not be made. If the Government ask, "If restriction, what restriction?" Then we give an expression of our opinion and give our reasons. Here they want to do such and such a thing and ask us to give them our blessings. There is no question of expression of opinion, but what they want is our blessing. Government have given no reasons. We do not know what their reasons are for a particular number. They have not attained at the numbers by statistical consideration. We have placed our difficulties before them, but they have not appreciated even a single one of our difficulties, that is how the whole thing is going on and will go on. In this case one number is as good as the other. Government have given no reason for their three, and Mr. Datta is not required to give reasons for 12. If there is any scientific reason behind the number, it should be eighteen, that is, six times three—the House of Commons has six times the number of this House.

An Honourable Member: Your amendment is six.

Dr. Ziauddin Ahmad: I will give my reason when that is reached. With these remarks, I take my seat.

The Honourable Sir Nripendra Sircar: Sir, I oppose this amendment. There is no mathematical or scientific formula by which the figure can be arrived at. One has got to judge according to the best of one's lights, nor is there any chemical balance in which the thing can be weighed. (Laughter.)

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

"That in the proposed sub-rule (3) for the word 'three' the word 'twelve' be substituted."

The motion was negatived.

Mr. Akhil Chandra Datta: Sir, I move:

"That in the proposed sub-rule (3) for the word 'three' the word 'eight' be substituted."

My Honourable friend, Mr. Lalchand Navalrai, advised me not to move any more amendment. It is obviously a counsel of despair due obviously to a feeling of disgust.

Mr. Lalchand Navalrai: I do not think there is any other go but be in despair.

Mr. Akhil Chandra Datta: In that view of the matter, there should not have been any discussion in this House today. We know the fate of these discussions and the fate of all these amendments. There are no Members on this side of the House and we know the attitude of the Government. Therefore, all discussion is futile, but we must remember that a motion being carried here or negatived today on this matter has got no binding effect; it is merely a suggestion made or opinion expressed by the House. And who knows that when all these opinions are forwarded to the Secretary of State for India, better counsels may possibly prevail and it is only in that hope that we are expressing our opinions. Sir, I move.

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

"That in the proposed sub-rule (3) for the word 'three' the word 'eight' be substituted."

The Honourable Sir Nripendra Sircar: I oppose this amendment. I do not know why my Honourable friend, Mr. Akhil Chandra Datta, referred again to the fact of all the Members not being present. The Congress Party are not here, but as regards my Honourable friend's Party he is here, Sardar Sant Singh has been attending. Mr. Chunder attended here yesterday, Pandit Lakshmi Kanta Maitra and Mr. Som may be sometimes found in the lobbies here, and Dr. Banerjea attended here for two days. Therefore, my Honourable friend need not bring out that fact knowing that the whole of his Party can attend if they like.

Mr. President (The Honourable Sir Abdur Rahim): What about the amendment?

An Honourable Member: He is not opposing.

The Honourable Sir Nripendra Sircar: I oppose it. I started my speech by saying that I oppose the amendment. You can consult the shorthand notes.

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

"That in the proposed sub-rule (3) for the word 'three' the word 'eight' be substituted."

The motion was negatived.

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

"That in the proposed sub-rule (3) for the word 'three' the word 'six' be substituted."

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

"That in the proposed sub-rule (3) for the word 'three' the word 'six' be substituted."

Mr. Akhil Chandra Datta: I have one observation to make by way of personal explanation. When I referred to the empty benches, I may assure him that I was not referring at all to the responsibility of any Party. I was only replying to my Honourable friend, Mr. Lalchand Navalrai, when he said that it was useless to move these amendments in the absence of the Honourable Members on this side of the House. That was my only object and not to reopen the question.

The Honourable Sir Nripendra Sircar: I oppose the amendment. As regards the explanation of my Honourable friend, Mr. Akhil Chandra Datta, in his last statement, I fully accept what he says. My only disappointment is that my Honourable friend, Dr. Ziauddin Ahmad, has not given us the scientific or mathematical formula by which he arrived at the figure six. (Laughter.)

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

"That in the proposed sub-rule (3) for the word 'three' the word 'six' be substituted."

The motion was negatived.

Mr. F. E. James (Madras: European): I beg to move:

"That in the proposed sub-rule (3), for the word 'three' the word 'five' be substituted."

I understand that the Government are going to be good enough to accept this amendment. I, therefore, do not feel called upon to justify the choice of the number 5, except to remind the House that this number has the peculiarly weighty support of Sir Muhammad Yakub.

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

"That in the proposed sub-rule (3), for the word 'three' the word 'five' be substituted."

Dr. Ziauddin Ahmad: My reasons for pressing the number 6 are the same as the reasons which weigh with the Government in accepting 5, perhaps with this difference that 5 is a prime number and 6 is a composite number. He loves 5, I love 6. That is the only argument that I can think of.

The Honourable Sir Nripendra Sircar: I said in my speech this morning, and I adhere to it, that I accept the amendment of Mr. James which suggests the number. I am not now called upon to show cause why six is not acceptable, nor do I think that it is a particularly unlucky number.

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

"That in the proposed sub-rule (3), for the word 'three' the word 'five' be substituted."

The motion was adopted.

Dr. Ziauddin Ahmad: Sir, I move:

"That after the proposed sub-rule (4) the following be added :

'(5) The number of questions allotted for each day shall be determined by the President in the manner to ensure that full one hour is occupied by questions'."

I had very grave doubts as to the underlying idea in the whole motion and I have apprehension that the time allotted for the questions, which is one hour at present, may not be curtailed. Therefore, I think that this should be explicitly mentioned in the rules—that the time allotted for the questions will be one hour, because there may be something here which might be misunderstood. We do not know in whose hands the allotment of the number of questions will be and the questions may be so allotted that the question time of one hour may be curtailed. In order to make the position explicit, I have moved my amendment.

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

"That after the proposed sub-rule (4) the following be added :

'(5) The number of questions allotted for each day shall be determined by the President in the manner to ensure that full one hour is occupied by questions'."

As the President is brought in here, the Chair would like to enquire of the Honourable Member in what way he expects the President to fulfil this duty?

Dr. Ziauddin Ahmad: I pointed out in the course of my speech earlier that this is a responsibility which is really impossible to be discharged by any person.

Mr. President (The Honourable Sir Abdur Rahim): Is that why the Honourable Member is moving this amendment?

Dr. Ziauddin Ahmad: You are in the best position to judge. If it is done by the office, they will be subject to blame and we cannot discharge it ourselves. If you ask us to put down a particular number of questions per day, then naturally I will expect that I should be told how many questions have already been put down for that particular day, so that I may know whether I should put down my questions for that particular day or some other day. For example, some Department may not be able to have sufficient number of questions, such as the Foreign and Political Department, on account of the restrictions imposed on us about asking questions relating to these Departments.

Mr. President (The Honourable Sir Abdur Rahim): The Chair simply wanted to know from the Honourable Member how he expects the President to discharge this duty. The Honourable Member has given the reason, that it is impossible.

The Honourable Sir Nripendra Sircar (Law Member): As the Honourable Member has explained, this will be throwing upon the Chair a duty which it cannot carry out. Under the rules which we propose, to frame the number of questions will not depend upon the President. That will depend on what days are chosen, how many Members put down questions.

[Sir Nripendra Sircar.]

That will depend upon their discretion and judgment. They will have to watch the notice board, and see how many questions have been put. Whatever it is, under our scheme no burden is thrown on the President. I oppose the amendment.

Dr. Ziauddin Ahmad: Then on whom will this burden fall, for allowing time for each department.

The Honourable Sir Nripendra Sircar: It will be the duty of the Member to choose his appropriate day.

Dr. Ziauddin Ahmad: And the allocation of the different departments?

The Honourable Sir Nripendra Sircar: That will, of course, be notified by the President—the dates.

Mr. President (The Honourable Sir Abdur Rahim): Before putting this question, the Chair would like to know this. Supposing notice has been given of 100 questions on one day, what will happen? Is it expected that all those questions will be answered or those that are not answered will be treated as unanswered questions and the answers will be laid on the table?

Mr. J. D. Anderson (Secretary, Legislative Department): This one hour is available for the answering of questions. If Honourable Members do not exercise good judgment in the selection of the day on which they put down their questions for answer, it will follow inevitably that they cannot expect to get all answers under this system. The balance of questions which do not receive an oral answer will be treated as unstarred and the written reply will be laid on the table of the House, unless they have exercised the right of postponement which also it is proposed to give to Members.

Mr. President (The Honourable Sir Abdur Rahim): Then, does the Chair understand that the Honourable Members will have sufficient notice so that they might be in a position to know whether they should give any further notice or not?

Mr. J. D. Anderson: It is expected that the notices will be posted in the notice board, so that any Honourable Member can ascertain how many notices have been put down for a particular day. That, Sir, is the way in which I regard the position, *viz.*, that there will be a notice board and that Honourable Members will be able to see what other Members have put down questions before them.

Mr. President (The Honourable Sir Abdur Rahim): It is very difficult for the Chair to express any opinion at present. The Chair takes it that it will be made practicable for Honourable Members to know in time whether there are a sufficient number of questions which can be expected to be answered on any particular day.

Dr. Ziauddin Ahmad: Will Government allow travelling allowance to Members if they only come to the Assembly Office to see the notice board?

Mr. President (The Honourable Sir Abdur Rahim): That does not arise out of this question.

The question is:

"That after the proposed sub-rule (4) the following be added:

'(5) The number of questions allotted for each day shall be determined by the President in the manner to ensure that full one hour is occupied by questions'."

The motion was negatived.

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

"That the proposed sub-rule (5) be omitted."

Sir, my reasons are the same which have just been pointed out in connection with my previous motion. The moment this system is started that a notice board will be fixed in the Assembly, not only the number of questions but the full text of the questions should be given in the notice board because without full text of the questions I cannot find out whether a supplementary question is likely or is not likely to be asked and how many supplementary questions will be asked. If the notice board is to be put in which it is mentioned that such and such Members have given notice of such and such questions, then I must come and see the notice board every morning before I can put a question. Now, so far, it is simple when the Assembly is in Session; I put a certain question and you said that it was out of order at that moment, but it is certainly in order now when I ask what would happen when the Assembly is not in Session? People begin to send their questions immediately after the adjournment of the House, and then how would Members know, when they are at different places, how many questions have already been asked for a particular date? So if I begin to send a question say a month before the Assembly is in Session, I will be entirely in the dark and the office will return it to me saying, "you have not fixed the date on which this question is to be asked". On this particular plea, all these questions will be sent back. Then we will be in a very difficult position. We will have to fix the date on which our questions are to be asked, and we will not know how many questions have already been put down for a particular date. It is all right in the House of Commons where every Member from any corner of England can come to London in a few hours' time but in India it takes days and days for letters to come from one's constituencies to the headquarters of the Central Government and therefore this is not a practical proposition here,—and certainly not a practical proposition when the Assembly is not in Session. It may be suitable for a small island like Great Britain but it is not suited to a vast continent like India where we have to travel long distances, where a letter takes several days to reach the destination, and therefore this particular system which our Front Treasury Benches have devised is absolutely impracticable to work in this country. It may be possible to work it during the Session and even then not without difficulty but it is quite impracticable when the Assembly is not in Session. I should like to know very definitely whether if I send a question from my constituence and without mentioning the date, will that question be admitted or

[Dr. Ziauddin Ahmad.]

not by the Secretary, or will he return it to me? Naturally, I shall expect that information should be sent to me every day as to what are the available dates on which I can put my particular question. Sir, it would be exceedingly difficult to work, and I should like the Members on the Treasury Benches who are responsible for these amendments to visualize in their minds the entire position and to explain to the House how it will work. You are going to ask our opinion but you have given absolutely no reasons as to why you are making these drastic changes, and what is the justification for that, when we have shown that it is impossible to work.

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

"That the proposed sub-rule (5) be omitted."

Sir Muhammad Yakub: Sir, the provisions laid down in this section are really very complicated and very difficult and if these rules are intended to serve as a guide for the new provincial Assemblies, I think it is incumbent upon the Government to explain in detail how these rules will work. Of course these rules will be worked in this Assembly only for a year or so. It is said that these rules are intended really to serve as specimen or model rules for the new provincial Assemblies, and if this is the reason why these rules are being amended and placed before the House at this time, then I would like the Honourable the Law Member to explain fully what is meant by this sub-section, and how it will work in practice, particularly as Dr. Ziauddin Ahmad has pointed out that Members send in notices of questions long before the date for the next Session of the Assembly is fixed; and he should also tell us how many days before the Session begins, they will inform Members what days they have allotted to the different Departments. The whole of this is very complicated, it will place Members, as well as the office and the President, in a great difficulty, and I think the Honourable the Law Member owes it to this House, as well as to the provincial Assemblies, to give us a full explanation of what is in his mind and how this rule will be worked.

Mr. Akhil Chandra Datta: Sir, I support this motion. I object to this sub-rule (5) and my grounds are these. In the first place, there is a double limitation. My second reason is that there is no such rule in the House of Commons. There, the difficulties are less because in the House of Commons one day's notice is necessary, and in the second place notice is to be given during the sitting of Parliament. In spite of this facility there is no such rule in the House of Commons. It is, after all, a matter of untried experiment, and we do not know where we are going. Nobody can visualize the consequences. It may be a leap in the dark. The real object of this change may even now be achieved under our Standing Orders. There is already a provision in our Rules and Standing Orders in which that object can be achieved. I refer to Standing Orders No. 17 and 18. Standing Order 18 says:

"Questions shall be put and answers given in such manner as the President may, in his discretion, determine."

So, if required, the President may arrange the business in the manner suggested in this sub-rule calling a particular Department for any particular date or a group of Departments for a particular date. That power

is already given to the President under Standing Order No. 18. Then, there is the other Standing Order, No. 17, which lays down:

"Questions, which have not been disallowed, shall be entered in the list of questions for the day, and shall be called, if the time made available for questions permits, in the order in which they stand in the list before any other business is entered upon at the meeting."

4 P.M. There are two clauses in this Standing Order. In the first place, how the questions are to be entered in the list and, secondly, how the questions are to be called. As regards the order in which questions are to be called, the rule is obligatory and the President must call them in the order in which they stand in the list. But as to how questions should be entered in the list, there is absolute discretion in the President. With regard to this particular rule that we are now discussing, I think even now the President can allocate particular days for particular questions if he deems it necessary. There is nothing to prevent him from doing this under the Standing Orders. Therefore, instead of tying the hands of the President by this rule, he can take advantage of the rules already in force. One fact has emerged from the discussion, namely, the possible result of the working of these rules. It is just possible that the work of the office may be awfully increased. I have no idea myself to what extent the work of the office will be increased, but there can be no doubt that the work will be increased, and I do not know whether it will be necessary to increase the staff or whether the present staff can cope with the work. That is, however, a matter with which we are not directly concerned, but I only suggest that it may be one of the matters which should be taken into consideration in connection with this rule. Sir, I support this amendment and oppose sub-rule (5).

The Honourable Sir Nripendra Sircar: Sir, I think it is my duty to answer the questions which have been put by Sir Muhammad Yakub. I confess I have never been inside the House of Parliament and followed the system of questions and answers, but judging from the information received and from books it happens in the House of Commons that, as a matter of fact, days are announced for the different Departments. One misapprehension which ought to be cleared up is this. Under this rule, there will be nothing to prevent the President, if he so chooses, to fix more than one Department for one day. The President's hands are not tied in this respect at all. The only difficulty which has been pointed out during the discussions on the Select Committee and also in the House, is that, of a Member choosing a wrong date—a wrong date in the sense that it turns out to be a date on which his question has little prospect of being orally answered. This will, I submit, be met by the common parliamentary practice, namely, allowing him to postpone the question if he finds that he has made a mistake in choosing a suitable date. That is all I have got to say.

Mr. President (The Honourable Sir Abdur Rahim): Before putting the question, the Chair would like one matter to be cleared up. The question was asked whether it will be possible for Members to give notice of their questions, say, a fortnight or three weeks or a month, in advance of the Session as is the practice at present. If so, how will that work?

The Honourable Sir Nripendra Sircar: A Member can give notice 15 days or 25 days or 30 days ahead of the Session, but there are two limitations. In the first place, he must mention some date for his question.

Mr. President (The Honourable Sir Abdur Rahim): Should he mention the Department as well?

The Honourable Sir Nripendra Sircar: He has got to address the question to some person. That will depend on the President declaring the days for the Department.

Mr. President (The Honourable Sir Abdur Rahim): Must that be declared beforehand?

The Honourable Sir Nripendra Sircar: Yes, Sir, unless you do that beforehand, office may not know what Department will have to answer questions. As long as the President has stated well in advance that these are going to be the days for these Departments, there is nothing, as I said, to prevent the two Departments being put on the same date, and, if necessary, even more. However, some date is to be mentioned as the date on which the answer is required. In that case, there will be no difficulty. If the Honourable Member, when he turns up here after 35 days, finds that, as a matter of fact, his question has little chance of receiving an oral reply and runs the risk of getting unstarred, then he can exercise his right of postponement and to say that a particular question should not be answered that day.

Mr. President (The Honourable Sir Abdur Rahim): Then, the Chair understands that there will be no practical difficulty in the way of Members giving notice of questions well in advance, say three weeks or four weeks, as is the case at present.

Dr. Ziauddin Ahmad: Will the Members know beforehand how many questions are already asked on a particular day?

Mr. President (The Honourable Sir Abdur Rahim): Not until the notice board is put up.

Mr. F. E. James: How many days before the commencement of the Session will the information as to the number of questions asked on the first five days be placed upon the notice board?

The Honourable Sir Nripendra Sircar: That will depend on the President and not on the Government.

Mr. President (The Honourable Sir Abdur Rahim): The Chair understands Government want five days' notice. In that case the notice board cannot be put more than five days before the commencement of the Session.

Dr. Ziauddin Ahmad: Suppose I give notice of a question a month ahead of the Session, how do I know that a particular day is free or not and how many questions are already tabled for that particular day, unless I get daily statistics from the office?

Sir Muhammad Yakub: How many days before the commencement of the Session will the President or the Government decide on what day each Department is going to answer certain questions? These are all very difficult and pertinent matters.

The Honourable Sir Nripendra Sircar: That is a matter really for the President to declare. It can be declared a fortnight ahead as to what dates he will choose for different Departments.

Mr. President (The Honourable Sir Abdur Rahim): He may declare it even earlier than a fortnight.

Sir Muhammad Yakub: In that case, the President will send this information to the Members at their home addresses, because they cannot be required to come here one month before the Session begins.

The Honourable Sir Nripendra Sircar: Yes.

The Honourable Sir James Grigg (Finance Member): I can throw a little light on this matter from the practice followed in the House of Commons. There is a definite order which is perfectly well known and which is maintained unchanged for long periods and which has gone on from Session after Session. If any alterations are made in this order, they are made by arrangement between the various Parties concerned and Mr. Speaker, and that is announced. But, subject to those very rare changes, the order of Departments for each day is perfectly well known. So, once you have made your announcement, that announcement, if the English practice is followed, will remain unchanged possibly for years on end.

Dr. Ziauddin Ahmad: But my Honourable friend is forgetting that in India all the Muslim and Hindu festivals are regulated by lunar months, not by solar months as in Europe where they know definitely on what particular day a holiday falls. In some cases, we do not know even three days ahead whether a particular day will or will not be a holiday. Definite fixtures in places where lunar months do not come into consideration cannot hold good in this country.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable the Finance Member might also inform the House whether it is the practice in the House of Commons to give notice of questions long before the commencement of a Session.

The Honourable Sir James Grigg: No, Sir, not at all. Notice must be given during the sitting of the House and I think at least 48 hours before the question is put down for answer.

Mr. President (The Honourable Sir Abdur Rahim): Is it the desire of Government to reproduce that practice here?

The Honourable Sir James Grigg: I gather from the Honourable the Law Member that there is no desire on the part of Government to restrict the right of Members to put down questions when the House is not sitting.

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

"That the proposed sub-rule (5) be omitted."

The motion was negatived.

Mr. Akhil Chandra Datta: Sir, I beg to move:

"That in the proposed sub-rule (5), the words 'in rotation', occurring in the second line, be omitted."

Sir, the last amendment having been negatived, this amendment seeks to take away the sting from that amendment. The object of this amendment is not to tie down the hands of the President, but leave him sufficient discretion. If he finds it necessary, he may not stick to rotation, if the circumstances of a particular day so require. Therefore, I suggest the omission of the words 'in rotation'. Sir, I move.

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

"That in the proposed sub-rule (5), the words 'in rotation', occurring in the second line, be omitted."

Dr. Ziauddin Ahmad: Sir, may I know from the Honourable the Mover of the Motion what is the force of the words 'in rotation' because I am not really in a position either to support this amendment or oppose it unless I know exactly what it means. Does the expression 'in rotation' mean that you will always have the first day for this department, the second day for a second department, the third day for a third department and so on. What is the idea underlying these words 'in rotation'?

Mr. J. D. Anderson: Sir, the purpose of the words "in rotation" is only to enable Honourable Members to have a fair chance of questioning every department. If there is no provision of that kind, then the distribution of the time for the different Departments is an arbitrary one and that surely is objectionable. The President will naturally have to group certain Departments together on different days.

Dr. Ziauddin Ahmad: I do not understand this. Does he mean to say that on Monday questions will relate to such and such a department, on Tuesday, the questions will relate to such and such department and so on, or they will be in rotation, say, first Home Department, then a second Department, then a third Department and so on on one and the same day. What is contemplated by this expression 'in rotation'.

Mr. J. D. Anderson: A number of rosters with different orders in order that every Department should have its chance.

Dr. Ziauddin Ahmad: Irrespective of the day.

Mr. J. D. Anderson: Irrespective of the day. It will not be possible to have Mondays always to the same group.

Mr. Akhil Chandra Datta: One result of this rotation will possibly be that some days will be altogether lost to us. Supposing a certain day is fixed for a particular department when it so happens that there will be no questions at all relating to that Department. The result will be that the day will be lost.

The Honourable Sir Nripendra Sircar: Then you may pass on to the next Department.

Mr. Akhil Chandra Datta: It has already been decided that only particular departments will have to answer questions on that day. A new department cannot be brought in.

Mr. President (The Honourable Sir Abdur Rahim): A whole day need not be allotted for one Department, as the Chair understands.

Mr. Akhil Chandra Datta: For that matter, supposing three departments are fixed for a particular day, and supposing on a particular day there are no questions relating to any of those three departments, what will happen? In that case the whole day will be lost. Under this system of rotation a new department cannot be brought in for that day.

Mr. J. D. Anderson: That really depends on the arrangement of the Departments by the President. His experience will I think almost certainly prevent any such catastrophe.

Sir Muhammad Yakub: It is placing too much reliance on the experience of the President.

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

"That in the proposed sub-rule (5), the words 'in rotation', occurring in the second line, be omitted."

The motion was negatived.

Mr. Akhil Chandra Datta: Sir, I beg to move:

"That in the proposed sub-rule (5), the words 'unless the President with the consent of the member of the Government to whose department the question relates' be omitted."

I want to have the discretion of the Department to agree or not agree omitted.

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

"That in the proposed sub-rule (5), the words 'unless the President with the consent of the member of the Government to whose department the question relates' be omitted."

Dr. Ziauddin Ahmad: I do not want to oppose this motion, but I want to understand one point. Supposing a Member of the Government decides that on a particular day a question relating to his department should not be asked, what will happen? Will that question be left over?

The Honourable Sir Nripendra Sircar: He cannot do it. If this amendment is accepted, it will really prevent short notice questions being answered. We cannot waive all these rules except in the case of short notice questions which are answered at once. That will be prevented if this amendment is accepted. Sir, I oppose the amendment.

Mr. President (The Honourable Sir Abdur Rahim): Then, this provision is intended to cover short notice questions.

Mr. N. M. Joshi: May I ask whether this means that short notice questions can be asked on any day about any department?

The Honourable Sir Nripendra Sircar: Yes.

Mr. Akhil Chandra Datta: In that view of the matter, I beg leave of the House to withdraw the amendment.

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

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

"That the proposed sub-rule (6) be omitted."

Sir, you have seen how reasonable this House is. Whenever we find that there is reasonable argument from the Government Benches, we immediately accept them and withdraw our opposition. So, if any good suggestion comes and any satisfactory explanation is given, then we would accept at once. But the difficulty is this. If we are asked to swallow flies, we can do so, but now we are called upon to swallow buffaloes, elephants and camels. Our stomach is not strong enough to swallow them. This sub-clause 6 is really the crucial point of our objection. Of course we are not in love with the previous clauses but we are definitely opposed to this particular clause because this aims at the curtailment of the privileges of Members to ask supplementary questions. The intention of this clause is that if any question is left over, that should be treated as an unstarred question and the answer may be sent to the Member's rooms or printed in the report. To that an amendment is made and we have got the additional advantage of repeating the same questions again as if they were fresh questions and fresh notice is given on that particular day. In that case I do not visualise how the fresh notice will work. because while a man is sitting in his room he will not know whether those questions will be reached within the allotted time, and about 50 minutes past 11 he realises that his questions are not likely to come up and he must give fresh notice. Immediately he must first rush to the notice board and see what date is available, and by the time he has examined the notice board it is 12 o'clock and he has not been able. . . .

Mr. N. M. Joshi: You must withdraw before the day begins, *i.e.*, before 11 o'clock.

Dr. Ziauddin Ahmad: The position is made still more difficult if the notice is to be given before 11 o'clock. The first question I will put to myself before 11 o'clock is, who are the Members that are likely to attend? Is Mr. Satyamurti, for instance, present today or not, and how many supplementary questions is he likely to put? I must first go to his house and ask him how many questions he is going to put, so that I may judge for myself whether my questions will be reached or not. That is the first thing and it will be. . . . .

Major Nawab Sir Ahmad Nawaz Khan (Nominated Non-Official): It would be easier for you to speak on the telephone to Mr. Satyamurti.

Dr. Ziauddin Ahmad: If Mr. Satyamurti has not got a telephone, will you supply him with one? The difficulty I am referring to is that I must foresee beforehand whether my particular questions would or would not be reached, and that is very difficult to judge, especially if it is on the border line. Suppose 60 questions are likely to be answered, and my question is No. 65 or No. 70, perhaps I can say at once that my question is not likely to be reached and I may be able to give fresh notice though I may be rather handicapped. I have disadvantage that my notice was given about a month earlier, and I am now pushed back by several weeks. That is one difficulty. But if my question is on the border line where I cannot judge then my difficulty is greater. It is impossible for me to judge beforehand, and I challenge anybody here to judge beforehand, whether question No. 48 would or would not be reached. About the first 40 questions one can safely say that they will be reached, but between 40 and 60 it is absolutely impossible to tell, with any degree of accuracy, whether they will be reached or not. If I calculate that my question will not be reached and give notice to postpone it for six weeks, and afterwards the question is reached, I will surely be very sorry for giving the notice. So, in a large number of cases, it will be impossible for any Member to judge whether that particular question would or would not be reached, and give notice in time either to take it up or postpone it. Then there is a difficulty to which the office will be exposed. If my question comes lower down in the list I will always blame the office for not giving me the correct information at the time I sent the question that so many questions had already been tabled for that particular day, so that I ought not to have tabled those particular questions for that day. Again a further difficulty would arise in my mind. Supposing I saw the notice board and I found that on Wednesday there were only 40 questions and I thought of taking a sporting chance and put my three questions for that particular day; they will be 41st to 43rd. But five other Members were on the same track and they also realised the same thing, and they sent their notices a few minutes earlier. So that instead of becoming 41st to 43rd, my questions really became 56th to 58th. In that case it will be a race between the notice board and the Assembly and to the office and it will always be a question of winning the race by going in first and giving notice first. That is, therefore, the great difficulty. Of course, if the question is not of much importance, it does not matter whether it is asked today or tomorrow. Now, our special privilege of asking supplementary questions is being taken away from us by these rules which the Government of India have no authority to frame. I made no secret of the fact that these rules are *ultra vires*, and I hope the Secretary of State will have more common sense and will not agree to the proposed amendments of rules which are submitted by the Government of India, because he will realise that they are impossible to work and that the difficulties will have to be faced by the non-officials and by the office. Sir, it is a privilege of the Members to ask supplementary questions and we do not like to support any motion by means of which this privilege is taken away, and we find that by these rules this privilege is sought to be taken away. These starred questions on which we can ask supplementaries will now be changed into unstarred questions, and the very object of asking questions is frustrated by this method. We know that the reply to original questions is stereotyped and can be interpreted in many ways, and we can only get the correct interpretation by asking supplementary questions. If this privilege is

[Dr. Ziauddin Ahmad.]

taken away, the answers will be meaningless and will not give the information which the Members putting them desire to obtain. So this is a very important thing and no elected Member who cares for his rights will agree to the curtailment of those rights. If the Government desire to make these rules without consulting us, they can do it; but they cannot expect us to support them in this. I must say clearly that this whole discussion is not according to the procedure laid down in the Manual of Business. We are following on a motion the same procedure which we usually follow in the case of Bills. They say that their only justification is that they gave an undertaking to consult this House. But consultation is different from taking votes on each motion and having a discussion as if it is a Bill, which is a quite different thing. This is not really consulting the opinion of Members. It is really just like the passing of a Bill—motion for consideration, discussion of clauses after reference to committee, and so on, for which though there may be precedent, still there is absolutely no provision in the Manual of Business. . . . . .

The Honourable Sir Nripendra Sircar: We have had this three times from you already, about this being *ultra vires* and so on.

Dr. Ziauddin Ahmad: This is a matter of privilege in which if I speak repeatedly and make hundred speeches, I cannot be blamed.

Mr. President (The Honourable Sir Abdur Rahim): But not a hundred repetitions of the same argument.

Dr. Ziauddin Ahmad: If questions are put down at the end of the list, Members will blame not themselves, but their informants. Suppose we put down a particular date after hearing from the office—say, on the 10th of December. On getting the information I give notice of certain questions for a particular date where there are fewer questions. But after giving me the information the office may possibly receive a series of notices for questions on that particular date and the office may not inform me—they may keep silent and then naturally I may have a grievance against the office for not having given the subsequent information to enable me to change the date. The difficulties that were expressed in connection with sub-rule (5) will be even more keenly felt in connection with this sub-rule by the elected Members that their right of putting supplementary questions is taken away from them. They would not mind if the questions are merely shelved and taken on on another day; but if it means changing from starred to unstarred, then you are taking away a privilege without sufficient justification and without sufficient reason. The whole of this motion is quite unjustifiable, uncalled for, unnecessary at this particular moment, and this last clause makes things still worse and much more objectionable to the opposition. No elected Member will ever agree to this. I move that the sub-clause be omitted.

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

"That the proposed sub-rule (6) be omitted."

Mr. Akhil Chandra Datta: Sir, this is the last rule that is brought forward at the tail of the list, and the sting is in the tail, because I do feel that of all the changes introduced, this is the most drastic change, a change of far-reaching character, depriving by one sweep the Members of the right of supplementary questions, because, under this sub-rule, a very large number of starred questions will be converted automatically into unstarred questions. Now, apart from the general objection, I have to add this: this rule is not acceptable to any particular group in this House, I mean the non-official groups. It is not acceptable to the European Group either, because I find they are not satisfied with the sub-rule as it stands and they want changes. As a matter of fact, the procedure in the House of Commons is quite different, there is no such rule or Standing Order in the House of Commons. . . . .

Mr. N. M. Joshi: What happens there?

Mr. Akhil Chandra Datta: There the Standing Order is this—the Standing Order which Mr. Griffiths was pointing out—[Standing Order 7(5)]:

"If any member does not distinguish his question by an asterisk, or if he or any other member deputed by him is not present to ask it, or if it is not reached by a quarter before four of the clock, the minister to whom it is addressed shall cause an answer to be printed in the Official Report of the Parliamentary Debates, unless the member has, before questions are disposed of, signified his desire to postpone the question."

I say that one portion of the rule has been adapted from the House of Commons, while another portion has been left out. Full advantage is sought to be taken of the Standing Order of the House of Commons without the corresponding disadvantage—that is the position. A further rule—which I am reading from May's Parliamentary Practice—is this:

"If more than the number of questions permitted appear on the paper, the excess is carried over to the next day."

That is the rule there. I shall not take up the time of the House by referring to the debates in the House of Commons—I have got many of them here—but it will be tiring and it will take up the time of the House. I will merely give the reference. House of Commons Debates, 1922—Vols. 74, 92 and 113. It appears that the question has been raised and decided by the Speaker in the House of Commons that if there is a question on the paper on a certain day and if it is not reached, then the procedure there is that the excess over the permitted quota is carried over to another day. All these rules are inter-related. If you adapt one, you have got to adapt the other also. But, unfortunately, so far as this sub-rule (6) now proposed here is concerned, it is neither the Indian system nor the House of Commons system; and I should think that we should not go beyond the experience of the House of Commons and put down a rule like this in an unqualified form.

Now, an amendment is proposed to be moved about postponing or withdrawing questions. That is a matter which will be discussed in due course when the amendment is moved, but as the rule stands, I certainly object to it, and I support the amendment.

Mr. Lalchand Navalrai: Sir, I think the House will have by now realised that as we have been going from one clause to another and from one amendment to another, the question is getting more and more complicated, and that it has become so confused that it is getting more and more confounded. I submit, Sir, that even the little rights that are left to Members of putting oral questions and getting replies would be taken away, if this clause were to be accepted and the amendment were rejected. The position at present is this. It is left to the will and discretion of the Member to submit his questions for oral answers or to agree to make them unstarred and get answers placed on the table. That is a right enjoyed by the Members. Now, the Government come forward and say that that right should also be taken away. The result will be this, that questions which are not reached on a particular day will be treated as unstarred questions. That would mean that the rights and privileges of Members to have questions answered orally would be quietly placed on the table of the House. Then, there will be another trouble to go through the answers to see whether they required any supplementary questions to be put as fresh questions, then to give notice of questions, and put the Honourable the President and his office to the trouble of finding out whether our questions should be admitted or not, and in the end the questions may again remain over on a particular day and become unstarred. Sir, I strongly oppose clause 6, and support the amendment.

Mr. M. Ghiasuddin (Punjab: Landholders): Sir, in the absence of so many Honourable Members from their places, the duty of those who remain here is enhanced very much. At present we have a threefold duty. There is, of course, the general duty to our electorate, then there is a duty to our successors or those who will follow us in our constituencies and who may be elected to this House, and thirdly we owe a duty to our absent colleagues, because when they return and find that their rights and privileges have been encroached upon or curtailed and that no protest had been made by those elected Members who were present here, we should be answerable to them. Sir, my personal position is a very unenviable one. Being the solitary representative of rather an important party in this House, I think I cannot remain silent when the privileges of the elected Members are being encroached upon and their rights are being taken away. So, Sir, I join in the protest that is being made by all parts of the House, and I think that this right is being taken against the wishes of the elected Members of this House. Therefore, I support the amendment moved by my Honourable friend, Dr. Ziauddin Ahmad.

The Honourable Sir Nripendra Sircar: Sir, most of the objections which have been raised are not really worth answering, for the reason that Honourable Members have proceeded on the footing that the Government are opposed to give any right of postponing the questions to Members. But I made it perfectly clear that however the rule might have been drafted, we would accept the situation, subject to the slight change in Sir Leslie Hudson's amendment which we can discuss when it is moved . . . . .

Mr. F. E. James: Am I to understand that though there is nothing on the order paper now, Government will in fact make an amendment to the present rules which would give the right to postpone the question at any time before the opening of the Session on a particular day? Is that the idea?

The Honourable Sir Nripendra Sircar: May I answer that question, Sir? My position will be made perfectly clear if I ask my friend to look to the terms of the amendment which stands in the name of himself, Mr. Chapman-Mortimer and Sir Leslie Hudson. The amendment is "and the member asking the question has not before questions are disposed of signified his desire to postpone the question". What we propose to consider is to substitute for the words "before questions are disposed of", the words "before the sitting of the Assembly on the date concerned". I am not giving the exact language, but that is what is in my mind, and that, I think, I made clear in my speech.

Then, Sir, a charge is made that the rights and privileges of Members of asking supplementaries are being taken away. I submit there is nothing in that charge. Of course, if we were to dissociate ourselves from the idea contained in Sir Leslie Hudson's amendment, something might have been said, but as I have said, that point is met. No right of asking supplementary questions by any Member is being taken away. As regards what happens in the House of Commons, I shall satisfy myself by reading only four lines from May's Parliamentary Practice before I resume my seat. I read from page 245:

> "If a member does not distinguish his questions by an asterisk, or if he or any other member deputed by him is not present to ask it, or if it is not reached by a quarter to four o'clock, the minister to whom it is addressed causes an answer to be printed in the Official Report of the Parliamentary debates, unless the member has signified his desire to postpone the question before the interruption of questions at a quarter to four o'clock."

Therefore, Sir Leslie Hudson's amendment *plus* what we are proposing by rule 6 reproduces exactly the parliamentary practice. I shall make the point clear as to why we are not accepting the idea of following the parliamentary practice of the time of the withdrawal being extended up to the interruption of questions, because it will be here 12 o'clock instead of 4 o'clock, but in England also those questions which are not reached, unless they are postponed, become unstarred. That seems to be borne out by May's Parliamentary Practice . . . .

Mr. President (The Honourable Sir Abdur Rahim): What will be the position of such postponed questions, and will they be postponed to a particular date? How will they be arranged in order? What position will they occupy in the list of questions on the postponed date?

The Honourable Sir Nripendra Sircar: I presume, Sir, they follow the priority of notice.

Dr. Ziauddin Ahmad: Fresh notice?

The Honourable Sir Nripendra Sircar: I am not talking of postponed questions. Suppose notice is given of a question at 11 o'clock, and I want it to be postponed to the 5th of January. That will be taken as a fresh notice, only in the sense that we shall know on what date the question has to be answered.

Mr. A. deC. Williams (Government of India: Nominated Official): The intention was that the notice of postponement should not count as fresh notice, but that on the day the postponed question is put down, it takes rank after all questions of that day which are not postponed questions.

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

"That the proposed sub-rule (6) be omitted."

(After the division bell rang, a division having been demanded.)

Dr. Ziauddin Ahmad: Will you, Sir, take votes again on the motion as a whole?

Mr. President (The Honourable Sir Abdur Rahim): Let the Chair dispose of this question first. The question is:

"That the proposed sub-rule (6) be omitted."

The Assembly divided:

AYES—7.

Bhagchand Soni, Rai Bahadur Seth.	Maitra, Pandit Lakshmi Kanta.
Datta, Mr. Akhil Chandra.	Parma Nand, Bhai.
Ghiasuddin, Mr. M.	Ziauddin Ahmad, Dr.
Lalchand Navalrai, Mr.	

NOES—42.

Abdul Hamid, Khan Bahadur Sir.	Metcalfe, Sir Aubrey.
Ahmad Nawaz Khan, Major Nawab Sir.	Morgan, Mr. G.
Aikman, Mr. A.	Mukherjee, Rai Bahadur Sir Satya Charan.
Anderson, Mr. J. D.	Nagarkar, Mr. C. B.
Bajpai, Sir Girja Shankar.	Naydu, Diwan Bahadur B. V. Sri Hari Rao.
Bansidhar, Rai Sahib.	Noyce, The Honourable Sir Frank.
Bhide, Mr. V. S.	Parkinson, Mr. J. E.
Buss, Mr. L. C.	Rau, Sir Raghavendra.
Chanda, Mr. A. K.	Roy, Mr. S. N.
Chapman-Mortimer, Mr. T.	Sale, Mr. J. F.
Craik, The Honourable Sir Henry.	Scott, Mr. J. Ramsay.
Dalal, Dr. R. D.	Sher Muhammad Khan, Captain Sardar Sir.
DeSouza, Dr. F. X.	Sircar, The Honourable Sir Nripendra.
Griffiths, Mr. P. J.	Thorne, Mr. J. A.
Grigg, The Honourable Sir James.	Todd, Mr. A. H. A.
Hudson, Sir Leslie.	Tottenham, Mr. G. R. F.
James, Mr. F. E.	Verma, Rai Sahib Hira Lal.
Jawahar Singh, Sardar Bahadur Sardar Sir.	Williams, Mr. A. deC.
Lal Chand, Captain Rao Bahadur Chaudhri.	Witherington, Mr. C. H.
Lalit Chand, Thakur.	Zafrullah Khan, The Honourable Sir Muhammad.
Lloyd, Mr. A. H.	
Mehta, Mr. S. L.	

The motion was negatived.

Sir Leslie Hudson (Bombay: European): Sir, I beg to move:

"That in the proposed sub-rule (6), after the word 'day', where it occurs for the second time, the following be inserted:

'and the member asking the question has not before the questions are disposed of signified his desire to postpone the question'."

5 P.M. Sir, if the right to withdraw a question is not allowed up to the end of the question hour, it seems to me that the whole object of the proposed amendment falls to the ground. There are various occurrences in the House which at times lead, if I may use the

phrase, to waste of time during the question hour. There may be some temporary loss of control of temper which, as you, Sir, know, occasionally takes up considerable time in the House. There may be points of order raised which, as you know, have on many occasions taken up a great deal of question time. It will be quite impossible for a Member asking a question to know that such a waste of time was going to occur at question time. He could not possibly know before the question hour that that sort of thing was going to occur at question hour, and it does seem to me that the extension of the time for withdrawing questions until 12 o'clock is justified. Sir, it has already been pointed out that it is a very frequent occurrence that the answer to a question itself is of little value unless one is able to ask a supplementary question and where a question is pushed down to the end of the morning's list it becomes obvious to the Member who has put down a question that he cannot get an oral reply and I do think that this proviso should be allowed that he should be able to withdraw his question at any time during the question hour. Under these rules, considerable curtailment of the right of individual Members has been made, and I think that, if Government would see their way to agree to my amendment, it would be just and right.

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

"That in the proposed sub-rule (6), after the word 'day', where it occurs for the second time, the following be inserted :

'and the member asking the question has not before the questions are disposed of signified his desire to postpone the question'."

Mr. F. E. James: May I say just a word on this amendment? I should like to remind the Law Member that what we are suggesting now is the practice in the House of Commons. I am quite aware that it does not do to stick too closely to the analogy of the House of Commons, but we have moved this amendment on the basis that the real privilege we seek to safeguard is not the privilege of asking questions but the privilege of getting questions answered orally and that the difference between what the Law Member himself has proposed to accept and what we have down on the order paper here is a very material one and one to which we attach the greatest possible importance. I am quite prepared to admit that this may be abused. Almost any rule that you can lay down can be abused. On the other hand, the changes that are being made are so effective that we consider that it is essential—the individual Member feels more strongly on this than perhaps official Members do under the present system of things—that the right of the individual Member to get an oral answer to his question should be preserved and that it should not be interfered with to his detriment by circumstances over which he has no control and for which he may not in the least be responsible. I do ask the Honourable the Law Member to give the most careful consideration to this amendment of ours and to see whether he cannot at this moment accept it or, if he is prepared to think over it, postpone his final decision till tomorrow morning.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 9th February, 1937.

LEGISLATIVE ASSEMBLY.

Tuesday, 9th February, 1937.

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

MEMBERS SWORN:

Mr. Kenneth Grant Mitchell, C.I.E., M.L.A. (Government of India: Nominated Official); and

Mr. Kizhakkepat Ramunny Menon, M.L.A. (Madras: Nominated Official).

QUESTIONS AND ANSWERS.

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PROVISION OF DAILY DELIVERIES AND OPENING OF RURAL POST OFFICES IN THE GUNTUR AND NELLORE DISTRICTS.

382. ***Prof. N. G. Ranga:** Will Government be pleased to state if it is not a fact that the villages of upland Taluks of the Guntur and Nellore Districts are provided with only two deliveries a week and that no new post offices have been opened therein since 1935 and, if so, whether they are prepared to consider the advisability of taking early steps to provide daily deliveries at least to the important villages, having a population of at least 2,000 each, and of opening new rural post offices?

The Honourable Sir Frank Noyce: An inquiry is being made and a reply will be placed on the table of the House in due course.

Mr. N. M. Joshi: May I put question No. 383 standing in the name of Prof. Ranga, Sir?

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member been authorised?

Mr. N. M. Joshi: No, Sir, but I am specially interested in it, and I am asking for your special leave.

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

APPLICABILITY OF THE PAYMENT OF WAGES ACT TO BURMA.

383. ***Mr. N. M. Joshi** (on behalf of Prof. N. G. Ranga): Will Government be pleased to state:

(a) whether the Payment of Wages Act has been made applicable to Burma; and

†This question was withdrawn by the questioner.

(b) if not, whether they are prepared to consider the advisability of implementing their assurance to apply it to Burma before the separation of Burma actually takes place?

The Honourable Sir Frank Noyce: (a) and (b). The Act will be brought into force next month and as it is applicable to Burma, any notification so issued will have the effect of bringing it into force in Burma. I might add that draft rules have already been published by the Government of Burma.

NEGOTIATIONS REGARDING DEVELOPMENT OF THE TUNGABHADRA PROJECT.

384. ***Prof. N. G. Ranga:** Will Government be pleased to state:

(a) at what stage are the negotiations between various Governments interested in the development of the Tungabhadra Project;

(b) if any agreement has been reached between them as to the allocation of the waters of the Tungabhadra;

(c) if so, what the agreement is; and

(d) what are the other obstacles to be overcome before the construction of the project is undertaken and how soon it is likely to be undertaken?

The Honourable Sir Frank Noyce: (a) An understanding has been reached between the Governments of Madras and Mysore regarding the sharing of the Tungabhadra waters and the Government of Madras are now taking steps to ascertain if the Government of Hyderabad have any objection to its terms.

(b) No.

(c) Does not arise.

(d) There are political, engineering and financial difficulties and construction cannot begin until the preliminary difficulties are overcome.

REFUSAL OF PASSPORT TO MRS. KAMALADEVI TO GO TO EUROPE TO ATTEND THE INTERNATIONAL PEACE CONFERENCE.

385. ***Prof. N. G. Ranga:** Will Government be pleased to state:

(a) why Mrs. Kamaladevi was refused a passport to go to Europe to attend the International Peace Conference; and

(b) whether they are aware that she had been to Europe several times without causing any untoward incident to the prevalence of law and order in India?

The Honourable Sir Henry Craik: (a) and (b). This lady's activities abroad some time ago led Government to cancel her passport; and her application for a fresh passport was refused, because Government do not think it advisable that she should be given facilities to travel abroad.

IMPOUNDING OF MR. M. R. MASANI'S PASSPORT.

386. ***Prof. N. G. Ranga:** Will Government be pleased to state:

(a) why Mr. M. R. Masani's passport was impounded;

(b) whether it was done at their instance; and

(c) when it will again be freely issued to him?

The Honourable Sir Henry Craik: (a) and (b). Mr. Masani's passport was impounded, because its validity has expired and in view of Mr. Masani's activities, Government considered it undesirable to grant him further facilities to travel abroad.

(c) When Government are satisfied that it would no longer be inadvisable in the interests of the State to grant Mr. Masani a passport.

OPENING OF THE TOBACCO RESEARCH STATION IN THE GUNTUR DISTRICT.

387. ***Prof. N. G. Ranga:** Will Government be pleased to state if the Tobacco Research Station has been opened in the Guntur District and if so, where and when, and what is the annual estimate of expenditure to be incurred on it?

Sir Girja Shankar Bajpai: The Tobacco Research Station was opened in July, 1936, at village Lalipuram, 2½ miles from Guntur; the annual recurring expenditure is estimated at Rs. 16,000.

IMPLEMENTING OF THE ASSURANCE OF THE HOME MEMBER REGARDING LEGISLATION TO EXEMPT AGRICULTURISTS FROM BEING ARRESTED FOR CIVIL DECREES.

388. ***Prof. N. G. Ranga:** Will Government be pleased to state:

(a) what they have done to implement the assurance given by the Honourable Sir Henry Craik in the Simla Session of 1936 that he would consult the Provincial Governments in regard to the advisability of so amending section 61 of the Civil Procedure Code Act of 1908 as to exempt agriculturists from liability to be arrested for civil decrees;

(b) whether they have received the replies of the Provincial Governments; and

(c) if so, from which Governments, and what is the nature of their replies; if not, whether they propose to address the new Provincial Ministries to be formed at an early date and try to implement their assurance?

The Honourable Sir Henry Craik: (a) and (b). The Local Governments have been consulted, but no replies have yet been received.

(c) It is open to any Local Government to defer a definite reply, if it so wishes, till after the commencement of Part III of the Government of India Act, 1935.

EXPLOSION AT SUTARALI NEAR THE BASSIEN TOWN IN THE THANA DISTRICT.

389. ***Mr. N. M. Joshi:** (a) Are Government aware that on the 4th November, 1936, an explosion occurred at Sutarali near the town of Bassien in the Thana District of the Bombay Presidency?

(b) Is it true that the explosion was result of the storage of combustible and explosive material in the midst of residential area without being properly guarded?

(c) Is it a fact that various persons living in the neighbourhood suffered a loss of Rs. 4,000 as the result of the explosion?

(d) Will Government state why no police guard was present on the spot, although they were in possession of the explosive material since August 31st, 1936?

(e) Do Government propose to pay compensation to those who have suffered loss as a result of the negligence of the police authorities?

The Honourable Sir Frank Noyce: Information has been called for and a reply will be placed on the table of the House in due course.

THE INDIAN BOILERS (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I present the Report of the Select Committee on the Bill further to amend the Indian Boilers Act, 1923, for certain purposes.

THE INDIAN ELECTRICITY (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I also present the Report of the Select Committee on the Bill further to amend the Indian Electricity Act, 1910, for certain purposes.

AMENDMENT OF THE INDIAN LEGISLATIVE RULES.

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

"That in the proposed sub-rule (6), after the word 'day' where it occurs for the second time, the following be inserted :

'and the member asking the question has not before the questions are disposed of signified his desire to postpone the question'."

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, the provisions contained in the proposed sub-rule (6) are the most important and most contentious of all the rules that have been framed by the Honourable the Law Member. The discussion that took place in the House yesterday must have clearly shown that the non-Official Members are unanimously opposed to any restriction being imposed on the privilege and right of Honourable Members to put supplementary questions; and, therefore, although we, on this side of the House, did not like the new sub-rule (6) at all, still, as there is no chance, in the present state of the House, of its being rejected, I think, something is better than nothing, and the amendment which is now being discussed gives some relief to Honourable Members in respect of questions which may not be reached on a particular date. There is some chance that by adopting this amendment Honourable Members will get the opportunity to have their questions postponed for which a fresh notice may be given and we may get an oral reply on some other date. This is really a very important matter and I think, considering the opinions of the Non-Official Members of the House, the Government should not insist on rejecting this

amendment, and relying upon the fact that they have got a very big majority, I hope they will not misuse their majority and will accept the amendment which has been moved. I support the amendment.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I feel that this is the last leaf that is being asked and I hope the Honourable the Law Member will see his way to accepting this amendment. If a choice is not being given to the Members to send their questions as unstarred, then this is a way of forcing the questions to be made unstarred. That is a wrong move altogether. Therefore, what is now being asked is only this that in case a Member were to say, of course honestly—not that any dishonesty or any wrong tactics can be expected from Honourable Members—that his question is a very important one and it must be discussed in the House, then, what is asked is this that supplementary questions should be allowed to be put, and if the Member feels rightly that it is so, why should he not be allowed to give notice, and, then, have that question postponed to some other day when on that day he may have his chance? If he has no chance, then of course, it will have its own course; but a chance should be given and I hope the Law Member will accept this amendment.

Mr. N. M. Joshi (Nominated Non-Official): Sir, I rise to support the amendment moved on behalf of the European Group. The only difference between the Government's proposal and the amendment is that Government are willing to have the question postponed before 11 o'clock on the day on which the question is to be replied to, while the amendment asks for permission for postponing the question till say about twelve on that very day. I fail to understand what inconvenience will be caused to Government or even to other Members if this amendment is accepted. It may be said that if Members are permitted to withdraw questions just before twelve, that is, just before the question time is over almost every Member whose questions are not likely to come up that day will ask for the postponement of his questions. But I think this may not happen. A Member may be very anxious to have early some reply and information to his question, and, in that case, he would prefer that his question be made unstarred so that he may get the information sooner than wait for an opportunity which may come after either a long period, but in any case, he will not be able to get his reply very soon. By the time he thinks of postponing, the other days perhaps may also be full up, and if he is anxious to get a reply soon, he will prefer to get a reply on that very day by way of an unstarred question than wait for a longer time. I do not think there is any reason why Government should oppose this amendment and I hope they will accept it.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I want to support this motion, and for this reason. A Member will be in a better position at the end of question hour to decide for himself as to whether he should give notice of withdrawal or not, because it is impossible to make any correct estimate as to whether any particular question will be reached or not. It is more or less difficult to anticipate what time is likely to be taken up by the preceding question or questions. If a straight answer is given to a straight question, it does not take much time at all. But if it is difficult to bring out

[Mr. Akhil Chandra Datta.]

certain facts and the Member is unwilling to give facts, it takes a long time. We have got the same experience in law courts. A fact which ought to be elicited in half a minute sometimes takes as much as half an hour. Therefore, it is only at the end of the question hour that one can decide for himself as to whether he should give notice for withdrawal or not. Otherwise the position may possibly be this. Supposing I make a wrong estimate and I feel that my question may not be reached, but at the end of the hour, I find that the preceding questions have been disposed of earlier than I had expected and there is yet time left for my questions, the result will be, if this amendment is negatived, that, although there is time left, I shall not have the opportunity to have an oral answer that day, because I had already given notice of withdrawal. For these reasons, I think that this amendment ought to be accepted.

The Honourable Sir Nripendra Sircar (Law Member): Sir, I maintain the attitude which I did yesterday, which means that I support the motion to the extent of nine-tenths and oppose the balance. I was told by Sir Muhammad Yakub that the Law Member has realised that the elected Members should lose the privilege of putting supplementary questions. I repeat again that it is not the desire of the Government nor is it intended by the Rules to deprive Members of the power of putting supplementary questions, and there is no justification for this suspicion. As I visualise the working of the Rules, I do not see that the right of supplementary questions will in any way be affected. Then, we come to the practical question as to what is the objection to accepting the amendment which means that questions may be withdrawn up to 12 o'clock. Let us see what reasons have been put forward by my Honourable friend, Sir Leslie Hudson. The case which he put forward was this that on a particular day by reason of a miscalculation, he finds that a question which he has not withdrawn by 11 o'clock and which he expected to be answered that day has not been reached and gets unstarred. It is always easy to take up exceptional cases happening in exceptional circumstances. Whatever may happen in Parliament for there they hand over questions, I am told, the previous day whereas here we require five days' notice, we can legitimately say and it has already been said in the House that we cannot possibly follow Parliament in all the details of its procedure. We were following it strictly; why increase three to five? Sir, as I visualise what will happen will be—I will talk now in seconds just as my friend, Mr. Datta, did—that within the last 30 seconds Mr. Rafi will be surrounded by a number of Members with slips of papers asking that certain questions be put after a certain date, certain questions may be withdrawn, etc.

Mr. N. M. Joshi: No, they will make that request on the floor of the House.

The Honourable Sir Nripendra Sircar: That is far worse. Within the last 30 seconds, a dozen or half a dozen Members will all rise in their seats instead of sending in slip of paper.

Mr. N. M. Joshi: We can change that and make a request to the Honourable the President.

The Honourable Sir Nripendra Sircar: Mr. Joshi's suggestion will cause more confusion. As I said, it is a question of balancing or opposing the considerations and much can be said on either side. But, I do think that it will safeguard the rights of Members completely if they are allowed the right to withdraw or get questions postponed till the sitting of that day. One word more about Sir Muhammad Yakub's statement that we may not misuse the majority which may be in the House today. I can give him the assurance that even if the amendment is completely lost, I shall not go back on what I have said, namely, take it to the extent of its nine-tenths.

Mr. President (The Honourable Sir Abdur Rahim): The Chair would like to have one matter cleared up by the Honourable the Leader of the House. He appears to have said that he expected no difficulty in having all the questions that are on the list of the day being answered in the House. The Chair does not quite understand how that would be brought about.

The Honourable Sir Nripendra Sircar: I do not think I said so. What I said was that the number of questions for a particular day will depend on the Members. If the Members choose to fix 300 questions for a particular day, of course, they will not be answered.

Sir Muhammad Yakub: It will not be the Members who will put questions for a day but it will be the office and the President who will fix the number of questions to be asked on any day.

The Honourable Sir Nripendra Sircar: I am sorry that I have not been able to clear up the misunderstanding in spite of my repeated statements to the contrary. It is the Member who has got to choose the day. The discussion makes it clear that in the final draft we shall have to expressly provide for Member fixing the date and addressing the question to someone.

Sir Muhammad Yakub: He will choose the day but he will not select the number of questions.

Mr. President (The Honourable Sir Abdur Rahim): Then, the Chair takes it that there cannot be any sort of guarantee or certainty as to what will be the number of questions on any particular day.

The Honourable Sir Nripendra Sircar: That is so, Sir. That will depend on Members.

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

"That in the proposed sub-rule (6), after the word 'day' where it occurs for the second time, the following be inserted :

'and the member asking the question has not before the questions are disposed of signified his desire to postpone the question'."

The Assembly divided:

AYES—18.

Aikman, Mr. A.
Bajoria, Babu Baijnath.
Bhagchand Soni, Rai Bahadur Seth.
Buss, Mr. L. C.
Chapman-Mortimer, Mr. T.
Datta, Mr. Akhil Chandra.
DeSouza, Dr. F. X.
Hudson, Sir Leslie.
James, Mr. F. E.
Joshi, Mr. N. M.
Lalchand Navalrai, Mr.
Morgan, Mr. G.
Parma Nand, Bhai.
Scott, Mr. J. Ramsay.
Witherington, Mr. C. H.
Yakub, Sir Muhammad.
Yamin Khan, Sir Muhammad.
Ziauddin Ahmad, Dr.

NOES—31.

Abdul Hamid, Khan Bahadur Sir.
Anderson, Mr. J. D.
Bajpai, Sir Girja Shankar.
Bansidhar, Rai Sahib.
Bhide, Mr. V. S.
Chanda, Mr. A. K.
Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Lalit Chand, Thakur.
Lloyd, Mr. A. H.
Mehta, Mr. S. L.
Menon, Mr. K. R.
Mitchell, Mr. K. G.
Mukherjee, Rai Bahadur Sir Satya Charan.
Nagarkar, Mr. C. B.
Naydu, Diwan Bahadur B. V. Sri Hari Rao.
Noyce, The Honourable Sir Frank.
Rau, Sir Raghavendra.
Roy, Mr. S. N.
Sale, Mr. J. F.
Sarma, Sir Srinivasa.
Sher Muhammad Khan, Captain Sardar Sir.
Sircar, The Honourable Sir Nripendra.
Thorne, Mr. J. A.
Tottenham, Mr. G. R. F.
Verma, Rai Sahib Hira Lal.
Williams, Mr. A. deC.
Zafrullah Khan, The Honourable Sir Muhammad.

The motion was negatived.

Sir Leslie Hudson (Bombay: European): Sir, I beg to move:

"That in the proposed sub-rule (6), for the words 'upon the next day available for the answering of questions' the words 'on the same day' be substituted."

The Honourable Sir Nripendra Sircar: Sir, to shorten further discussion, I may say that I accept this amendment.

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

"That in the proposed sub-rule (6), for the words 'upon the next day available for the answering of questions' the words 'on the same day' be substituted."

The motion was adopted.

THE INDIAN INCOME-TAX (AMENDMENT) BILL.

Mr. A. H. Lloyd (Government of India: Nominated Official): Sir, I move:

"That the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes, be taken into consideration."

As all Honourable Members are aware, we have recently had the whole field of the income-tax administration and law surveyed by a Committee of expert advisers whose report has been published and

copies have been distributed to Honourable Members. This makes my task in moving for the consideration of this Bill somewhat simpler than it might otherwise have been, because I begin by drawing their attention to those passages in the report which have been quoted in the Statement of Objects and Reasons attached to the Bill. The substantive provision of this Bill is contained in clause 2. Clauses 3 and 4 are purely consequential and I shall not take up the time of the House by saying anything about them. As regards the proposals in clause 2, we can make these fall into two parts,—provisions relating to husband and wife and provisions relating to parents and minor children. On the first subject the report says on page 19:

"Our attention has been drawn to the extent to which taxation is avoided by nominal partnerships between husband and wife and minor children. In some parts of the country, avoidance of taxation by this means has attained very serious dimensions. The obvious remedy for this state of affairs so far as husband and wife are concerned is the aggregation for assessment of their incomes, but such a course would involve aggregation in a quite different class of case, *i.e.*, where the wife's income arises from sources quite unconnected with the husband."

The report then goes on to argue that on the "ability-to-pay" principle such aggregation, even in cases where the income arises from a source unconnected with the husband, is legitimate and desirable, and they make that their proposal in connection with husband and wife. We, Sir, at this juncture have not followed the report to that extent. We have confined our proposals to the case, where the income of the wife arises from a source which is connected with the husband, and, in fact, is derived from the husband. The question whether the matter should be carried further as recommended by the report involves a question of principle which we think should be considered by all those whose opinions on this report are being obtained before we propose any legislation. We do not see, however, that any really important question of principle is involved in putting a stop to the practice of subdividing the husband's income so as to reduce the rate by the process of transferring the source of the income to the wife, although the domestic circumstances of the family as a whole are in no way changed, which is usually the position.

I think I have perhaps said enough to show why we have singled out this particular matter for treatment in the present Bill. As I have indicated, wherever a really new question of principle is involved, Government feel that it is important that general public opinion should be consulted before action is taken. Then, again it is true that all the various devices for avoiding taxation, and not only this one, do not, within my meaning of the expression, involve a question of principle. But in all other cases which are of importance, so far as we can see, these devices for avoiding taxation under cover of the law affect the computation of income, and they have ramifications which make it necessary to give the proposals the most careful scrutiny, in order that before any legislation is undertaken, we may satisfy ourselves that in hitting at the tax-dodger we have not adopted a weapon which will also inflict injustice on, or dislocate the business of those who have organised their affairs in a particular way for genuine reasons other than the desire to avoid taxation. In this case, Sir, we are merely dealing not with the computation of income nor with the question of what income is to be liable to taxation; but taking the present basis of liability and taking the present method of computation, the simple question is, in whose hands

[Mr. A. H. Lloyd.]

is the income so ascertained to be taxed. That is why I say it is essentially a simple proposal compared with the others. That it is urgent I shall have to ask Honourable Member to take from the report itself as well as from the knowledge of the department. It is indeed a very widespread device at which we are aiming and one which is causing us very serious loss of revenue. I can only give an estimate of the figure, but my estimate which is conservative compared with what has been given to me unofficially by the writers of the report is that by passing this measure we shall increase the tax in the first year by something like 20 lakhs of rupees. That, Sir, indicates how very widespread this practice has become, particularly in those places where the so-called income-tax "experts" have got really busy,—I think I should withdraw the word "so-called", because they are expert in helping the public to avoid the liabilities which it was intended by the Legislature should fall upon them.

Now, Sir, I have pointed out that we have not gone the whole length of the report in the matter of husband and wife. We have preferred to follow, generally speaking, what the report has said of minor children and apply it to the case of the husband and wife also. The report says on page 20:

"There is also a growing and serious tendency to avoid taxation by the admission of minor children to the benefits of partnership in the father's business. Moreover, the admission is, as a rule, merely nominal, but being supported by entries in the firm's books, the Income-tax Officer is rarely in a position to prove that the alleged participation in the benefits of partnership is unreal."

Sir, the gist of our proposal is this: we do not want to be in a position of having to prove it but we ask the Legislature to let us assume that in a case, where the husband admits the wife and minor children to partnership, a position is being created in which it is no less fair than it was before to tax the father and husband on the whole of the income which the family as a whole might be deriving from that partnership. If this is not done, we shall have a continuance of cases which I can only call grotesque, such as recently came out before the Bombay High Court. The history of that case was that there was a Hindu undivided family of two brothers. They separated and there was a regular partition. They became, like any of the rest of us, liable to taxation as individuals. If a Hindu undivided family chooses to separate like that we can have no complaint and nobody can have any complaint. But what was the next step? One of the brothers died. That was, of course, a pure accident. The widow of that brother and the surviving brother proceeded to execute a deed purporting to take in as partners the wives of the surviving brother and the minor children of both. I think there were one or two others but these were the predominant elements; and this group of persons which originally started as one and then legitimately divided into two was now divided into as many as 20 parts. That, of course, must have the most catastrophic effect upon the contribution which they are called upon to pay to the state, and I think that the House will agree that it is an unfair result—unfair to the rest of us who prefer to live our lives and arrange our affairs in an ordinary way or perhaps cannot help doing so, without making special arrangements to avoid liability to income-tax. It may be said that this might be done for some other reason than avoiding taxation. But we cannot be put into the position of having to prove that that is not so: that would be an impossible task for the Income-tax

Department to circumvent all the subterfuges which might be adopted in order to avoid liability. If in a rare case—and I submit it would be an extremely rare case—there is some other motive for the wife and minor child to enter into partnership with the husband or father as the case may be, then I would merely say not only that hard cases make bad law,—but also that I do not admit that this is a really hard case. After all, we can always get back to the argument which has much validity—"ability to pay"—although we are not pressing that argument to the extent of bringing in under sub-clause (iii) the case of property derived by the wife from some entirely independent source. As regards sub-clause (iii) itself, it is perhaps a little more likely than in the case of admission to partnership, that there may be cases where the avoidance of liability to income-tax was a minor consideration, or perhaps was not a consideration at all. We have recognised that in making two obvious exceptions, (1) where the wife had money from some entirely different source and it was found convenient for the husband to sell some of his property to the wife in return for the wife's own money which is derived from an independent source, and (2) if a settlement is made in connection with an agreement to live apart; there we do say that domestic circumstances of the couple having changed there is a clear case for making an exception and not bringing the whole liability upon the husband. But in other cases, so far as I can see, if there has been any other reason than the desire to avoid income-tax, for the transfer of property from the husband to the wife, it will have been either because the husband is engaged, say, in some speculative enterprise and wishes to have some of the family property out of the reach of his creditors in case he comes down: I do not think that that is a motive which really deserves much more sympathy than the motive of trying to evade income-tax liability: or there may be a question of avoiding succession duties or probate duties and the like. There again, I do not think that the House as a whole will feel that it deserves much more sympathy than the case where the transfer has been nakedly and unashamedly made for the purpose of avoiding income-tax. There may remain a case where out of sheer generosity, sheer kindness of heart, the husband wishes to transfer something to his wife. To that extent I say, do not spoil the credit of your generous impulse by asking the State to contribute to the cost of it.

I think that perhaps I had better not detain the House much longer at this stage. There may be points on which I have not touched which will be raised in debate and I shall do my best to attempt to meet them. The proposals really are, as I say, of a simple nature. They are of an extremely urgent nature and I commend them to the approval of the House.

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

"That the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes, be taken into consideration."

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I beg to move:

"That the Bill be referred to a Select Committee consisting of the Honourable Sir Nripendra Sircar, the Honourable Sir James Grigg, Mr. A. H. Lloyd, Mr. N. M. Joshi, Mr. A. Aikman, Babu Baijnath Bajoria, Sir Muhammad Yakub, Pandit Lakshmi Kanta Maitra and the Mover, with instructions to report on or before the 15th February, 1937, and that the number of Members whose presence shall be necessary to constitute a meeting of the committee shall be five."

[Mr. Akhil Chandra Datta.]

I am very anxious to say this at the outset, that my object is not to obstruct or delay this Bill. That will be perfectly clear from the date that I have put in, namely, the 15th February, 1937,—that is about six days from today. I have put in the 15th; because as I want to have the advantage of a Saturday and Sunday. If necessary, the Select Committee can meet earlier. From that point of view, the Government can have no objection at all. I invite the attention of the Honourable the Mover of the Bill particularly to the date and to consider whether the motion should not be accepted. Am I to understand, that even after I have put in that date, it is still the intention of Government to oppose the motion?

The Honourable Sir James Grigg (Finance Member): Yes.

Mr. Akhil Chandra Datta: It will not affect any party: if necessary we can meet earlier.

The Honourable Sir James Grigg: I will give my reasons.

Mr. Akhil Chandra Datta: Then I will proceed. This is a piece of legislation to prevent fraudulent evasion and what is called legal avoidance. It appears from the Statement of Objects and Reasons that the underlying object of this Bill is to prevent some malpractices, for instance, "the practices of avoiding taxation by means of nominal partnerships between husband and wife or parent and minor child". This is one class of malpractice. Then, the second class of malpractice is:

> "the nominal transfer of assets to the wife and minor child, (or to an 'association' consisting of husband and wife when there is no substantial separation of the interests of the assessee and the wife or child."

These are the malpractices which this short Bill seeks to prevent. I shall at once concede that, so far as the principle goes, I have no quarrel with it at all. I accept it, but my grievance is that that principle has not been correctly applied to the provisions of the Bill. That principle has been over-stressed and over-stretched. More assessees are sought to be roped in than is justified by the principle laid down in the Statement of Objects and Reasons. These provisions go far beyond the purpose mentioned in the Statement of Objects and Reasons. We are told that at this stage this Bill does not deal with the question of the aggregation of the income of the husband and wife for the purpose of assessment. That, I take it, is not the scope of this Bill. That question will come up only when we proceed on the footing that the income of the wife is really the income of the wife . . . . . .

Mr. A. H. Lolyd: I did admit that to a very limited extent this might involve the principle of aggregation in cases where it could not be proved that it is not a transfer purely made for the purposes of avoiding taxation.

Mr. Akhil Chandra Datta: Precisely so, but there we can express the whole thing by one short word "aggregation"; but the real position is this, —that where the income of the wife is really not the income of the wife, where she is made a *binamdar* in order to avoid taxation, I take it that such class of cases are sought to be dealt with by this Bill. I do not deny

for a moment that there are subterfuges like that adopted to avoid taxation, and, therefore, I say that I accept the principle of the Bill, but the whole question is, what are these provisions? According to the principle laid down in the Statement of Objects and Reasons, we must have these things,—one is that the partnership must be a nominal partnership, and not a real partnership; and as regards the other class, namely, transfer of assets, that transfer again must be a nominal transfer, and not a real transfer, and then the real test of the matter is given in the Statement of Objects and Reasons, and that is, there must be no substantial separation of interests. The same thing is expressed in another language more emphatically, by saying that the separation of interests must not be nominal and fraudulent, but must be real and substantial. If these are the principles, let us see whether the provisions in clause 2 are justified. There the provision is this—"from the membership of the wife in a firm of which her husband is a partner". Here we altogether ignore the real test, namely, whether that membership is a real membership or a nominal membership. Then, as regards the second item, namely, "from the admission of the minor to the benefit of partnership in a firm of which such individual is a partner",—here again we have the same fallacy,—and we overlook the question of real membership.

Then, Sir, in the next two items relating to the transfer of the assets,—it is said here "from assets transferred directly or indirectly to the wife by the husband" excepting these two cases, namely, for adequate consideration or in connection with an agreement to live apart,—except on these two grounds it is directed against the transfer of assets indiscriminately and without reference to the question whether that transfer is real *bonâ fide* transfer or a *malâ fide binami* transaction. . . . . .

Mr. A. H. Lloyd: Might I ask you if what you are mentioning is not a particular exception?

Mr. Akhil Chandra Dutta: I am not disputing that in sub-clause (iii) you say that "from assets transferred directly or indirectly to the wife by the husband otherwise than for adequate consideration or in connection with an agreement to live apart". I am not quarrelling with that at all. These are exceptions which have been rightly made. Then, again with regard to the last clause which says "from assets transferred directly or indirectly to the minor child, not being a married daughter, by such individual", this is also an indiscriminate provision made without reference to the question whether that transfer by the father is a *bonâ fide* transfer, or whether it is a mere *binami* transaction resorted to for avoiding taxation. The whole question is, whether the transfer is *bonâ fide* and if separation of interests is real and substantial. All the provisions laid down in these four sub-clauses of clause 2 proceed on the assumption that any and every transfer is *malâ fide*, and fraudulent, that every membership, merely because the husband and wife are members of a certain partnership form, is fraudulent, and, therefore, it follows necessarily that it must be a fraudulent membership. That is the basis on which the whole provision proceeds; that is the foundation of this provision. I don't think even the Honourable the Mover will say, after what I say, that it is a correct assumption to make. I shall give concrete instances to show that these provisions go far beyond the necessities of the case and even attack the transfer of *bonâ fide* membership. Let me take one

[Mr. Akhil Chandra Datta.]

instance of the membership of the wife in a firm where the husband is a partner. Suppose in a firm a father-in-law and a son-in-law are partners. Suppose later on the father-in-law finds that the son-in-law does not give proper attention to his wife, and the father-in-law feels inclined to give some property to his daughter; he wishes to make a real transfer of some property to his daughter intending that she should be the real owner of the property, and with that end in view he transfers his interests in the firm to his daughter, with the result that the husband and wife become members of the partnership business. Under the provisions laid down here which says that the income of the wife should also be included in the computation of assessable income of the husband, the aggregate income of the husband and wife will be included for purposes of income-tax.

12 NOON. Let us take another instance with regard to item No. 2—"from the admission of the minor to the benefits of partnership in a firm of which such individual is a partner". Let us consider the case of a family consisting of two or more step-brothers. The father-in-law of one of these brothers wants to make a gift of certain property to his son-in-law intending that the son-in-law alone should be the owner of the property and not the other step-brothers, and with that money he becomes a partner in his father's firm. Is it a case where it should be held that the child's income also should be taxed merely because the child is admitted to the benefits—of course, he cannot be a partner under the law—of the partnership? That is again another case in which the provision is extremely inequitable. Taking the third case, the transfer of assets from the husband to the wife, we can well conceive of cases in which an old husband finding that his sons are not very kind to their mother may feel inclined to make a provision for his wife after his death. His object is really to make a *bonâ fide* transfer of property. There may be *malâ fide* transfers, I am not speaking of those cases, but I am considering those cases in which there is a real and a *bonâ fide* desire to make a transfer of assets in favour of the wife. That class of case is also roped in by sub-clause (*iii*). Take the last case, "from assets transferred directly or indirectly to the minor child, not being a married daughter, by such individual". We can have cases where a father may find that of his two sons,—one is an adult and the other is a minor—the adult is very cruel to his younger brother, and the old man, thinking that after his death there is no knowing whether the adult son will maintain the younger boy, makes a *bonâ fide* transfer of some of the assets in favour of the younger son. Under the provision as laid down here, the income of that child will also be assessable. These things have been considered by the Enquiry Committee when they say:

"There is the genuine case which is intended to be relieved by the Income-tax (Second Amendment) Act, 1933, and the question arises as to the nature and extent of the restriction which will exclude from relief only the case in which a father is attempting to obtain an allowance for what is, in effect, merely the cost of maintenance of his children."

My motion for reference to a Select Committee is based really upon this ground. You must discriminate between partnership and partnership, between transfer of assets and transfer of assets, between *bonâ fide* transaction and *malâ fide* transaction, and that discrimination has not been made in the provisions of the Bill, and those are matters which cannot

possibly be discussed on the floor of this House. They are matters of detail which must be determined in a Select Committee, and that is my reason why I move for a reference of the Bill to a Select Committee. Sir, I move.

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

"That the Bill be referred to a Select Committee consisting of the Honourable Sir Nripendra Sircar, the Honourable Sir James Grigg, Mr. A. H. Lloyd, Mr. N. M. Joshi, Mr. A. Aikman, Babu Baijnath Bajoria, Sir Muhammad Yakub, Pandit Lakshmi Kanta Maitra and the Mover, with instructions to report on or before the 15th February, 1937, and that the number of Members whose presence shall be necessary to constitute a meeting of the committee shall be five."

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): I suggest that the name of Sir Muhammad Yamin Khan be added.

Mr. Akhil Chandra Datta: I accept.

Mr. President (The Honourable Sir Abdur Rahim): The Chair takes it that there is no objection.

The Honourable Sir James Grigg: I am not opposing any particular name. I am opposing the whole Committee.

Mr. President (The Honourable Sir Abdur Rahim): The name of Sir Muhammad Yamin Khan is added.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): We have got full sympathy with the points made by the Honourable the Mover of the Bill and I think that those people who want to avoid income-tax by the methods enumerated by the Honourable the Mover cannot expect any sympathy from this House. But while my Honourable friend's anxiety is to stop all bogus transactions—if that were the only point of view which he has kept before himself I am ready to give my whole-hearted support,—I am afraid the proposed legislation may injure a lot of people who cannot be taxed according to the principles of income-tax. First of all, taking (*iii*) I do not understand what is meant by "adequate" in "from assets transferred directly or indirectly to the wife by the husband otherwise than for adequate consideration".

The Honourable Sir Nripendra Sircar (Law Member): That means transfer for full value.

Sir Muhammad Yamin Khan: How will it be interpreted? Suppose the Honourable the Law Member appeared for the assessee, would he not argue that there are other reasons than those enumerated by the Honourable the Mover, for the word "adequate", because that word is such a comprehensive word that all kinds of ingenious meanings can be given. . .

The Honourable Sir Nripendra Sircar: That one can do on any word.

Sir Muhammad Yamin Khan: Quite right. Therefore, if he wants to have this word, it ought to be fully explained.

The Honourable Sir James Grigg: If the Honourable Member thinks that it leaves a severe loophole in the Bill I am quite prepared to leave out those words.

Sir Muhammad Yamin Khan: That cannot be done here. That will have to be done in the Select Committee, and that is why I am supporting the motion for Select Committee. Then, again, we have, "from assets transferred directly or indirectly to the minor child, not being a married daughter, by such individual". This principle is all right as far as the Hindu Law is concerned, because the Hindu daughter, unless she is married, lives under the protection of the family, and she is a part and parcel of the family but a Muhammadan daughter is not a part and parcel of the family or a joint family. She can hold the property separately, even if she may be a minor child.

Mr. A. H. Lloyd: So can a Hindu.

The Honourable Sir Nripendra Sircar: Of course, a Hindu child can own property separately. The communal question does not come in there.

Sir Muhammad Yamin Khan: The question here is, whether you propose to tax the joint family property or tax the separate property. That is the only principle. It is said here that the property which has been transferred to a child by the father remains joint, because it brings the income into the hands of the father, but I say he is ignoring the principle that should be observed. Suppose a minor child inherits from its mother and this income also comes into the hands of the father, then why do you not propose to tax that income also. Suppose my child inherits from the mother, then that income will not form part and parcel of my income and he cannot tax my income *plus* the income which my child has got from the mother. Why should he tax the property which the child gets from me in her life time as a separate property. If one joint family property cannot be taxed, then why should the other property, which is inherited only from the father, be taxed. His argument is that the father is still getting the money in his hands and, therefore, that money must be taxed, because it comes into the hands of the father. I say 'No'. You should not tax the money which comes into the hands of the father on behalf of the child. Therefore, you should not tax the property which the child gets through the father also. There is no reason, why one income should be taxed and not the other. If my friend wanted to move this, that the income which comes into the hands of the father as the property of the child from whatever source that child gets must form part of the whole unit of the income of the father, then his argument would have been consistent, but here his argument is inconsistent, leaving one income and taxing the other. I am now chiefly concerned with the Muhammadan Law. According to the Muhammadan Law, if the property is given to the child by the father, the child, whether it be he or she, becomes the full owner and the gift cannot be revoked.

The Honourable Sir Nripendra Sircar: That is also Hindu Law, English Law, French and German Law.

Sir Muhammad Yamin Khan: I am taking only the Muhammadan Law. I will show why I am taking Muhammadan Law. That child

becomes the full owner of the property. Now, what my Honourable friend wants is not to tax the property of the child separately but he wants to consider this property to be the father's property for the purposes of income-tax.

The Honourable Sir Nripendra Sircar: Not unless she is a member of the firm according to one clause, while another clause is general.

Sir Muhammad Yamin Khan: If the wording had been such that it applied only to business firms, I would not mind much, but here the words do not cover only a firm, but the wording also covers property like house, shops, buildings and lands from which he is deriving the income. I say that these innocent people should not be taxed. I will refer again to Muhammadan Law. My friend, the Law Member, will say that it applies to other communities also. I am not concerned with other laws at present. I am concerned only with Muhammadan Law, especially the Hanafi law. According to this law, if a man has got only one daughter, she does not inherit the full property after the death of the father and if there are two daughters, they get only two thirds of the property, not the whole property. The balance of one third will have to go to the reversioners of the father. There is no will allowed under Muhammadan Law in favour of a successor. The father is bound to transfer the property in his life time, because no "will" will be operative and if he has got small children, he gives them in his life time, so that they may not be disinherited by the distant relations. Therefore, this property once given to them belongs to them apart. A girl is not major until she is 18. If the daughter is 17 and is not married, she is getting all the property in her hand for the purpose of her education and her living. The father cannot touch the money, once the property is transferred. He has to give an account to the judge every year. Once he has been appointed a guardian, he has to submit a full account of the income and expenditure. You cannot call that man the owner of the property under those circumstances. According to Muhammadan Law, no joint family is recognised but you are going to tax this property as a joint family property. That is why I am citing the case of the Muhammadan Law. Joint family property may be property in which every member of the firm is a co-sharer but here the property is owned by different individual members of the family, so that although they may be living and eating together, they are owning the property separately and you are going to tax it. That is against the principle of the taxation of income and violates the principles of equity and if this principle is once accepted by this House, that might be stretched further in other cases too. I do not think, under these circumstances, that we can support this amendment. Of course, if it be a bogus transaction, like the starting of companies and so on, and, if it is like a father purchasing some shares in the name of his minor children or in the name of his wife while he is the real person who is carrying on and benefitting from it, that may be different, and this might be called a *benami* transaction. Such transactions can be disputed later on, but where this concerns income from immoveable property, the proposal violates the income-tax law altogether, because you cannot tax one man for property owned by another person; although he may be getting the income from such property, he may be spending all that for the benefit of that person; you cannot say, "give me the full account, have you spent the income from that property which

[Sir Muhammad Yamin Khan.]

you have transferred to your child, on your child or not?" Supposing my friend has transferred property worth an income of Rs. 400 a month to one child and property worth an income of Rs. 400 a month to another child and he has kept property worth Rs. 400 a month for himself, then my friend wants to tax him for the income of Rs. 1,200 a month. My friend will want to say, "show me your personal accounts so that I may see whether you have been spending the income from the transferred property upon the child or not". He is thus asking for the income of the child to be shown, he wants to see the account of the child's income, which he is not entitled to see. I have given figures of Rs. 400, but these may be further reduced to the extent that they really cannot be assessed to income-tax, and, then, he is asking to see the private accounts of the child which he is not entitled to see at all. Under these circumstances, I think that these proposed provisions, as drafted, are not in accordance with the real wishes which my Honourable friend has got in view; they go far beyond that. If my friend would confine himself only to what he had in view, we would not mind at all, but he cannot ask for return of income from immoveable property which has been transferred into the name of another person and is no longer really property which is owned by the transferor. Therefore, I think the best course which the Government can take is to send this Bill to Select Committee, so that, all these matters may be discussed there and the provisions amended in the manner desired by my friend. Therefore, Sir, I support the motion for reference to a Select Committee.

Mr. A. Aikman (Bengal: European): Mr. President, the Group for whom I speak are completely in accord with the Honourable the Finance Member in his desire to prevent advantage being taken of loop-holes in the existing Income-tax Acts. Taxation in these days leaves a man such a small proportion of his income that he cannot reasonably be blamed for arranging his affairs in such a way as to attract as little taxation as possible—so long as they do it legally. (Laughter.) But when avoidance, legally effected, as it may be, and contrary to the intention of the law becomes widespread, then it is necessary to amend existing legislation and in such cases we are anxious to support the Honourable the Finance Member.

The Bill, before the House, endeavours to prevent the undesirable practices referred to in the Statement of Objects and Reasons, and while from the same Statement we learn that it is not the desire of Government to adopt any proposals involving the admission of a new principle, the provision of the Bill would appear to go far beyond a simple effort to amend legislation in order to prevent legal avoidance of tax.

Indeed, these proposals come very near to creating a new principle. Take a case where a man, with justifiable prudence, makes provision for his wife by transferring to her certain property—ownership passes completely from the man to his wife.

Under this new Bill, the income of that property would be added to the income of the transferor for taxation purposes and taxed accordingly. This is a new principle. My Honourable friend, Mr. Lloyd, referred to exceptions in sub-clause (3): (*a*) transfers for adequate consideration, and (*b*) transfers under an agreement to live apart. If these exceptions are comparable, I would like him to consider what might well be another exception, *viz.*, transfers under agreements to live together.

Under an *ante-nuptial* marriage settlement, the income of the property transferred to the wife by the husband would be taxed in the hands of the wife only and separately from her husband's income. But under a *post-nuptial* settlement (an equally reasonable transaction, and not one made in an effort to avoid taxation), would the income of the property transferred be similarly treated? If not, I submit that the hardship would be a grievous one. Another point arises: is it the intention that only the income of property transferred after the 1st of April, 1937, be subjected to the operations of the Bill—or the income of earlier gifts? If so, how far back may the Income-tax Officer go in his search for revenue? These and other hardships undoubtedly will arise.

We, therefore, feel that there are issues involved in addition to those contemplated by provisions which seek to regulate those undesirable practices. And because of this we feel disposed to support the amendment to refer the Bill to a Select Committee.

Legislation which tends to make for references to Courts is always undesirable, otherwise I might have asked for some limitation for dealing with income arising from assets transferred directly or indirectly to the wife by the husband,—a limitation in which for example the Income-tax Officer might have the power to demand that the assessee should show cause why the income of such transferred property should not be aggregated with the income of the husband. But this, I feel, would be contentious. We are anxious to support the Honourable the Finance Member in dealing with the wrong-doer, but there is little doubt that if this Bill were to become law, a very short experience of its application would bring to light cases of hardship to the honest assessee and further legislation would be necessary. The Honourable the Finance Member has already indicated that he proposes shortly to introduce a comprehensive Bill dealing with income-tax generally. He has further indicated to the Honourable the Mover that he is opposed to reference to a Select Committee; and if this matter is an urgent one, cannot he or the Honourable the Member in charge of the Bill give us an assurance that when this comprehensive measure is introduced, it will contain provisions designed to remedy any hardships which may have arisen under the present proposals, and that he will take executive action to grant relief in such cases pending the introduction of the new measures.

The Honourable Sir James Grigg: Sir, I do not propose to deal with the technical points. I merely propose to apply myself to the question of referring the Bill to the Select Committee. As regards the technical points, I would like to say, by way of parenthesis, that it seems to me that the dialectical or logical difficulties which Mr. Lloyd admitted, when moving the Bill, and which other Members of the House have emphasised would have completely disappeared and the whole of the cases which have been described as hard cases would have disappeared, as far as I can understand at present, if we had adopted the logical attitude of going straight for the recommendation contained in the report advocating the aggregation of the wife's and husband's income. However, I merely mention that in passing and, as I said, I propose to leave to Mr. Lloyd at a later stage the reply on the technical points and the points which have arisen on the merits of the proposal and I will deal solely with the question of referring the Bill to a Select Committee. I am curiously being reminded of the first experience that I had in connection with the

[Sir James Grigg.]

House of Commons 16 years ago. In the first Finance Bill with which I had any personal concern, there was a considerable number of measures for dealing with legal avoidance of taxation, and if I shut my eyes I can almost imagine myself there again. Every single Member of the House got up and said that he was entirely in favour of this proposal in principle and that he was all for trying to prevent *malâ fide* measures being taken for the avoidance of taxation, but—there was always this "but"—you are hitting a large number of worthy people whom you do not intend to hit and you are, therefore, going much too far, and we shall at a certain stage propose amendments to confine the operations of this Bill to the real malefactor and to let out the *bonâ fide* person who indulges in these transactions. In other words, what we get is the acceptance of the Bill in principle but its complete destruction in detail.

To deal with the question of the Select Committee, the Honourable the Mover is quite willing that the Committee should be instructed to report in five days. I will leave out of account the fact that it would not take five days to come to a satisfactory definition which would discriminate infallibly between *bonâ fides* and *malâ fides* or between bogus and genuine but about five centuries. We leave that out of account and assume that the Select Committee could report in four or five days. Even that would mean that there would be no certainty and, indeed, practically no prospect whatever of getting this Bill passed into law by the 31st March. It would also mean that the Bill would not then have any application to Burma and that the Burma Government would be faced with the choice of either having to introduce corresponding legislation of their own or of acquiescing in different income-tax law in this respect for Burma and India and which would add one more complication to the work of operating the double income-tax relief arrangements and would emphasise in one more respect the consequences of separation. But, why do we want a Select Committee at all? In any case, the matter is admittedly urgent for Mr. Lloyd gave estimates of the loss of revenue which is occurring through the adoption of this practice and, as he said, he put the estimate at the lowest figure and I am sure that his figure might easily be doubled. Moreover the matter is quite simple. It would have become even simpler if we had gone a little further and spread our net a little wider so as to occupy a completely logical position. Our illogicality was designed in the interests of the tax-payer and in the interests of not jumping, if I may use a slang expression, the public in India in any matter in which there is no overwhelming argument of urgency. Everybody who spoke said that they accepted the principle of the Bill and they whole-heartedly support our efforts in getting at the tax dodger, but everybody wants exceptions. I may say that, after my experience at the Inland Revenue, I know exactly what that means. Every exception to tax avoidance legislation, which is designed to meet cases which are said to be hard, has invariably resulted in creating a door in the law through which a horse and cart can be driven, and I do not think I can remember a single exception to that general dictum. Therefore, for my part, I think I am bound to be extremely chary before admitting any exceptions at all in this legislation at this stage. The door has got to be shut and it is no good cutting out about nine-tenths of the door, and imagining that you have got a safe remedy against tax avoidance. It may be that, in the course of

the operation of this Bill, when it becomes an Act, genuine hard cases will arise, but in that connection I would say that, as Mr. Aikman has pointed out, if we are to do anything with this income-tax report, as I have every intention of proposing that we should do, then, there will have to be a pretty considerable piece of income-tax legislation in the course of the next year which will have to deal comprehensively with a large number of income-tax matters. I should certainly not regard the Assembly as committed towards repeating these particular provisions without change if it became obvious in the interval that changes were desirable and necessary. I should certainly not regard the House as precluded from proposing alterations in what we hope would be the permanent legislation. Indeed, I would go further and say that if in the course of the present year cases of real hardship arise and which can be satisfactorily and exclusively defined, then I have no objection in principle to dealing with these matters in the interim. Once we are convinced of the justice of the case and once we are convinced that they can be satisfactorily defined, we can issue a notification under section 60 of the Income-tax Act. But I do not want to mislead the House at all. At the moment, I am rather sceptical about most, if not all, of the cases of hardship which have been quoted here today and I do not include in cases of hardship the case of a man who, for reasons which seem to him to be sufficient, adopts a course which gets round the law in some other respects and then finds that as a result of that device he obtains an income-tax benefit. I do not regard it as a case of hardship at all that we should take away that benefit. A man can get round the Muhammadan, Hindu or any other law, the Talmudic law or anything like that. He can do that and quite often he can at the same time derive income-tax benefit from it. If it is to be regarded as hardship that they are to be prevented from realising the income-tax benefit, I do not agree. But subject to that warning which I most earnestly repeat, I have no objection whatever to giving the undertaking which Mr. Aikman asked, if genuine cases of hardship arise of which we are convinced and which can be satisfactorily defined, I have no objection to deal with them by the issue of a notification. That being so, I think the last argument for delaying matters by referring this Bill to a Select Committee has disappeared and I hope very much that the House will agree to take the Bill into consideration at once.

Babu Baijnath Bajoria: Sir, I rise to support this motion to refer this Bill to a Select Committee as proposed by my Honourable friend, Mr. Akhil Chandra Datta. The issues involved in this Bill are great deviations from the existing principles of taxation in income-tax and this Bill in my opinion if passed, as it is, into law will cause great hardship to the Indians generally and to the Indian business community in particular. This Bill is the result and is the first bitter fruit of the Income-tax Enquiry Committee report. The whole idea underlying this Bill is to get more revenue and even though the Honourable the Finance Member and the Honourable the Mover of this Bill agreed that there will be cases and real cases of hardship, and yet they are not prepared to agree. . . . . .

The Honourable Sir James Grigg: Did the Honourable Member say that I admitted that there would be cases of hardship. I said nothing of the sort, I said if that was his contention.

Babu Baijnath Bajoria: I understood that way.

The Honourable Sir James Grigg: I said if they did arise and we were convinced that they arose, there would be an opportunity of dealing with them.

Babu Baijnath Bajoria: In my opinion true cases of hardship will undoubtedly arise.

The Honourable Sir James Grigg: Then don't say it is mine.

Babu Baijnath Bajoria: We should make provision in this Bill so that the *bona fide* taxpayer is not harassed. Four cases have been given where the wife and the minor son are not to be assessed separately. I will deal with the first point first, that is "from the membership of a wife in a firm of which her husband is a partner". I want to know what will happen if the wife has got money from her father and that money is invested in business. In that business, there are other coparceners and also her husband. Will the wife not be entitled to a separate share in that firm, because she has invested money which she has inherited from her father? I think such cases occur very often and they deserve consideration of the Honourable the Finance Member and the Mover of this Bill. The second point is about minors. A minor may get money from his maternal grandfather. In cases where a person has got no son and he has got a daughter and that daughter has got sons, he gives a lot of money to his maternal grandson. If that money is invested in business and that business also comprises of other coparceners, is the minor to be excluded altogether? Is he not to be considered a partner at all? Is his income not to be assessed separately? I cannot understand this point The third point is:

"from the assets transferred directly or indirectly to the wife by the husband."

It is a well known fact that in many cases, Indians make gifts to their wives with a view to make provision for them in their old age just to provide that she may not be improperly treated by her children or other coparceners. If these gifts are invested separately in some shares or in some immoveable properties and the income is given to the wife for her maintenance, then I do not understand why those gifts or such transfers should not be treated as separate income of the wife. These gifts are made not for the purpose of avoiding taxes.

Mr. N. M. Joshi (Nominated Non-Official): Then, pay up the taxes.

Babu Baijnath Bajoria: Yes, one should go on paying all through his life and keep nothing for oneself. I think there are real cases of hardship which will have to be discussed in the Select Committee and some provision should be made to give relief in cases of hardship. The whole idea of this Bill is not to tax income which is avoided but to raise the rate of income-tax. The income is shown separately in the name of a wife, or a minor son, but what the present Bill proposes is that all these incomes should be consolidated and to be taxed as one income so

that a higher rate of income-tax should be levied. I think this is most unjust. In India no provision is made for the maintenance of one's wife and children as is done under the English Income-tax Act. There is a great deal of difference between the income-tax law of India and that of England. In my opinion this Bill should be referred to a Select Committee so that suitable amendments may be made giving relief in cases of hardship. Sir, I support the motion for referring the Bill to the Select Committee.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, in spite of the warning of the Honourable the Finance Member about the manner in which such Bills are treated in the House of Commons, every Member there says he has full sympathy with the Bill but afterwards he begins to oppose the provision of the Bill in individual sections. I should like to repeat the same kind of warning. I may have personal sympathy with the Bill that persons should not avoid taxation under false excuses, and I begin with a 'but' also but there are some genuine cases to which I should like to draw his attention. One case is this: it is usually done in this country that we provide for the maintenance of a child who is really weak and who is not likely to earn a living later on. We practically set aside some income for him so that he may live in a comfortable manner. In this case if the Bill becomes law, though it was not the intention, I think these cases will be taxed. The provisions contained in the Bill really go far wider than what is really intended to provide. If a gift is made with the intention of avoiding income-tax, then it is not really a gift, but the gift should be a permanent separation so that if a father gives some money to his weak son, he will not be able to take it back. It is a kind of endowment which is not really temporary separation of money or mere account in book-keeping. It is really a gift, it is an endowment which he makes in favour of his son who is physically defective and he is not likely to have this income. This Bill practically stops such legitimate transfer and I think in this case it would be a hardship. Therefore, the wording given here may be misconstrued and may go further than the Honourable Member really had in view. Then as regards clause 2 (*a*)(*iv*), they say it is clear that if the married daughter or the minor child receives some money from the maternal grandfather, this will not be taxed. But to my mind the wording of this clause is such that it can be misconstrued unless it is explicitly stated in the negative at the end of the clause that such income will be excluded from the purview of this sub-clause. Therefore, I have only two things to point out; firstly, that the wording goes much further than the Honourable Member had in mind; and secondly, that it will discourage, which is not desirable, the father to make an endowment or gift to those minor sons and daughters who are physically defective and who ought to be provided during the lifetime of their parents. These are the two observations that I have to make.

Mr. A. H. Lloyd: Sir, the Honourable the Finance Member said that I would deal with a number of technical points, but I am afraid when he made that remark, he did not foresee how fully he would cover the ground himself in the remainder of his speech, and I do not find that he has left very much for me to say in detail. The Honourable the Deputy President moved for a Select Committee mainly in order to have an opportunity of

[Mr. A. H. Lloyd.]

inserting provisions in the Bill which would require the Income-tax Officer to distinguish between what he would call *bonâ fide* and *malâ fide* transfer of property or admission into partnership in the case of a wife or minor child. I began by saying in my opening speech, and the point has been repeated by the Finance Member, that we regard that as an impossible task; and also even if a form of words could be devised it would be placing an impossible task upon the Income-tax Officers and upon the Courts, to which countless references would be made to ask them to administer those provisions. The position is, as has been admitted by the Finance Member, that we have gone, just as far as is necessary, to avoid that task which I have called an impossible task without going further and adopting generally the principle of aggregation of incomes. We might have gone further. The report recommended such aggregation in the case of the husband and wife. It is the practice in the United Kingdom; and if the benches before me had not been empty, I might have appealed to them in the hope that they would support the views of a newspaper which is an organ of their party, namely, the Calcutta paper "FORWARD", which in an article on the report says:

"We have no hesitation in according our approval to the proposal of taxing the earnings of a wife beyond a certain amount. A wife's income is generally an addition to the income of the husband and goes to increase the standard of living of the family as a whole. There can be no justification for exempting that income from income-tax."

Well, Sir, we fall short of that ideal which we might perhaps have been able to press with the assistance of the benches opposite if we had chosen to bring it forward.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Then why not wait for them and get their support?

Mr. A. H. Lloyd: We do not regard that of equal urgency because there is not the slightest doubt that the amount of income which is being diverted by husbands and fathers to the names of their wives and minor children is very much greater at the moment than any separate income of wives or minor children from other sources can be. Therefore, we have tried to keep the present measure,—and only the present measure, because I say nothing as to what our next proposal will be,—within the narrowest limits possible, subject to the necessity of having something that will work without putting an intolerable burden on the administration.

My Honourable friend, Sir Muhammad Yamin Khan, was rather disposed, so far as I could make out, at least in the earlier part of his speech, to complain that we had not gone far enough and that we ought to have gone the whole hog. I have attempted to give our reasons for not doing that at the present stage. Then, he proceeded to give what he called a hard case of a father who has made a transfer of assets to his minor child because of the fear that if he dies before he has done such a thing, the whole assets would under the Muhammadan Law go to some reversionary. I am not going to admit that that is a hard case, although it may be a

case where action is not taken with a view to defeat the Income-Tax Officer. But I am not going to admit that it is a case deserving of very much more sympathy than I am prepared to extend, as I said in my opening speech. . . . . .

Sir Muhammad Yamin Khan: Sir, on a point of explanation, my point was not only this but that you are taxing some other person's property, and you are taxing a man for property which does not belong to him. Therefore, you are going against the principle.

Mr. A. H. Lloyd: I am coming to that. As I was saying, I do not regard that as a case deserving of much more sympathy than the case of the man who transfers property to his wife, because he is afraid he may come down in a speculative venture. Then, Sir Yamin Khan has reminded me that whatever questions of sympathy or hard cases or anything else are concerned, he goes on the principle that you should not tax one person for another person's property. Surely, that is the principle which underlies this Bill, that in certain cases you should do so. And if I may refer again to Sir Yamin Khan's speech, he gave an example of the case of a father with an income of Rs. 1,200 a month, who divided his assets so that he kept an income of Rs. 400 a month and each of his two minor children has an income of Rs. 400 a month; and he said that that would cause great trouble because the Income-Tax Officer would want to see all the private accounts of the family. Surely, our proposal is one which is designed to prevent the need for seeing the private accounts, because we go to the father who by his own action created this situation. And the point really is,—and this is a point of principle,—that the father who is the natural guardian of his children still has Rs. 1,200 a month at his disposal. That is why our case is that there is no reason why the rate of income-tax on the aggregate sum should be reduced.

I think the Finance Member has dealt fully with what Mr. Aikman said. He has given an explanation as regards the intentions of Government and an assurance regarding the consideration of possible hard cases. There is only one point that I might perhaps refer to, and that is the question whether this will apply to gifts made before the 1st April, 1937. This is the plain meaning of the Bill; it is intended to apply to the income of gifts made at any time. We shall see in practice whether there is any real difficulty in administering that. But of course the *income* of past years from such gifts will not be taxed, as clause 5 says quite clearly. The Honourable Member from Calcutta gave various examples of what he regarded as possible hard cases. One was the conceivable case where a husband and wife may, apart from the voluntary act of the husband, live together after there had been an admission of the wife to partnership. I beg leave to doubt whether in practice that will occur in any but the rarest occasions, and I do not think that it is reasonable that we should be asked to make amplifications of these provisions with all the inevitable loopholes which such amplifications would create, in order to deal with such an unusual state of affairs, when we still have the fact that the taxation, even in that case, for the husband and wife together is in accordance with a very arguable principle which has had the support of the report of the expert inquiry.

[Mr. A. H. Lloyd.]

1 P.M. Then, my Honourable friend, Dr. Ziauddin Ahmad, referred to what is the usual practice of providing for the maintenance of a child who is weak and unlikely to get on in the world. I think my Honourable friend forgot that whether or not he transfers assets to the name of such child while the child is a minor, he has got to provide under the ordinary law for that child: that child is his dependent and he is responsible for his maintenance and I do not see why, because he chooses one particular method of making that provision rather than another, he should reduce the amount of income-tax which has to be paid to the State or why the contribution of himself and his child to the State should be lower than if he pursues the more normal method of providing maintenance for his child in a straightforward way without transfer of assets. My Honourable friend's doubts as to the interpretation of sub-clause (*a*) (*iv*) of the proposed sub-section to be introduced in section 16 of the Indian Income-tax Act also raises, I am afraid, a point where I can agree with him. I have attempted to explain that there was no possibility of the misunderstanding which he foreshadowed. I have assured him outside the House that I shall be at pains to circularise Income-tax Officers to make it quite clear that they do not misunderstand what are in fact the plain provisions of the law in this regard, and I do not think that we can possibly consider the introduction into the measure of words which in our opinion are entirely unnecessary in order to safeguard a position which is fully safeguarded by the Bill as it stands. I am referring to property which is given to a minor child from, say, the maternal grandfather. I do not think there is anything more I have to say except the general remark that the object of this Bill will not be to discourage the making of transfers of assets and similar transactions where there is any reason to make them without reference to income-tax liability. It will be merely removing an encouragement to such transactions, an encouragement which experience shows it is very desirable that we should remove if we are to safeguard the revenue. I, therefore, oppose the motion for reference to Select Committee.

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

"That the Bill be referred to a Select Committee consisting of the Honourable Sir Nripendra Sircar, the Honourable Sir James Grigg, Mr. A. H. Lloyd, Mr. N. M. Joshi, Mr. A. Aikman, Babu Baijnath Bajoria, Sir Muhammad Yakub, Pandit Lakshmi Kanta Maitra, Sir Muhammad Yamin Khan, and the Mover, with instructions to report on or before the 15th February, 1937, and that the number of Members whose presence shall be necessary to constitute a meeting of the committee shall be five."

The Assembly divided.

AYES—10.

Bajoria, Babu Baijnath.
Bhagchand Soni, Rai Bahadur Seth.
Datta, Mr. Akhil Chandra.
Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
Ghiasuddin, Mr. M.
Parma Nand, Bhai.
Rajah, Raja Sir Vasudeva.
Yakub, Sir Muhammad.
Yamin Khan, Sir Muhammad.
Ziauddin Ahmad, Dr.

NOES—44.

Abdul Hamid, Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.
Aikman, Mr. A.
Anderson, Mr. J. D.
Bajpai, Sir Girja Shankar.
Bansidhar, Rai Sahib.
Bhide, Mr. V. S.
Buss, Mr. L. C.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.
DeSouza, Dr. F. X.
Gidney, Lieut.-Colonel Sir Henry.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.
Hudson, Sir Leslie.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Joshi, Mr. N. M.
Lal Chand, Captain Rao Bahadur Chaudhri.
Lalit Chand, Thakur.
Lloyd, Mr. A. H.
Mehta, Mr. S. L.
Menon, Mr. K. R.
Metcalfe, Sir Aubrey.
Mitchell, Mr. K. G.
Morgan, Mr. G.
Mukherjee, Rai Bahadur Sir Satya Charan.
Nagarkar, Mr. C. B.
Naydu, Diwan Bahadur B. V. Sri Hari Rao.
Noyce, The Honourable Sir Frank.
Rau, Sir Raghavendra.
Roy, Mr. S. N.
Sale, Mr. J. F.
Scott, Mr. J. Ramsay.
Sher Muhammad Khan, Captain Sardar Sir.
Sircar, The Honourable Sir Nripendra.
Thorne, Mr. J. A.
Tottenham, Mr. G. R. F.
Verma, Rai Sahib Hira Lal.
Williams, Mr. A. de C.
Witherington, Mr. C. H.
Zafrullah Khan, The Honourable Sir, Muhammad.

The motion was negatived.

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

"That the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes, be taken into consideration."

The motion was adopted.

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

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

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

"That clause 2 stand part of the Bill."

Mr. J. D. Anderson (Secretary, Legislative Department): Sir, I beg to move the following amendment:

"That in clause 2 of the Bill, in clause (*a*) of the proposed new sub-section (*3*) of section 16 of the Indian Income-tax Act, 1922, after the words 'of such individual as arises' the words 'directly or indirectly' be inserted."

This amendment is intended to make clear beyond any reasonable doubt the intention of the draftsman and to remove what may be a possible omission in the draft. To explain my meaning, I will with your permission read the relevant words of the draft as it stands. The proposed new sub-section (*3*) reads:

"In computing the total income of any individual for the purpose of assessment, there shall be included—

(*a*) so much of the income of a wife of such individual as arises —."

[Mr. J. D. Anderson.]

May I ask Honourable Members to turn to the third sub-clause?

"— from assets transferred directly or indirectly to the wife by the husband otherwise than for adequate consideration . . .".

It is possible if those words stand as they are, that some income-tax expert will take advantage of them in some such way as the following. A husband will give to his wife a sum of money, clearly that would be for the purposes of this provision a colourable transaction and there will be no adequate consideration, no consideration at all. The wife with this money will then buy from her husband shares to the value of the amount which he has already given her. If this measure ever comes on the Statute-book, it would be a taxing Act and as such the Court will construe it with the greatest strictness in favour of the subject. It might be possible to argue that the taxing authority would not be entitled to reopen the whole transaction between the wife and the husband, that he would be entitled only to deal with the sale, a transaction in which there is adequate consideration and that he would not be entitled to go back to the gift, a colourable transaction, which is the one which it is intended to hit. The intention of the amendment which stands in my name is to remove any possible doubt about the meaning of this section.

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

"That in clause 2 of the Bill, in clause (*a*) of the proposed new sub-section (*3*) of section 16 of the Indian Income-tax Act, 1922, after the words 'of such individual as arises' the words 'directly or indirectly' be inserted."

Sir Muhammad Yakub: On a point of order, Sir. We find that there are only two Indian elected Members present in the whole House, and I submit to you whether the House as such can discuss any measure, and, particularly, an important measure like the one which we are discussing now, which touches the pockets of the people of this country.

Mr. N. M. Joshi: Raise this point of order when the President is here.

Sir Muhammad Yakub: The Deputy President is the President—when he is in the Chair. We have got a precedent. On a similar occasion when Honourable Members had left the House, the late Mr. Patel, who was then occupying the Chair, ruled that the House was not competent to deal with important measures and he adjourned the House. I submit that the present occasion is more important than that, and, therefore, the House should now be adjourned. There are only two Indian elected Members present.

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

Mr. President (The Honourable Sir Abdur Rahim): A point of order has been raised, it is understood that since there are only two Indian elected Members, the debate should be adjourned. It appears to have been pointed out before, that so long as there is a quorum, it is not within the power of the President to adjourn the House on a ground like this. The Chair may also point out that in this House no distinction can be made in a matter like this between one Member and another Indian or European, and whether he is elected or nominated, official or non-official.

Mr. Akhil Chandra Datta: I think that the change introduced proves that, on matters of detail, it is necessary to go to the Select Committee. They themselves think that there is room for amendment. However, apart from that, I may say that this is tightening up of the tightening law all the more by the addition of these two simple words "directly or indirectly". It has been said "Oh, it is very difficult to distinguish between what is a *mala-fide* transaction and what is a *bona-fide* transaction". I fail to appreciate this attitude and this difficulty. The question of *bona-fide*, *mala-fide* and *benami* transactions comes up in our Indian Courts almost daily, and this will be borne out, I am sure, by the Honourable the Law Member. This question does not arise merely in civil Courts but also in criminal Courts, because there is a section in the Penal Code punishing fraudulent transactions. If you want to tax people, you ought to be able to distinguish between the guilty and the not guilty.

The Honourable Sir James Grigg: If I may rise to a point of order, the Honourable Member is arguing the whole question over again instead of the narrow point raised by the amendment.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must confine himself to the amendment. The stage of consideration is over.

Mr. Akhil Chandra Datta: Subject to your ruling, this is not a narrow point. The point is very large. It throws open a floodgate for roping in *bona fide* transactions by the addition of these three simple words. In the guise of a narrow question, a very large question has been opened. I was going to say that it is something like the Court saying "I find it difficult to distinguish between the guilty and the non-guilty. Therefore, I punish the non-guilty also". This comes practically to that. It is said that if any genuine hard cases arise later on, there will be an exemption by notification under the special powers in section 60. While dealing with the promise of such notification, I may be pardoned for saying that I was awfully disappointed with the attitude of the European Group. Their spokesman made a speech in consonance with my motion but towards the end, he said that if he got an undertaking he would be satisfied. That is a sort of attitude which it is difficult to appreciate. It is simply placing the cart before the horse. You might as well say to a man "You had better go to jail. Later on, I shall consider the remission of your sentence. I shall ask the Governor General to exercise his prerogative for mercy". Then, Sir, about the observations of the Honourable the Finance Member, we have by now been reconciled to his habitual and characteristic contempt of public opinion and the opinion of this House. I, therefore, choose not to take any notice of his remarks.

Mr. A. H. Lloyd: All I have to say is this. As the remarks of the Honourable Member who has just sat down do not appear to have been addressed to the amendment which is before the House, there is really nothing for me to say in reply.

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

"That in clause 2 of the Bill, in clause (*a*) of the proposed new sub-section (*3*) of section 16 of the Indian Income-tax Act, 1922, after the words 'of such individual as arises' the words 'directly or indirectly' be inserted."

The motion was adopted.

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

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clauses 3, 4 and 5 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. A. H. Lloyd: Sir, I move:

"That the Bill, as amended, be passed."

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

"That the Bill, as amended, be passed."

The motion was adopted.

THE CONTEMPT OF COURTS (AMENDMENT) BILL.

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

"That the Bill to amend the Contempt of Courts Act, 1926, for a certain purpose, be taken into consideration."

I would like to tell the House that this Bill does not raise any comprehensive question dealing generally with contempt of court but is confined to a very narrow point and that is this. In 1926, this House passed an Act which is now known as the Contempt of Courts Act, Act No. XII of 1926. The House passed that Bill on the assumption that after the passing of the Bill the High Court will have no power to sentence a man indefinitely to be kept in detention. It was stated by the then Home Member, I believe, Sir Alexander Muddiman, that that was the object of the Bill, and I find also that in his final speech that was repeated. The House thought that it had passed a Bill as the result of which the High Court will be prevented from keeping a man in detention for more than six months for contempt of court. Recently, Sir, this matter came up before the Lahore High Court in connection with an application made by Lala Harkishen Lal, who had been ordered to be kept in jail indefinitely. It was argued for him that the High Court had no power to detain him for more than six months, by reason of Act XII of 1926. That contention was not accepted by the learned Judges. Of course, they were quite right in ignoring statements which had been made in the House, and also it is an accepted principle that, the unexpressed intention of the House does not matter in the least; the question is whether, as expressed, that intention has been carried out. They came to the conclusion that it had not been carried out and that they still have got the power to keep men in jail indefinitely as a result of summary proceedings. This Bill has now been brought forward by me for making good the assurance which had been given to the House and the *raison d'etre* of the decision of the Lahore High Court is that the superior Courts are not affected unless their power is expressly taken away; and that is what the Bill now proposes to do, because we are omitting the word "subordinate" from section 2, which

means that this will apply not merely when the High Court is dealing with contempt of subordinate Courts but also with cases of contempt before itself, and clause 3 makes it perfectly clear—that is at least what we think:

"Provided further that notwithstanding anything elsewhere contained in any law no High Court shall impose a sentence in excess of that specified in this section for any contempt either in respect of itself or of a Court subordinate to it."

We have tried to make the position perfectly clear; we are trying it a second time, and I hope that this time the intention will be carried out. Sir, as I said as regards the legal question of contempt of court generally I have no desire to enter into it. On the one hand—I may be excused if I say a few sentences—it has been said that law still exists, of summary procedure for contempt of court, and it has been felt that such a power must be retained by the Court. On the other hand, eminent English judges have also remarked that this is an archaic procedure and the situation is really an incongruous one, *viz.*, the prosecutor taking upon himself the role of the judge; but, as I said, Honourable Members need not be troubled, so far as this Bill is concerned, with any of those bigger problems. What is intended to be done by this Bill is to carry out a promise which was made to this House, *viz.*, that after the Bill was passed, it would not be possible for any High Court to inflict any longer sentence than six months. Sir, I move.

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

"That the Bill to amend the Contempt of Courts Act, 1926, for a certain purpose, be taken into consideration."

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I will say a few words with regard to this Bill. I am very glad that the intention of the former Act is being made very clear to the High Court. People will be very much thankful for this Bill having been brought forward for barring these mistakes from being committed any more, but, Sir, I would like to know from the Honourable the Law Member, when that intention was wrongly carried out and when powers were assumed in sending people to jail for an indefinite time, what is the remedy available to such people? The Statement of Objects and Reasons made it clear, but, of course, the High Court Judges may not be bound by that. However, a wrong has been done and I would like to know what the Honourable the Law Member would suggest: what is the remedy for the wrong done to those who have suffered? I will not call it a mistake, I would call it a wrong done to the people, and, therefore, I would like that some light should be thrown upon my question.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I rise not to oppose the Bill, but to support it.

3 P.M. Sir, I was very unlucky yesterday, and I had some unkind words from the Honourable the Law Member yesterday. To-day, I propose to retaliate by giving my whole-hearted and unqualified and enthusiastic support to his Bill. Now, Sir, ordinarily the Legislature makes the law, and it is for the Courts to administer the law, and for administering the law the Courts have got to interpret the law. But

[Mr. Akhil Chandra Datta.]

curiously enough, here is a case in which it has become necessary for the Legislature itself to interpret its own law. I do not know,—I have not thought over the matter,—I cannot re-call to my mind another instance in which it became necessary for the Legislature itself to interpret the law.

Now, one reason why we welcome this legislation is this. Most of these contempt cases are cases directed against the press—there are, of course, other kinds of contempt cases, but in the majority of instances proceedings are directed against the press for comments upon judges, their judgments, and their procedure. In fact, this Act of 1926 curtails the freedom of the press, and in view of that the Bill was opposed by the Opposition at the time, but, Sir, all the same, there was this great redeeming feature of the Act of 1926 that it did put a restriction upon the maximum period for which the High Court could imprison the party in contempt. Before the Act of 1926 which the Bill before us seeks to interpret, the powers of the High Courts were unlimited. They could pass any sentence of imprisonment, and award any amount of fine. Now, one of the principles of that Bill was as declared by the then Home Member who piloted the Bill, to define and to limit the power of the High Court as regards the maximum sentence and that limit was put at six months in section 3 of that Act. That was the limit, but, Sir, as we have been told by the Honourable the Law Member, one High Court, in spite of that clear language in section 3, was of the opinion that they had the power to give a higher sentence than six months and that is the reason why it has become necessary to make clear the intention. I have no manner of doubt—and speaking for myself I have examined the provisions and the language of the Act of 1926—I do not find the slightest difficulty in the interpretation of that Act and in finding out the intention of that Act. I do not, however, think I shall be justified in taking up the time of the House because it appears to me that it is a non-controversial measure and I believe that is the feeling of the House. That being the position, I do not think I shall be justified in taking up the time of the House. I whole-heartedly support this Bill.

The Honourable Sir Nripendra Sircar: Sir, I have got only a few words to add. My Honourable friend, Mr. Lalchand Navalrai, wanted to know what is the remedy of the persons to whom a wrong has been done. Now, the question is—has any wrong been done? This House cannot criticise the judgment of the High Court Judges as nobody has taken it up to the Judicial Committee. If, as a matter of fact, their construction is right and if one assumes that they are right. . . . .

Mr. Lalchand Navalrai: Why assume?

The Honourable Sir Nripendra Sircar: Because there is the judgment and it has not been upset by a court of appeal. I assume it is correct.

Mr. Lalchand Navalrai: That is nothing.

The Honourable Sir Nripendra Sircar: At any rate, we cannot discuss the High Court Judges here. In the judgment, no wrong has been done to them. Now, what is the remedy that my friend suggests. I was inquiring if my friend, Mr. Lalchand Navalrai, was a Member of the House in 1926.

Mr. Lalchand Navalrai: I was not.

The Honourable Sir Nripendra Sircar: If he was, then I would have seriously considered whether I could advise somebody to sue him for damages for neglecting and not putting the Bill right.

Mr. Lalchand Navalrai: Who is responsible for it now?

The Honourable Sir Nripendra Sircar: Their successors are not responsible for it. There is no cause of action against anybody.

Mr. Lalchand Navalrai: The Bill was right but the interpretation of it was wrong, a point with which even the Honourable the Law Member agrees.

The Honourable Sir Nripendra Sircar: I hope my friend will appear in that Court and convince them that they are wrong. My friend, Mr. Datta, said that some unkind words were used yesterday. I do not remember having used any unkind words against him.

Mr. Akhil Chandra Datta: Never mind.

The Honourable Sir Nripendra Sircar: If I have, I am extremely sorry for it, but I am sure I did not. I find that all sections of the House are supporting the Bill, and, therefore, I should not take up more time.

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

"That the Bill to amend the Contempt of Courts Act, 1926, for a certain purpose, be taken into consideration."

The motion was adopted.

Clauses 2 and 3 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 Nripendra Sircar: Sir, I move:

"That the Bill be passed."

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

"That the Bill be passed."

The motion was adopted.

THE CODE OF CIVIL PROCEDURE (SECOND AMENDMENT) BILL.

(INSERTION OF NEW SECTION 44A.)

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

"That the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes, (*insertion of new section 44A*), as reported by the second Select Committee, be taken into consideration."

[Sir Nripendra Sircar.]

Sir, the report of the Select Committee will show that there has been no difference between the Members of the Committee. Besides, the object of the Bill is a very narrow one. As Honourable Members may possibly remember, in the case of a foreign judgment there was no procedure by which that judgment could be executed in India with the result that a suit had to be brought which is known as a suit on a foreign judgment, and the whole idea of this Bill is to expedite procedure and to cheapen the cost by making the decree executable here. Honourable Members will find if they go through the Bill that that is the whole object of this Bill. I may explain to the House as to why a second reference to the Select Committee was necessary. It was not rendered necessary by reason of any difference of opinion or any serious contentions raised—there were certain minor points certainly,—but because an allied matter which is the subject of the next Bill came up, and we were relieved from considering whether awards should be included in the first Bill. The second Bill related to arbitration award and the House accepted the idea because it was a convenient one that the two Bills should go before the same Committee. That was done. Sir, I move.

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

"That the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes, (*insertion of new section 44A*), as reported by the second Select Committee, be taken into consideration."

The motion was adopted.

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

"That clause 2 stand part of the Bill."

Mr. F. E. James (Madras: European): Sir, I beg to move:

"That in clause 2 of the Bill, in the proposed section 44A, for sub-section (*3*) the following be substituted:

'(*3*) The provisions of section 47 shall as from the filing of the certified copy of the decree apply to the proceedings of a District Court executing a decree under this section, and the District Court shall refuse execution of any such decree, if it is shown to the satisfaction of the Court that the decree falls within any of the exceptions specified in clauses (a) to (f) of section 13'."

I think I ought to explain that I did attach a note to the report of the Select Committee to the effect that I reserved to myself the right to move minor amendments in order to clarify the intentions of the Select Committee. For some reason or other, my note has not been printed along with the report of the Select Committee. It was the intention of the Select Committee that these proceedings which are referred to in this clause should be subject to the provisions of section 13, and that the judgment-debtor should have the right to oppose the proceedings on any grounds specified in that section. The Bill provides that the decree of a foreign court may be executed, as if it had been passed by the District Court. Consequently, notice will not be issued except under Rules 21 or 37 of Order XXII. Section 13 of the Civil Procedure Code was intended to stipulate what defences might be raised in a suit brought to endorse a foreign judgment and the Select Committee intended

that the judgment-debtor should be allowed to raise these defences in opposition to an application for execution. If he should succeed in his arguments before the Court he should also have the right to have execution refused under any of the circumstances specified in section 13 of the Civil Procedure Code. That is, I believe, substantially the procedure in England. Misgivings have been expressed as to whether the clause as now drafted does put clearly, and beyond a shadow of doubt, the intention of the Select Committee. Therefore, my amendment has been drafted with the assistance of one of the Government Departments in order to make perfectly clear what was in fact the intention of the Select Committee. Sir, I move.

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

"That in clause 2 of the Bill, in the proposed section 44A, for sub-section (*3*) the following be substituted :

'(*3*) The provisions of section 47 shall as from the filing of the certified copy of the decree apply to the proceedings of a District Court executing a decree under this section, and the District Court shall refuse execution of any such decree, if it is shown to the satisfaction of the Court that the decree falls within any of the exceptions specified in clauses (a) to (f) of section 13'."

The Honourable Sir Nripendra Sircar: Sir, I would accept this amendment, but I do not want to put it on the ground that it was the real intention of the Select Committee, because, after all, the intention of the Select Committee, so far as this House is concerned, must be judged by what they have expressed and not what they have not cared to express. But the position simply is this. It was certainly my impression, on the reading of the authorities, that the defences stated in the amendment would be open even if this amendment were not added. As I told the House if this Bill is dropped, suits will have to be brought on foreign judgments. When such a suit is brought on foreign judgment under section 13, these defences are open. For instance, take the clause (e) of section 13 "where it has been obtained by fraud", surely it is neither the intention of the Select Committee nor is it borne out by the authorities that when a judgment has been obtained in British courts by fraud and when the decree comes here for execution, the judgment-debtor should not have the liberty of showing that this decree has been obtained by fraud. That cannot be. Therefore, I have doubts whether this is really necessary, but if my Honourable friend wants to make it clear and for the sake of better caution, I have no objection to this amendment being accepted.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Is it as clear as mud?

The Honourable Sir Nripendra Sircar: Without your assistance that cannot be done.

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

"That in clause 2 of the Bill, in the proposed section 44A, for sub-section (*3*) the following be substituted :

'(*3*) The provisions of section 47 shall as from the filing of the certified copy of the decree apply to the proceedings of a District Court executing a decree

[Mr. President.]

under this section, and the District Court shall refuse execution of any such decree, if it is shown to the satisfaction of the Court that the decree falls within any of the exceptions specified in clauses (a) to (f) of section 13'."

The motion was adopted.

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

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Mr. F. E. James: Sir, I beg to move:

"That after clause 2 of the Bill, the following new clause be added:

'3 In Rule 22 of Order XXI of the First Schedule of the Code of Civil Procedure, 1908, in 1(b) after the words 'party to the decree' the following shall be inserted, namely:

'or where an application is made for execution of a decree filed under the provisions of section 44-A'."

Order XXI, Rule 22 would, therefore, read as follows if this amendment were made:

"Where an application for execution is made more than one year after the date of the decree or against the legal representative of a party to the decree or where an application is made for execution of a decree filed under the provisions of section 44-A, the Court executing the decree . . . . . ."

Notice will have to be issued to the judgment-debtor to show why the foreign judgment should not be executed and that execution will not issue until the lapse of time specified in the notice or the dismissal of the objections raised by the judgment-debtor under section 13, Code of Civil Procedure. In the Rules as they stand now under Order XXI, no notice is required to be issued to the judgment-debtor except under rule 22 when the decree is one year old or the execution is against the legal representative of a party to the decree or by rule 37 when the application is for personal arrest. In all other cases, the executing Court orders the issue of execution without notice of any kind to the judgment-debtor. The Bill provides that a decree of a foreign Court may be executed as if it had been passed by a District Court and consequently notice will not be issued except under rules 31 or 37. The Select Committee obviously, and in fact the Bill, intended that the judgment-debtor should be allowed to raise the defences in section 13 of the C. P. C. in opposition to the application for execution. It can, therefore, be suggested to us that it is necessary to provide that notice of the application for execution must be given in every case and that the judgment-debtor shall have the opportunity of raising the defence before execution is actually issued. That is the purpose of this amendment, which I think is clear when the amendment is read together with the rule as it stands at present. Sir, I move.

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

"That after clause 2 of the Bill, the following new clause be added :

'3 In Rule 22 of Order XXI of the First Schedule of the Code of Civil Procedure, 1908, in 1(b) after the words 'party to the decree' the following shall be inserted, namely :

'or where an application is made for execution of a decree filed under the provisions of section 44-A'."

The Honourable Sir Nripendra Sircar: Sir, I have great doubts whether the House ought to accept this amendment because it will be realised that our Bill was introduced only for amending section 44 by putting in section 44-A. This amendment proposes a change in rule 22 of Order XXI. I do not want to press the technical point that this is outside the scope of our Bill, there being no intention to amend any of the orders. While not pressing the technical objection, I think it is not right that a matter which was not considered by the Select Committee should really now be moved. Now, let us see what are the reasons why my Honourable friend wants this rule. Under the Code of Civil Procedure a notice has got to be given if the decree is more than one year old or if the decree is going to be executed not against the original judgment-debtor but against the legal representative. Now, why is that really wanted for a judgment of a foreign Court. These cannot be executed in complete ignorance of the judgment-debtor because execution will lead to some process whether for his arrest or attachment of the moveable or immoveable property and so on. Obviously, he does not lose the opportunity of presenting his case and coming forward and urging that this decree ought not to be executed for the following reasons. Therefore, on the merits I see no strong objection to the amendment and had I felt any overpowering necessity for introducing this change in Order XXI, rule 22, I might have been prepared to consider the matter with more alacrity, but my real difficulty is that, as I said, apart from the technical considerations I do not think it right that a matter which has not been considered by the Select Committee should now be introduced. I am afraid I cannot support this amendment.

Mr. Lalchand Navalrai: Sir, I had no intention of speaking on this. I was also a party to the Select Committee on this Bill. But when the Honourable the Law Member is so kind as to say that he is not pressing his technical point, I think the other argument of his does not appeal to me at all, and I do not think it should appeal to the House. The Honourable Member says that the man will not be taken unawares with regard to this foreign decree of judgment because some process will be issued against him and he will come to know. Sir, I think that will be punishing the man first and then giving him an opportunity to put his objections before the Court. He will come under arrest before the Court and then he will be asked to put in his objections or whatever else it may be.

The Honourable Sir Nripendra Sircar: No, because under the section relating to notice, he is entitled to notice except when the Court on affidavit has reason to believe that he is about to abscond.

Mr. Lalchand Navalrai: But then his property will be attached all the same at once. Therefore, I am submitting that it will be a hardship, and, in that sense, I would request the Honourable Member to consider this question very seriously. Of course, it was not brought before the Select Committee but that is no defect at all because many things come to notice afterwards. If the Honourable Member had said that this was not a matter for the Select Committee and, therefore, the Honourable Member had opposed it on the ground that it was out of scope, that would have been a ground which perhaps I would have yielded to. But now as the Honourable Member has been kind enough, once in a way at least, to say that he is not pressing the legal technicality, I would request the House to consider this question. This is a matter which should not be taken lightly and I hope the House will give due consideration to this and accept this amendment.

Mr. F. E. James: Sir, may I rise to a point of personal explanation, because I am put in a rather difficult position? I am not of course able to reply to the Honourable the Law Member's arguments, but I think it is my duty to explain that this matter is one that we took up with the Honourable Member's own department last May, and it was the subject of correspondence with that department. At the time of the Select Committee which met during this Session I raised matters which had been the subject of correspondence with the Honourable Member's department, but it was generally agreed, an agreement in which I acquiesced, that in the absence of certain members of the Select Committee who had been of great assistance it would not be proper to deal with these in the Select Committee. And, therefore, it was suggested that I should deal with them directly by way of amendments on the floor of this House. Under the circumstances, therefore, I find it just a little bit difficult to understand the argument of my Honourable friend who opposed this on the ground that it is new matter which should have been brought before the Select Committee and which the House should not now agree to accept after the report of the Select Committee stage. I am not able to say any more than that because of the rules of debate but I think I ought to make it perfectly clear that this is not a matter which has been brought up at the last moment but one which has been under correspondence with the Honourable Member's own department ever since last May.

Mr. President (The Honourable Sir Abdur Rahim): The Chair thought the Honourable Member was giving a personal explanation, because he has no right of reply.

The Honourable Sir Nripendra Sircar: Sir, may I just put in a word? I should like to know whether other Members who are present really press for this amendment. I made it perfectly clear in my speech that I really have no serious objection, but I thought it was rather unnecessary. If every one wants it, I have no objection to it.

Mr. N. M. Joshi (Nominated Non-Official): No, we are not interested.

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

"That after clause 2 of the Bill, the following new clause be added :

'3 In Rule 22 of Order XXI of the First Schedule of the Code of Civil Procedure, 1908, in 1(b) after the words 'party to the decree' the following shall be inserted, namely :

'or where an application is made for execution of a decree filed under the provisions of section 44-A'."

The motion was adopted.

New clause 3 was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): With reference to the complaint that was made by Mr. James that he put in a note which has not been printed, what happened was that the reports on the two Bills relating to the Civil Procedure Code were sent to the office at the same time, but the Honourable Member's note did not specify to which of these two Bills the note was intended to be attached. As a matter of fact, it has been printed to another Bill which relates to arbitration in British India. This was due to the fact that the reports on the two Bills came in at the same time.

The question is:

"That clause 1 stand part of the Bill."

Mr. J. D. Anderson (Secretary, Legislative Department): Sir, I beg to move:

"That in sub-clause (*1*) of the clause 1 of the Bill, for the brackets, words and figures '(Second Amendment) Act, 1935' the brackets, words and figures '(Amendment) Act, 1937' be substituted."

Sir, I do not think I need say anything on this.

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

"That in sub-clause (*1*) of the clause 1 of the Bill, for the brackets, words and figures '(Second Amendment) Act, 1935' the brackets, words and figures '(Amendment) Act, 1937' be substituted."

The motion was adopted.

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

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, 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, as amended, be passed."

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

"That the Bill, as amended, be passed."

The motion was adopted.

THE ARBITRATION (PROTOCOL AND CONVENTION) BILL.

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

"That the Bill to make certain further provisions respecting the law of arbitration in British India, as reported by the Select Committee, be taken into consideration."

[Sir Nripendra Sircar.]

The report of the Select Committee on this Bill is unanimous and, as you pointed out, the note of Mr. James has been printed by mistake. The whole object of this Bill will be found in the first five lines, namely, the Preamble:

"Whereas India was a State signatory to the Protocol on Arbitration Clauses set forth in the First Schedule, and to the Convention on the Executive of Foreign Arbitral Awards set forth in the Second Schedule, subject in each case to a reservation of the right to limit its obligations in respect thereof to contracts which are considered as commercial under the law in force in British India"

We are bound by these obligations; we had not much of a free hand in drafting the Bill. We had to follow the language and the substance of these documents and that explains why the Bill has been drafted in this particular form. The Bill was placed before the Select Committee. There has been no objection to any of the clauses, and I move.

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

"That the Bill to make certain further provisions respecting the law of arbitration in British India, as reported by the Select Committee, be taken into consideration."

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, my intention in getting up is only to ask something to be cleared up. In clause 2, I find the words:

"In this Act 'foreign award' means an award on differences relating to matters considered as commercial under the law in force in British India."

I would like to know if there is any statutory law dealing with commercial questions or it would be any common law or any inherent power, or it is left to the judges to find out for themselves how to decide or if there is actually any statutory law in India. In England, there are customs and manners and also certain conventions called there common law, law of equity, and also parliamentary law that govern these commercial questions. In India I do not find any Act specifically applicable to commercial questions. It may be that we have Companies Act here or some other Acts which may give some help, but there is no exclusive commercial law. I would like to be enlightened on that.

The Honourable Sir Nripendra Sircar: Sir, I will throw as much light as possible to enlighten my Honourable friend. I would like to know first in what sense he agreed to it when he signed the report of the Select Committee. My friend will notice that the words "commercial law" are not used in that section. Nowhere do you find the words "commercial law". The words used are "matters considered as commercial under law in force". The law in force includes, apart from statutory law, judge-made law, decisions of Courts which are binding on parties and that is also law. Therefore, it is quite true that we have got the Indian Penal Code, but we have not got a commercial Code. But there is no difficulty among judges dealing with commercial matters to find out what cases come under that description. I may tell the House that the question has come up very often in the Calcutta and Bombay High Courts in these circumstances. Under the rules of both the Courts, which rules again are copied from the rules of the Supreme Court of England, a particular judge is allocated for hearing commercial cases. There are special rules applicable to commercial cases directed to expedite the hearing of the suit. For

instance, shorter time is given for inspection and things of that kind. Now the question has often arisen whether a particular case is a commercial case or not. There are some reported cases; for instance, before Honourable Mr. Justice Harrington the question was raised whether an ordinary partnership dispute between the members of a firm was a commercial case. That was answered in the negative. It was not. Similarly, there are numerous decisions of the English Courts as to what is regarded as a commercial case. I do not remember the exact language—but it is something like this: principally matters arising out of dealings between merchants and traders relating to trade and so on. If the matter comes up before Court they will have no difficulty in getting light from these reported decisions of the Calcutta High Court, the Bombay High Court and the English High Courts to decide whether a particular matter is a commercial case or not. But my Honourable friend is quite right. If he thinks that it will be open to a person who is resisting the award to say that this is not a commercial matter, then that will be a matter for the Court.

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

"That the Bill to make certain further provisions respecting the law of arbitration in British India, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clauses 2, 3, 4, 5, 6, 7, 8 and 9 were added to the Bill.

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

"That clause 10 stand part of the Bill."

Mr. F. E. James (Madras: European): Sir, may I ask a question on this? Clause 10 lays down:

"The High Court may make rules consistent with this Act as to :

(a) the filing of foreign awards and all proceedings consequent thereon or incidental thereto;

(b) the evidence which must be furnished by a party seeking to enforce a foreign award under this Act; and

(c) generally, all proceedings in Court under this Act."

Some of our constituents have represented that this making of the rules is a very important matter both in regard to the evidence which is to be admissible in cases under the Bill and also in regard to the procedure relating to the filing of foreign awards; and although I am aware that the making of the rules will be within the competence of the High Courts, I would like to ask the Honourable the Law Member whether there is any way in which the High Courts may be induced, before notifying the rules which they have drawn up, to consult mercantile organisations of standing as to the rules which are to be promulgated under the Bill. It is an important matter, and although, as I say, we do fully realise that it is entirely within the cognisance of the High Courts to make what rules they wish, we should like to know whether there is any way in which mercantile opinion may be solicited before the rules are finally notified.

The Honourable Sir Nripendra Sircar: Sir, as my friend has appreciated, the matter is for the High Courts. I agree that the matter of framing these rules is important, and I was wondering whether there was any way in which the attention of the High Court can be drawn to the fact that

[Sir Nripendra Sircar.]

mercantile opinion attaches great importance to the rules being framed under section 10. I should have thought that it was open to the mercantile bodies to communicate direct with the High Courts. But in addition to that possibly it will be of help if the Government undertakes to send copies of the speech of my friend, Mr. James, and of my reply to the different High Courts drawing their attention to the fact that this matter is considered to be of great importance by the mercantile communities. If that is of any help, I am quite willing to do it.

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

"That clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

The First and the Second Schedules 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 Nripendra Sircar: Sir, I move:

"That the Bill, as reported by the Select Committee, be passed."

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

"That the Bill, as reported by the Select Committee, be passed."

The motion was adopted.

THE CODE OF CIVIL PROCEDURE (THIRD AMENDMENT) BILL.

AMENDMENT OF SECTION 60.

The Honourable Sir Henry Craik (Home Member): Sir, I move:

"That the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes (*Amendment of section 60*), as reported by the Select Committee, be taken into consideration."

The House will recollect that, as a result of the recommendations of the Royal Commission on Labour, Government prepared two Bills designed to amend the Code of Civil Procedure. One of those Bills was intended to prevent any but dishonest or recalcitrant debtors from being sent to prison, and that Bill was passed in the Simla Session. The present Bill the one with which we are now concerned, will, I hope, receive equally favourable treatment. I need only remind the House briefly of the objects of this Bill. Section 60 of the Code provides, among other things, that the salary of public officers is wholly exempt from attachment in the execution of decrees if the salary does not exceed Rs. 40 a month. If it does exceed Rs. 40, but not Rs. 80, then Rs. 40 is exempt. If it is more than Rs. 80, then one half of the total is exempt. Now, the Royal Commission on Labour came to the conclusion that in the case of workmen, which was of course the only class with which that Commission was concerned, indebtedness was very heavy, largely because of the ease with which wages can be attached. The Commission, therefore, proposed that exemption should be given in regard to the attachment of wages up to a limit

of Rs. 300 a month, instead of Rs. 40 a month, as provided by the Code. The Government of India after consulting opinion in the provinces came to the conclusion that Rs. 100 was a more suitable limit than Rs. 300, and they also considered that the recommendations made by the Royal Commission which, as I say, applied to workmen, were equally necessary for public officers as well, and this Bill as introduced made provision to that effect.

It contains another important provision relating to what is known as continuous attachment. I think it is a fact not generally appreciated that the salary of a public officer is the only form of salary, or rather I should say that a public officer is the only class of wage earner whose pay can be effectively attached. That results from a rule contained in the Civil Procedure Code under which such salary can be made attachable by the simple device of requiring the disbursing authority to withhold a stated amount month after month and to remit that amount to the Court. There is at present no limit to the period for which this process can continue, and it may continue for periods which are, it is a matter of common knowledge, beyond all reason, and give the debtor no chance whatever of ever retrieving his position.

Now, Sir, I come to the Bill as reported by the Select Committee. The Select Committee reduced the limit of wages or salary to be exempt from attachment from Rs. 100, which was the figure Government originally proposed, to Rs. 60, and Honourable Members will observe that the Government Members of the Select Committee recorded a minute of dissent on that point. But I am glad to see that my friend, Mr. Joshi, has got an amendment on the paper to restore the original figure of Rs. 100.

Another change made by the Select Committee was in regard to the question of continuous attachment. Our original draft Bill on this point was in some respects unsatisfactory, and the Select Committee altered it by omitting all reference to intermittent attachment, that is, attachment for intermittent periods. On further consideration, however, since the Select Committee reported, Government came to the conclusion that something more was necessary, and an amendment on this point will be moved by Mr. Thorne which I hope the House will accept. Mr. Thorne will explain that particular point more fully when he moves his amendment.

Apart from these two points, the only other change introduced by the Select Committee was to provide that the Bill is not to have retrospective effect. It will only apply to suits arising in the future.

There is only one other matter to which I need refer before I sit down, and that is the one which appeared in the last Session to interest a large number of Members of this House, but I notice in the present Session other interests have commanded more attention on their part. During the last Session a good many Members interested in agricultural conditions appealed to me to make special provision in this Bill so as to exempt from attachment a certain area of agricultural land. Opinions differed, and I imagine they still differ very widely as to what area should be exempted. I think one Honourable Member mentioned 5 acres, another Member mentioned 10 acres, and yet a third Member mentioned 15 and so on. I regret Government find themselves unable to accept this suggestion, not, I may say, for lack of sympathy for agriculturists, but for a very practical reason. There are other provisions of section 60 of the Code which give agriculturists certain protection from attachment, but it has undoubtedly

[Sir Henry Craik.]

been felt in many parts of India that the existing protection is inadequate, and already in some provinces that protection has been supplemented by special local legislation by means of provisions which local experience has shown to be suitable and desirable. We have also received notices of Bills which private Members propose to introduce in this House and also of certain Resolutions on the subject. But Government are of opinion that this matter of giving protection to agriculturists in the matter of attachment is primarily and indeed solely a matter for the provinces. The provinces have power to legislate and some of them have passed legislation, and only the provinces have the special knowledge which enables them to decide what particular form of additional protection is suitable to local circumstances. What may be suitable in one province may, for obvious reasons, be ill-adapted to the conditions of another province. The scope of the Bill which we are taking into consideration today is limited. It applies only to salaries and wages. It would introduce great complication, delay and controversy if we were to include in it a provision regarding the exemption of agricultural land. To introduce such legislation would indeed entirely alter the whole character of this Bill. Sir, I move.

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

"That the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes (*Amendment of section 60*), as reported by the Select Committee, be taken into consideration."

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I was not a party to the Select Committee on this Bill and I would, therefore, like to know from the Honourable the Mover of this motion one question. It is said that the majority of the Select Committee came to the conclusion that the exemption from attachment of Rs. 40 should be raised to Rs. 60 and not to Rs. 100. I find, in the Select Committee's Report no reasons for that, and as I was not a party to that, I expect the Honourable the Mover of the Bill or some other Members to enlighten me on this point, namely, what were the reasons of theirs not to raise the limit to Rs. 100. Was it that they did not like that from Rs. 40 a jump should be made to Rs. 100 at once, or was there any other reason given? I am sorry that those Members are not in the House; otherwise, they would have thrown light on this and also opposed the idea of the Government to raise it to the higher figure of Rs. 100. There are the Minutes of Dissent, and it would be only fair to have brought this Bill in the House at a time when those Members, who were of opinion that it should be Rs. 60 and not more than that, had an opportunity of placing the matter before the House, and to have then obtained a mature judgment on the point. At present only one side puts its case and the Government wish the exemption to be extended to Rs. 100. The consideration thus would not be complete and if possible, this Bill should not be pressed to a conclusion before the other side Members are in.

The Honourable Sir Nripendra Sircar: May I point out to such an experienced Member as Mr. Lalchand Navalrai. . .

Mr. Lalchand Navalrai: I expected that preface.

The Honourable Sir Nripendra Sircar: . . . . that it is not open to tell the House what discussions took place in the Select Committee. I thought my Honourable friend would know that.

Mr. President (The Honourable Sir Abdur Rahim): There are the Minutes of Dissent attached to the Report.

The Honourable Sir Nripendra Sircar: Beyond that, what discussions took place we are not permitted to tell you, not even to satisfy the curiosity of my Honourable friend. We cannot do it, these are the rulings of the Chair.

(Mr. Lalchand Navalrai rose in his seat.)

I am not giving way. The second point is, it is now becoming a daily feature, mourning over absent friends, and asking why this or that Bill is discussed when they are not here to say what they want to say. My Honourable friend very often asks questions, "May I get this information?" May I ask him this question, "May I get information why one of the absentees, Pandit Lakshmi Kanta Maitra, who was here yesterday, who has been all the time in Delhi—why he is not here?" He could explain his dissent.

Mr. Lalchand Navalrai: Ask him.

The Honourable Sir Nripendra Sircar: He belongs to your Party.

Mr. Lalchand Navalrai: Never mind if he belongs to my Party. Ask him yourself personally.

The Honourable Sir Nripendra Sircar: If my Honourable friend has not got sufficient courage to ask him I am far more timid than he. I cannot possibly tell him what discussion took place in the Select Committee. That must be judged from the Minutes and from the Report.

Mr. Lalchand Navalrai: I want only the reasons.

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

"That the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes (*Amendment of section 60*), as reported by the Select Committee, be taken into consideration."

The motion was adopted.

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

"That clause 2 stand part of the Bill."

Mr. N. M. Joshi (Nominated Non-Official): Sir, I beg to move:

"That in sub-clause (*a*) of clause 2 of the Bill, for the word 'sixty', wherever it occurs, the word 'hundred' be substituted."

The word "sixty" occurs in sub-clause (*a*) of clause 2 in two places. First it occurs in the new sub-clause (*h*) which says, "the wages of labourers and domestic servants whether payable in money or in kind, and salary to the extent of the first sixty rupees and one-half the remainder of such salary". Again it occurs in sub-clause (*i*) which runs as follows, "the salary of any public officer or of any servant of railway company or local authority, to the extent of the first sixty rupees and one-half the remainder of such salary". The Honourable the Home Member has explained that

[Mr. N. M. Joshi.]

the Royal Commission on Indian Labour proposed that the salaries of persons who are employed up to Rs. 300 should be totally exempt from attachment.

The Honourable Sir Henry Craik: Workmen.

Mr. N. M. Joshi: If the Honourable Member would read the paragraph, he will find that the Royal Commission thought that on the whole it would be better if the salaries of all employed persons were free from attachment. In that connection the Commission said this:

"If on examination there are found to be objections to applying this exemption to every one employed on a salary less than Rs. 300 a month, the definition of workmen under the Workmen's Compensation Act might be suitable."

It makes it quite clear that the Royal Commission thought that the total exemption of salaries up to Rs. 300 should be made applicable to all persons, but if it was thought objectionable, then it should be restricted only to workmen. The Royal Commission fixed this limit at Rs. 300 with a definite object. The Bill, as it is before us, frees the wages of labourers and domestic servants from attachment altogether. It was also intended by this Bill that the salaries of persons getting Rs. 100 be totally exempted. The Royal Commission found that there are a number of persons who may not come within the definition of the word "labourer" but who are workmen in the proper sense of the term whose salaries should be made free from the attachment process. During the examination of this problem they found out that besides the ordinary labourers in factories there are the railway men who for practical purposes may be termed workmen,—drivers, guards and others. They get salaries which are more than Rs. 100 or the salary generally received by workmen. They also found that on account of the fact that continuous attachment is made applicable to railway servants the extent of indebtedness among the railway servants was very large, more than proportionate to the other classes of workmen.

An Honourable Member: Why?

Mr. N. M. Joshi: Somebody asks me "why". The reason is that in this country the law makes the employer the interest gatherer and the debt gatherer. The law makes this employer do this work—which should not be the case. Therefore, Sir, the Royal Commission thought that if the railway men are to be protected the limit must be higher than the ordinary limit which may be fixed for ordinary workmen. Unfortunately, the Government of India somehow came to the conclusion that the limit should be 100. It has never been explained here why that figure was reduced from 300 to 100. The Honourable the Home Member stated that on examination they came to the conclusion they arrived at. It would have been much better if he had explained why they fixed the figure at 100. Now, the Select Committee reduces that figure of 100 to 60. I feel that the objects which the Royal Commission had in view in making its proposal will not be achieved by reducing the figure to 60. Leaving aside the case of railway employees, even if we take the case of ordinary workmen, there are people who get salaries larger than Rs. 60. Some fitters and carpenters and people of that type in some factories get wages or salaries higher than

4 P. M.

Rs. 60. Even they will be excluded from complete protection from attachment of their wages and salaries. Moreover, the word 'labourer' is not defined in this Bill at all and it is quite possible that some judges may not include men like carpenters and fitters in the word 'labourers', with the result that even carpenters and fitters will not get complete protection against attachment of their wages and salaries. The intentions of the Royal Commission were to fix the figure at 300, the Government reduced it to 100 and this House should not reduce it still further. I hope that the House would accept my amendment. I am sorry for one thing today My friend, Sir Henry Gidney, is not present on account of his ill-health. I know he is keenly interested in the subject. If he had been here, I am sure he would have given me his fullest support. I hope, Sir, the House would accept my amendment.

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

"That in sub-clause (*a*) of clause 2 of the Bill, for the word 'sixty', wherever it occurs, the word 'hundred' be substituted."

Mr. Lalchand Navalrai: If my friend, Mr. Joshi, will excuse me, I will say that I am not satisfied that the opinion of the majority of the Select Committee should be overriden and that the figure sixty should be raised to Rs. 100. (*An Honourable Member*: "The persons who were in the Select Committee are not here.") Don't say so, the mere mention of their presence or non-presence is annoying to people in this House. Now no reasons have been given which would convince the House that the figure 40 which is being raised to 60 should be at once raised to 100. I expected that the Honourable the Law Member would say that what was said in the Select Committee should not be repeated in this House but what I ask is that the Government should have given their own reasons to rebut those reasons mentioned there so that it would serve to show at least something of the reasons of the majority. One thing is very clear. That from Rs. 40 a jump is being given to raise it to Rs. 100. The only reason disclosed is that some fitters and carpenters who get more than Rs. 60 a month will be affected. What of that? Let us try Rs. 60 being exempted and see how it works.

Mr. N. M. Joshi: They recommended 300.

Mr. Lalchand Navalrai: I know that. That was still more unreasonable. What I would like to know is whether it is really objectionable that the Honourable Members, if they were to give certain reasons in the Select Committee in support of their opinion, they should not mention them in the House. For instance, supposing the members, who are in a majority and who record an opinion, were to enter their reasons in the Select Committee's report, will it be read in the House or not? Will those reasons be discussed?

Mr. President (The Honourable Sir Abdur Rahim): The rule regarding that is that the discussions in the Select Committee cannot be repeated here. The reasons for that are obvionus—there will be recriminations in the House that a certain Member said this or that in the Select Committee and now he is going back and the like. But whatever reasons are given in the minutes of dissent or in the report can be discussed in the House.

Mr. Lalchand Navalrai: I bow to what the President says. But my point was that they need no names of those Members but the grounds which actuated the report itself may be given.

The Honourable Sir Frank Noyce (Member for Industries and Labour): I find it difficult to follow the Honourable Member's point. If he would only turn over the page, he will find that the reasons why the Government Members dissented are fully reported.

Mr. Lalchand Navalrai: I am not saying about the dissent but the reverse, I am not convinced that this amendment should be accepted and I oppose it.

The Honourable Sir Henry Craik: I welcome this amendment on behalf of Government. I failed to understand two consecutive sentences of the speech of my Honourable friend, Mr. Lalchand Navalrai. I should have thought it was obvious even to his intelligence that the reasons why we want to raise the limit of exempted salaries . . . . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member used the expression "even to his intelligence". This is not a proper expression, and he should withdraw it.

The Honourable Sir Henry Craik: I withdraw it. I apologize to the Honourable Member for any reflections I may have cast on his intelligence.

Mr. Lalchand Navalrai: Thank you for this. I hope it would not occur hereafter.

The Honourable Sir Henry Craik: I hope there will be no occasion for it. I should have thought that the reason would have been obvious to anyone. The reason why we want to raise the limit of exemptible salaries and wages is that we consider that too many people get into debt, because their salaries and wages are at present so easily attached, and we hope that this measure will do something towards releasing them from the slough of debt in which they are at present involved.

Several Honourable Members: The question may now be put.

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

"That in sub-clause (*a*) of clause 2 of the Bill, for the word 'sixty', wherever it occurs, the word 'hundred' be substituted."

The motion was adopted.

Mr. J. A. Thorne (Government of India: Nominated Official): Sir, I move:

"That in sub-clause (*a*) of clause 2 of the Bill, for the proviso to proposed clause (*i*) of section 60, the following be substituted:

'Provided that, where the whole or any part of the portion of such salary liable to attachment has been under attachment, whether continuously or intermittently for a total period of twenty-four months, such portion shall be exempt from attachment until the expiry of a further period of twelve months and, where such attachment has been made in execution of one and the same decree, shall be finally exempt from attachment in execution of that decree'."

Sir, the corresponding proviso in the Bill as amended by the Select Committee gives certain protection where the attachment has been continuous for a total period of twenty-four months. It has occurred to us that that provision is defective: it would be possible for the decree-holder to attach a man's salary for 23 months, then to lift the attachment for a short period, say for a month or two, then to start again and attach for 23 months or any period he likes short of 24 months, then to lift the attachment, then to start again and so on *ad infinitum*. It is necessary to stop that gap and the amendment which I move does, I think, have that effect. Not having drafted it myself, I may be permitted to say that it has been drafted with considerable care. It will effect three things. The first is—where a salary has been attached under various decrees whether continuously or intermittently for 24 months, the debtor gets a respite for twelve months. Secondly, it ensures that every decree-holder will be able to attach a salary in execution of his decree up to a total period of 24 months whether continuously or intermittently; and, thirdly, where the attachment in respect of any one decree has gone on for the full 24 months whether at one stretch or intermittently, then the debt under that decree is totally wiped out. That, Sir, is the effect of the proviso as now worded, and I think the House will agree that it meets all the needs which this proviso originally set out to serve. Sir, I move.

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

"That in sub-clause (*a*) of clause 2 of the Bill, for the proviso to proposed clause (*i*) of section 60, the following be substituted:

'Provided that, where the whole or any part of the portion of such salary liable to attachment has been under attachment, whether continuously or intermittently for a total period of twenty-four months, such portion shall be exempt from attachment until the expiry of a further period of twelve months and, where such attachment has been made in execution of one and the same decree, shall be finally exempt from attachment in execution of that decree'."

The motion was adopted.

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

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

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

"That clause 3 stand part of the Bill."

Mr. J. A. Thorne: Sir, I move:

"That in clause 3 of the Bill, for the word 'January' the word 'June' be substituted."

The intention of the Select Committee was that the Bill should not have retrospective effect, and they altered the clause so as to postpone the effect of the changes until after the 1st day of January, 1937. But as, since the Select Committee reported, we have now passed the 1st day of January, 1937, this amendment is moved to substitute the 1st of June, 1937. Sir, I move.

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

"That in clause 3 of the Bill, for the word 'January' the word 'June' be substituted."

The motion was adopted.

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

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

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

"That clause 1 stand part of the Bill."

Mr. J. D. Anderson (Secretary, Legislative Department): Sir, I beg to move:

"That in clause 1 of the Bill, for the figures '1936' the figures '1937' be substituted."

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

"That in clause 1 of the Bill, for the figures '1936' the figures '1937' be substituted."

The motion was adopted.

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

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Henry Craik: Sir, I move:

"That the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes (*Amendment of section 60*), as reported by the Select Committee, and as amended, be passed."

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

"That the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes (*Amendment of section 60*), as reported by the Select Committee, and as amended, be passed."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): Sir Frank Noyce.

[At this stage (4-20 P.M.), the Honourable Sir Frank Noyce rose to move the Resolution standing in his name *re* the Road Fund.]

Several Honourable Members: Postpone till to-morrow, to-morrow.

The Honourable Sir Frank Noyce (Member for Industries and Labour): I am in the hands of the House, Sir.

Some Honourable Members: To-morrow, to-morrow.

Mr. President (The Honourable Sir Abdur Rahim): If that is the desire of Honourable Members, I shall adjourn the House now.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 10th February, 1937.

LEGISLATIVE ASSEMBLY.

Wednesday, 10th February, 1937.

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

MEMBER SWORN.

Mr. Joseph Ernest Parkinson, M.L.A. (Government of India: Nominated Official).

MESSAGE FROM H. E. THE GOVERNOR GENERAL.

Mr. President (The Honourable Sir Abdur Rahim): I have received a Message from His Excellency the Viceroy and Governor General which runs as follows:

"In exercise of the powers conferred by rule 2 of the Indian Legislative Rules, I, Victor Alexander John, Marquess of Linlithgow, hereby appoint the Honourable Sir Muhammad Zafrullah Khan to perform the functions assigned to the Finance Member under rule 46 of the said Rules on the occasion of the General discussion appointed for Friday, the 19th February, 1937, on the statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of Railways.

(Sd.) LINLITHGOW,
Viceroy and Governor General"

New Delhi:
The 5th February, 1937.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE ON EMIGRATION.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): Sir, I beg to move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct eight non-official Members to serve on the Standing Committee on Emigration."

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

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct eight non-official Members to serve on the Standing Committee on Emigration."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I may inform Honourable Members that the election of Members for the Standing Committee on Emigration will be conducted in accordance with the principle of proportional representation by means of the single transferable vote. The dates for receiving nominations and for holding election, if necessary, for the Committee will be announced later.

THE REPEALING AND AMENDING BILL.

The Honourable Sir Nripendra Sircar (Law Member): Sir, I beg to move for leave to introduce a Bill to amend certain enactments and to repeal certain other enactments.

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

"That leave be given 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 WORKMEN'S COMPENSATION (AMENDMENT) BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I beg to move for leave to introduce a Bill further to amend the Workmen's Compensation Act, 1923, for a certain purpose.

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

"That leave be given to introduce a Bill further to amend the Workmen's Compensation Act, 1923, for a certain purpose."

The motion was adopted.

The Honourable Sir Frank Noyce: Sir, I introduce the Bill.

RESOLUTION *RE* CREATION OF A SEPARATE ROAD FUND FOR THE PURPOSES OF ROAD DEVELOPMENT.

Mr. President (The Honourable Sir Abdur Rahim): As regards the Resolution which is going to be moved by Sir Frank Noyce, the Chair has thought over the procedure that ought to be followed. Having regard to the nature of the Resolution, it is likely to raise more than one issue. The best course would perhaps be that, after the Resolution has been moved, there will be a general discussion on the Resolution, and, thereafter, amendments will be moved one after another.

Mr. F. E. James (Madras: European): Do I understand, Sir, that the amendments will be moved and disposed of separately, so that each amendment may be discussed?

Mr. President (The Honourable Sir Abdur Rahim): Yes, but, when discussing the amendments, the speeches of Honourable Members must be confined to the amendments in order to avoid repetition; there will be no vote taken on the Resolution after the general discussion, but the vote will be taken on the amendments and afterwards on the Resolution.

Mr. T. Chapman-Mortimer (Bengal: European): Will an Honourable Member be allowed to speak more than once?

Mr. President (The Honourable Sir Abdur Rahim): On the Resolution generally any Honourable Member can take part, and those who speak on the amendments will have to confine themselves to the amendments.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I beg to move the following Resolution:

"That in supersession of the Resolution adopted by this Assembly on the 21st April, 1934, this Assembly recommends to the Governor General in Council that :

1. There shall continue to be levied on motor spirit an extra duty of customs and of excise of not less than 2 annas per gallon, and the proceeds thereof shall be applied for the purposes of road development.

2. (1) From the proceeds of such extra duty in any financial year there shall be deducted a sum as near as may be equivalent to the share in such proceeds arising from taxed motor spirit used for purposes of civil aviation during the calendar year ending in the financial year concerned, and such sum shall be at the disposal of the Governor General in Council for allotment as grants-in-aid of civil aviation.

(2) The balance of the proceeds shall be credited as a block grant to a separate Road Fund.

(3) For the purposes of this Resolution "taxed motor spirit" shall mean motor spirit upon which the duty of customs or excise shall have been paid and in respect of which no rebate of such duty shall have been given.

3. (1) The Road Fund shall be allocated as follows :

(a) a portion equal to fifteen per cent. shall be retained by the Governor General in Council as a central reserve;

(b) out of the remainder there shall be allocated by the Governor General in Council :

(i) a portion for expenditure in each Governor's Province;

(ii) a portion for expenditure elsewhere in British India;

(iii) a portion for expenditure in Indian States and administered areas,

as near as may be in the ratio which the consumption of taxed motor spirit, other than motor spirit used for the purposes of civil aviation, in each area for which an allocation is to be made shall bear to the total consumption in India of taxed motor spirit, other than motor spirit used for the purposes of civil aviation, during the calendar year ending during the financial year concerned.

(2) The portions allocated for expenditure in Governor's provinces shall be retained by the Governor General in Council until they are actually required for expenditure in the manner hereinafter specified.

(3) If in the opinion of the Governor General in Council the Government of any Governor's province has at any time :

(a) failed to take such steps as the Governor General in Council may recommend for the regulation and control of motor vehicles within the province; or

(b) delayed without reasonable cause the application of any portion of the Road Fund allocated or reallocated as the case may be for expenditure within the province,

[Sir Frank Noyce.]

the Governor General in Council may resume the whole or part of any sums which he may at that time hold for expenditure in that province.

(4) All sums resumed by the Governor General in Council from the account of any Local Government as aforesaid shall be re-allocated between the credit accounts of Local Governments and the Reserve with the Governor General in Council in the ratio of the main allocation for the financial year preceding the year in which the reallocation is made. Provided that the sum so calculated as the share of the province from whose account the resumption has been made shall also be credited to the Reserve with the Governor General in Council.

4. The balance to the credit of the Road Fund or of any allocation thereof shall not lapse at the end of the financial year.

5. No expenditure shall be incurred from any portion of the Road Fund save as hereinafter provided.

6. The Central reserve with the Governor General in Council shall be applied first to defraying the cost of administering the Road Fund and thereafter upon such schemes for research and intelligence and upon such special enquiries connected with roads and upon special grants-in-aid for such objects connected with roads as the Governor General in Council may approve.

7. The sums allocated for expenditure in British India may, subject to the previous approval of the Governor General in Council to each proposal made, be expended upon any of the following objects, namely:

(i) on the construction of new roads and bridges of any sort;

(ii) on the reconstruction or substantial improvement of existing roads and bridges;

(iii) in special cases, on the maintenance of roads and bridges, constructed, reconstructed or substantially improved from the Road Fund or from loans approved or sanctioned by the Governor General in Council;

(iv) to meet charges, including the cost of establishment, connected with the preparation of schemes of road development, or with the administration of provincial Boards of communications;

(v) to meet charges including the cost of establishment connected with the control of motor transport; and

(vi) on the interest and amortisation of loans approved or sanctioned before the date of this Resolution by the Governor General in Council, and spent on the construction, reconstruction, or substantial improvement of roads and bridges.

8. In considering proposals for the construction, reconstruction or improvements of roads and bridges from the Road Fund, the Governor General in Council shall have regard to the present urgent need for improving the efficiency and reducing the cost of transport by road of agricultural produce to markets and railways.

9. (1) A Standing Committee for Roads shall be constituted each financial year consisting of:

(a) the Member of the Governor General's Executive Council in charge of the department dealing with the Road Fund, provided that should the said Member of the Governor General's Executive Council be unable to be present at any meeting he may nominate some one in his place;

(b) one nominated official member who shall be a Member of the Legislative Assembly;

(c) three members elected by the Members of the Council of State from amongst themselves;

(d) six members elected by the Members of the Legislative Assembly from amongst themselves; and

(e) the Chief Commissioner of Railways.

(2) The Chairman of the Committee shall be one of the Official Members of the Committee whom the Governor General in Council may from time to time appoint.

(3) No approval to any proposal for expenditure from the Road Fund shall be given by the Committee unless it is supported by:

(i) a majority of the members present and voting who are Members of the Legislative Assembly, and

(ii) a majority of the members of the whole Committee present and voting.

(4) All proposals for expenditure from the central reserve and all other proposals for expenditure from the Road Fund to be made in British India shall be referred by the Governor General in Council to the Standing Committee before he approves of them.

10. The functions of the Standing Committee shall be:

(a) To consider the annual budget and accounts of the Road Fund.

(b) To advise upon all proposals for expenditure from the central reserve.

(c) To advise upon the desirability of all other proposals involving expenditure from the Road Fund in British India.

(d) To advise upon proposals for the resumption of monies held by the Governor General in Council as provided for in sub-paragraph (3) of paragraph 3 of this Resolution.

(e) To advise the Governor General in Council generally on all questions relating to roads and road traffic which the Governor General in Council may refer to the Committee."

Sir, when, in 1934, I moved the lengthy Resolution which the one I have just moved is designed to replace, I did so in the expectation that no changes in it would be required during my term of office. But the problems, presented by the development of roads, remain no more static than do the vehicles which ply upon those roads and that expectation has not been fulfilled. Certain changes in the existing Resolution have, in our view, become imperative if the Road Fund is fully to serve the purpose for which it was created. Those changes were embodied in the Resolution of which I gave notice during the Simla Session of this Assembly and from which that I am now moving differs in a few minor respects. I did not move that Resolution because it appeared the general desire that it should not be taken up at the end of a very heavy Session in a comparatively empty House. It is not the fault of Government that it should now have to be taken up in a House much below its normal strength. The House has had ample experience of the invariably congested state of business at the end of the Budget Session and if the Resolution were not moved now, it might well prove impossible for me to move it at all this Session. Whatever differences of opinion there may be over details, I venture to express the hope that in its main features it will not prove controversial. I have at any rate, one advantage which I did not possess when I moved the existing Resolution. The House today will be able to devote its undivided attention to the subject. On the last occasion, it was so much occupied in paying tributes to the then Leader of the House, who was on the eve of his departure from Delhi, that roads and farewell bouquets were inextricably mingled to my great embarrassment.

When I moved the existing Resolution in this House on the 21st April, 1934, I gave a somewhat detailed account of the way in which the Road Development Fund has been administered during the preceding five years. I do not propose to take up the time of the House by following the same procedure on this occasion, especially as the Standing Committee of this House, whose valuable assistance in administering the Road Fund I am glad to have another opportunity of acknowledging has been given full information on all points. I may, however, indicate

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broadly the amount that has been distributed to the Provinces and the way in which it has been used. Up till the end of 1935-36, the total amount accruing to the shares of the Provinces and distributed to them, excluding the Minor Administrations and Indian States, was Rs. 563·37 lakhs. At the end of 1935-36, a sum of Rs. 203·37 lakhs out of this had not been spent.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): What is the amount not spent?

The Honourable Sir Frank Noyce: It is Rs. 203·37 lakhs. That was at the end of 1935-36. I mention this as it has an important bearing on one of the clauses of this Resolution to which I shall presently refer. The amount that accrued to the Reserve during the same period was Rs. 88·42 lakhs, to which should be added Rs. 9·39 lakhs, contributed voluntarily by the Oil Companies representing the difference between the original and the revised duty calculated on the stock held when the new duty was imposed in March, 1929, and a special contribution from the revenue surplus for 1934-35 of Rs. 40 lakhs, a total of Rs. 137·81 lakhs. In accordance with paragraph 6 of the existing Resolution, this sum has been utilised on the administration of the Road Fund, on grants-in-aid to Provinces, States and Minor Administrations for special works and for road experiments.

I turn now to the changes which the Resolution I have just moved seeks to introduce in the present Resolution. I propose to restrict myself to the more important changes of substance. If the eagle eye of any Member of this House has discovered other changes which he would like explained, I shall be happy to tell him the reasons for them. Since the current Resolution on road development was adopted in April, 1934, two meetings of the Transport Advisory Council have been held to discuss various matters connected with the policy of road development and the conditions attaching to the distribution of the Fund. At the second meeting of the Transport Advisory Council in July last, certain recommendations were adopted which are embodied in Part VI of the Concise Statement of Policy which has, I think, been available to Members of this House for some time past, and the changes which I now propose are based mainly on these recommendations.

The first important amendment is that contained in paragraph 3(2). If the Resolution is accepted by this House, shares allocated for expenditure in Governors' Provinces will in future be retained by the Governor General in Council until they are actually required for expenditure. When the Road Fund was started in 1930, there was naturally a considerable lag in expenditure, because Local Governments had first to prepare their programmes before they could spend money on them. In recent years, however, it has appeared to the Standing Committee that progress in expenditure has been unsatisfactory in some Provinces, and they have not failed to criticise us for not doing more to impress upon the Provinces the need for speeding up expenditure. It would be invidious if I were to refer to any particular Local Government in this connection. Nor do I wish to say that the reasons for delay have not been reasonable. But the fact remains that, taking the total distribution and the probable expenditure up to the end of the current financial year, we find that Local

Governments have spent approximately only Rs. 330 lakhs against the Rs. 563 lakhs placed at their disposal. There is thus an unexpended balance of over Rs. 200 lakhs or about 2½ years' revenue. We are constantly asked why it is that certain provinces are doing so little in the way of using the Road Fund money, and it is to prevent the accumulation of large unspent balances and at the same time to ensure prompt utilisation of the money placed at their disposal that we are proposing that in future, instead of placing the sums accruing to them at the disposal of Local Governments, we shall hold them in the Central balances. I do not think that any legitimate complaint can be made of this. No province which uses its money promptly for the purpose for which it is granted can be affected by the change, and actually only two provinces have raised objection to the proposal.

Closely allied to this change in paragraph 2 is the power we propose to take in paragraph 3(3)(b) to resume the whole or any part of the sums which the Central Government may hold for expenditure in any province if that province delays without reasonable cause to utilise its share in the Road Fund for the purposes of road development. I sincerely trust that no Local Government will ever give occasion for the use of this power and that the mere possession of it will prove sufficient to expedite the execution of road schemes. I would emphasise that it is not intended that it should be used in any arbitrary manner. We have, in paragraph 10(d), provided what we hope will be regarded as a sufficient safeguard against such use by prescribing that all proposals for resumption shall be placed before the Standing Committee for Roads.

In paragraph 3(3)(a), we have also taken power to resume the share of a province which is being held by the Central Government if it fails to take such steps as the Governor General in Council may recommend for the regulation and control of motor vehicles within the province. The attachment of this condition to future participation in the Road Fund is one of the results of the discussion of the road-rail problems during the last three years. In April, 1933, as the House is aware, a Road-Rail Conference was convened, the outcome of which was the establishment of the Transport Advisory Council, to which I have already referred. Amongst the resolutions passed by this Conference one ran as follows. I will read it in full, because it is necessary that the House should understand the way in which this proposal of ours originated and may be under no misapprehension as to our intention. It runs as follows:

"In order to ensure increased co-operation and more intelligent co-ordination of effort between the various authorities concerned, this Conference considers that the following measures would be justifiable:

(a) The control of public service and goods motor transport should be regulated in the interests of public safety and convenience.

(b) The number of vehicles licensed to ply for hire should be restricted so as to prevent such competition between all forms of transport as may be contrary to the public interest."

This matter was again considered at the first meeting of the Transport Advisory Council, which recommended that the number of motor buses should be restricted so as to avoid wasteful competition, that in order to secure this end, motor buses or services of motor buses should be licensed for a specified route or routes only, and that in determining whether a license should be granted regard should be had to certain tests. This resolution was reaffirmed in an identical form at the second meeting

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of the Transport Advisory Council by a large majority of those present. Such dissent as there was was not from the principle that better control of motor transport is necessary but in regard to certain points of detail. It follows, therefore, that there is practical unanimity that for the proper co-ordination of road and rail transport some measure of control is necessary. It is not possible now to codify for all time what will be necessary. It is true that we have a Bill in contemplation but that Bill, which is, in the main, an enabling Bill, can only touch matters on which legislation has become essential. The growth of motor transport is bound to bring about other changes which will require to be met. It is obviously impossible to foresee the exact nature of these changes, but if there is to be co-ordination, there must be some co-ordinating authority and that co-ordinating authority can only be the Centre. Even after our amending Bill has passed into law, further amendments will be necessitated by changing conditions, but legislation is always a slow process, and I am sure the House knows quite well that, in the new conditions which will shortly be upon us, it is likely to be in the future a very much slower process than it has been in the past. It is, therefore, our view that the Centre must have power to deal with serious difficulties which may arise. It is not the intention of the Government of India to use this power to dictate to Local Governments how they should conduct their policy. It is intended purely to be a reserve power to be used in case of necessity, a power which will be valuable in enabling the Centre to secure co-operation between it and the provinces. I have every hope that there will be such a measure of co-operation between the Centre and Local Governments that it will never be necessary to use the power which we now seek in terms of this Resolution. But we are firmly of the opinion that it is reasonable that the Centre should have power to withhold their co-operation with a Local Government by means of withholding grants which, it is important to emphasise, are made from a central source of taxation, if that Government find themselves in the ultimate resort unable to fall into line with the wishes of the Centre in regard to any matter which affects vitally the interests of India as a whole. In other words, co-operation must be mutual. If a Local Government is not prepared to co-operate with the Centre, it cannot reasonably expect the Centre to co-operate with it. I would like to invite attention, in this connection, to the provisions of paragraph 3(4) of the Resolution which require that if the Centre has at any time to resume provincial shares, the shares so resumed will be distributed among the other participants in the Road Fund for use for identical purposes. The Centre, therefore, makes nothing out of resumption except to the extent of the insignificant share of the amount resumed that would go to Minor Administrations. There is thus no incentive for the Central Government to use its powers arbitrarily, unfairly or unreasonably, and, as I have already pointed out, it is incumbent upon Government, whenever they propose to resume any shares, to seek the advice of the Standing Committee which in itself will be a powerful deterrent to arbitrary action.

It is only necessary to refer to one other change, namely, that in paragraph 7(vi) of the Resolution. This provides that provincial shares in the Road Fund may only be applied to the interest and amortisation of loans in cases where approval or sanction has already been accorded. This is an important change but as it is one which is closely connected with

the future relations between the provinces and the Centre in regard to borrowings, I will leave my Honourable colleague, the Finance Member, to deal with it. He will explain the reason for it when we come to the amendment which has been moved on the subject.

I do not wish to detain the House any longer, and all I need add is the assurance that, if the House accepts this Resolution the Government of India will do their utmost to use their powers in the spirit in which this Resolution is conceived, and that they will endeavour to secure by consultation and co-operation what they consider to be in the best interests of road development, before resorting to any coercive action. I cannot but believe that this House will recognise the soundness of the principle that the Central Government are entitled to take steps to ensure that sums voted by the Central Legislature are utilised to advance the properly co-ordinated development of communications in this country. That is all that this Resolution aims at securing. Sir, I move.

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

"That in supersession of the Resolution adopted by this Assembly on the 21st April, 1934, this Assembly recommends to the Governor General in Council that :

1. There shall continue to be levied on motor spirit an extra duty of customs and of excise of not less than 2 annas per gallon, and the proceeds thereof shall be applied for the purposes of road development.

2. (1) From the proceeds of such extra duty in any financial year there shall be deducted a sum as near as may be equivalent to the share in such proceeds arising from taxed motor spirit used for purposes of civil aviation during the calendar year ending in the financial year concerned, and such sum shall be at the disposal of the Governor General in Council for allotment as grants-in-aid of civil aviation.

(2) The balance of the proceeds shall be credited as a block grant to a separate Road Fund.

(3) For the purposes of this Resolution "taxed motor spirit" shall mean motor spirit upon which the duty of customs or excise shall have been paid and in respect of which no rebate of such duty shall have been given.

3. (1) The Road Fund shall be allocated as follows :

(a) a portion equal to fifteen per cent. shall be retained by the Governor General in Council as a central reserve ;

(b) out of the remainder there shall be allocated by the Governor General in Council :

(i) a portion for expenditure in each Governor's Province ;

(ii) a portion for expenditure elsewhere in British India :

(iii) a portion for expenditure in Indian States and administered areas,

as near as may be in the ratio which the consumption of taxed motor spirit, other than motor spirit used for the purposes of civil aviation, in each area for which an allocation is to be made shall bear to the total consumption in India of taxed motor spirit, other than motor spirit used for the purposes of civil aviation, during the calendar year ending during the financial year concerned.

(2) The portions allocated for expenditure in Governor's provinces shall be retained by the Governor General in Council until they are actually required for expenditure in the manner hereinafter specified.

(3) If in the opinion of the Governor General in Council the Government of any Governor's province has at any time,

(a) failed to take such steps as the Governor General in Council may recommend for the regulation and control of motor vehicles within the province ; or

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(b) delayed without reasonable cause the application of any portion of the Road Fund allocated or reallocated as the case may be for expenditure within the province,

the Governor General in Council may resume the whole or part of any sums which he may at that time hold for expenditure in that province.

(4) All sums resumed by the Governor General in Council from the account of any Local Government as aforesaid shall be re-allocated between the credit accounts of Local Governments and the Reserve with the Governor General in Council in the ratio of the main allocation for the financial year preceding the year in which the reallocation is made. Provided that the sum so calculated as the share of the province from whose account the resumption has been made shall also be credited to the Reserve with the Governor General in Council.

4. The balance to the credit of the Road Fund or of any allocation thereof shall not lapse at the end of the financial year.

5. No expenditure shall be incurred from any portion of the Road Fund save as hereinafter provided.

6. The Central reserve with the Governor General in Council shall be applied first to defraying the cost of administering the Road Fund and thereafter upon such schemes for research and intelligence and upon such special enquiries connected with roads and upon special grant-in-aid for such objects connected with roads as the Governor General in Council may approve.

7. The sums allocated for expenditure in British India may, subject to the previous approval of the Governor General in Council to each proposal made, be expended upon any of the following objects, namely :

(i) on the construction of new roads and bridges of any sort;

(ii) on the reconstruction or substantial improvement of existing roads and bridges;

(iii) in special cases, on the maintenance of roads and bridges, constructed, reconstructed or substantially improved from the Road Fund or from loans approved or sanctioned by the Governor General in Council;

(iv) to meet charges, including the cost of establishment, connected with the preparation of schemes of road development, or with the administration of provincial Boards of communications;

(v) to meet charges including the cost of establishment connected with the control of motor transport; and

(vi) on the interest and amortisation of loans approved or sanctioned before the date of this Resolution by the Governor General in Council, and spent on the construction, reconstruction, or substantial improvement of roads and bridges

8. In considering proposals for the construction, reconstruction or improvements of roads and bridges from the Road Fund, the Governor General in Council shall have regard to the present urgent need for improving the efficiency and reducing the cost of transport by road of agricultural produce to markets and railways.

9. (1) A Standing Committee for Roads shall be constituted each financial year consisting of :

(a) the Member of the Governor General's Executive Council in charge of the department dealing with the Road Fund, provided that should the said Member of the Governor General's Executive Council be unable to be present at any meeting he may nominate some one in his place;

(b) one nominated official member who shall be a Member of the Legislative Assembly;

(c) three members elected by the Members of the Council of State from amongst themselves;

(d) six members elected by the Members of the Legislative Assembly from amongst themselves; and

(e) the Chief Commissioner of Railways.

(2) The Chairman of the Committee shall be one of the Official Members of the Committee whom the Governor General in Council may from time to time appoint.

(3) No approval to any proposal for expenditure from the Road Fund shall be given by the Committee unless it is supported by:

(i) a majority of the members present and voting who are Members of the Legislative Assembly, and

(ii) a majority of the members of the whole Committee present and voting.

(4) All proposals for expenditure from the central reserve and all other proposals for expenditure from the Road Fund to be made in British India shall be referred by the Governor General in Council to the Standing Committee before he approves of them.

10. The functions of the Standing Committee shall be:

(a) To consider the annual budget and accounts of the Road Fund.

(b) To advise upon all proposals for expenditure from the central reserve.

(c) To advise upon the desirability of all other proposals involving expenditure from the Road Fund in British India.

(d) To advise upon proposals for the resumption of monies held by the Governor General in Council as provided for in sub-paragraph (3) of paragraph 3 of this Resolution.

(e) To advise the Governor General in Council generally on all questions relating to roads and road traffic which the Governor General in Council may refer to the Committee."

There will now be a general discussion, as has been said, but, in order to clear up any misunderstandings that may arise, any Member is entitled to speak on the Resolution generally as well as on any amendments. But when speaking on the amendments, he has got to observe the ordinary rule that there shall be no repetition. That is all that need be pointed out in this connection. The vote will be taken, as has already been said, on the Resolution after the amendments have been disposed of.

Mr. G. Morgan (Bengal: European): Mr. President, I should like to congratulate the Honourable Sir Frank Noyce on the very lucid explanation he has given when moving the Resolution before the House.

Sir, this Resolution has been before us, in substantially the same form, for the past four or five months, and the opportunity that has been provided for examination and discussion should at least ensure that the views expressed in this House today will be reasonably well-informed. No one will deny, and the Government least of all, that there are some paragraphs in the Resolution which have given rise to a great deal of anxiety in the Provinces. Nor is this anxiety altogether without justification. The additional tax from which the proceeds of the Road Fund are obtained was imposed for the express and specific purpose of road development. Sir George Schuster, when he introduced the tax in 1929, made this explicit statement:

"I have to make it clear that this is a measure of taxation which is not designed for the advantage of the general revenues of the Central Government but for a specific purpose which has been unanimously recommended by the Indian Road Committee".

[Mr. G. Morgan.]

The first paragraph of the Resolution indicates that the tax is still continued for the same specific purpose, from which it must be assumed that there has been no change in the policy of the Government since 1929, and that they still believe, as they did then, that road development is a subject of "great importance for the economic, social and political progress of this country generally and of the rural population in particular".

Now, Sir, for about seven years the proceeds of the Road Fund have been distributed to the various Provinces, and there has throughout that period been no violent departure from the policy which was laid down governing the distribution of the allocations from the Fund. Seven years is not a short period. It is a sufficiently long period for conventions to be set up and precedents to become firmly established. It is a little surprising, therefore, to find in the Resolution that is now brought to the House a sharp departure from the policy that has hitherto been pursued, and the addition of fresh and entirely new conditions which alter to some extent the outlook and purpose of the Fund. I refer to the proposals in paragraph 3, which seek to lay upon the Provinces the satisfaction of new and unknown conditions, so far as this Fund is concerned, if the Provinces are to be sure to continue to receive the same assistance that has been given to them during the past seven years. No one suggests that the conditions originally laid down in respect of this Fund are immutable, but we are entitled to say that, if the new conditions in paragraph 3 are desirable they should have been thought of earlier. It is a bit late in the day. Seven years after the Fund has been in existence, suddenly to think of making it a condition for the receipt of an allocation from the Fund, that the Provinces should institute such measures of motor vehicle control as the Governor General in Council may recommend.

It is not necessary for me to enter today into the apportionment of administrative subjects under the present and the new constitution because this House will be familiar with the position and will not need to be reminded that the autonomy of the Provinces in respect of roads and motor transport has been clearly established. For at least nearly two decades the provinces have exercised autonomy in respect of roads, while in respect of motor transport they have exercised autonomy even to the extent of deciding what system of taxation shall operate in their areas. Whether those responsible for framing the constitution showed vision and wisdom in giving the Provinces autonomy in these matters is not now under consideration, and in any event the matter has been settled, and so far as we are concerned now it has passed beyond the range of practical politics. The Government of India can attach such conditions to the Road Fund as they may like, but it is a matter for serious doubt whether they should attach conditions which presuppose a lack of fidelity on the part of the Provinces in respect of those matters which the Constitution with all its authority, dignity and force has decided the Provinces are capable of discharging in their own way and in their own time.

The Government must not be surprised, therefore, if seven years after the Fund has been in existence their proposal to resume allocations, if the Provinces do not, so to speak, do as they are told in the matter of the control of motor vehicles, is looked upon with suspicion. Nor must the Government be surprised if the view is taken that this is merely another attempt on the part of the Central Government to bolster up the railways

at the expense of road transport. I think it is inevitable that road development in this country will mean an increase in the amount of traffic carried by the roads, and if there is no increase in the total volume of traffic available, it follows as an obvious corollary, that a part of the traffic that is carried by the railways will be transferred to the roads. That, however, is not quite the point which this House has to decide. The point which this House has to decide, when it is faced with a potentially restrictive condition such as that proposed in paragraph 3 of the Resolution, is whether road development is a good or bad thing in the interests of this country, and if so whether such funds as this Legislature may vote for that purpose should be made contingent upon the Central Government's wishes in respect of the control of vehicles using the roads. However much the railways may have to suffer, I think, there can be only one opinion among those who are prepared to look ahead and that is that in the interests of this country, and especially in the interests of opening up the vast rural areas, road development on sound lines should be subjected to no hindrance at all. No one will deny that there is urgent need for the proper control of motor vehicles and that the present position provides adequate ground for dissatisfaction on that score, but after all, the arguments justifying the control of motor vehicles are quite different and distinct from those justifying the development of the road systems of India and any shortcomings that may be apparent in the one should not be put forward as a justification for penalising the other.

The difficulty we are up against in this matter is, of course, the difficulty inherent in the division of administrative responsibility under which the railways must in matters of this nature be the first concern of the Central Government, while their interest in roads, seeing that roads is a Provincial subject, must inevitably be subsidiary. But while the administrative responsibility for India's essential communications may be divided, India's interests as a whole are not divisible, and India's interests are not served by placing obstacles in the path of new and modern methods of transport in an effort to protect the budgetary position of the railways. It may well be true that Indian railways are losing Rs. 2 crores or more a year as a result of road competition, but that is by no means a unique event. The same position has had to be faced by railways all over the world and it would be very shortsighted policy so far as India is concerned if just because the railways happen to be a Government responsibility advantage is taken of that circumstance to try and delay the inevitable encroachments of the roads. For sometime now I have been receiving regularly the bulletins issued by the British Railways Press Office in London; and those bulletins give a fair idea of the steps that are constantly being taken by the United Kingdom railways to improve the service they offer to the public. Their position is much more difficult than the position of Indian railways because in the United Kingdom the distances are not only considerably much shorter but the roads are better and more numerous. The British Railways, however, have not sat down and bemoaned their fate. They have shown enterprise and imagination. They have improved both their goods and passenger services, increased their speeds, introduced modern and comfortable coaches, reduced to a minimum all the petty annoyances associated with tickets and inspections, improved the facilities of their railway stations, and in numerous other ways have succeeded in making railway travel a more attractive proposition than travel by roads. It is not perhaps out of place to mention these matters

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since I notice that the problem of roads *versus* rail has been given considerable prominence in the terms of reference of the Wedgwood Committee, and I hope that that Committee will be able to give the Indian Railway administration a lead in improving railway efficiency so that the all too evident suspicion, that the roads must be hampered because the railways can do no more, may be removed.

It is true that the taxpayer has an important interest in the financial success of the railways, but he also has a much greater interest in securing the most efficient, the most convenient and the most useful method of transport he can, and he will not thank any Government for trying to reduce the unfortunate financial obligation he has to bear in respect of the railways if it means restricting the full possibilities of road development. There are some classes of goods which can obviously be handled more efficiently by the railways, and there are other classes of goods which can be handled more efficiently by the roads, and the value of the services available to the user depends upon the freedom he has in making the fullest possible use of whichever type of transport is best suited to his particular needs. It is on those lines that the vexed question of road-rail competition will have to be settled, and those lines do not involve restricting the development of either type of transport, but they do involve a constant adaptation of both types to meet the changing requirements of the customer.

We should have liked to have seen this matter dealt with by Legislature. One of the reasons why we should have liked to have seen this Resolution introduced in the form of a Bill, is because there is an atmosphere of impermanance about the Road Fund as it is at present constituted. It is not a Statutory Fund, it has, so to speak, no constitutional *locus standi*, and notwithstanding the fact that it consists of the proceeds of a special tax agreed to, and imposed for a special purpose, there is not the same obligation on the Government to continue to be guided by the recommendations of this Resolution as there would be if the Resolution had the force of law. However, we may perhaps receive some assurance from the fact that the Government would not have gone to the trouble of bringing in this Resolution today if they had contemplated any immediate change in their present policy.

Well, Sir, I have already referred to paragraph 3(3) (a) of the Resolution and when the amendment for the deletion of that part of the paragraph is moved by my Honourable friend, Mr. James, he will explain at greater length the objections which we have to those provisions and the reasons which have guided us in coming to the decision we have. I have also an amendment on the paper relating to the provisions of paragraph 7 (vi) which enable the allocations from the Fund to be used for the payment of the interest and amortisation of loans raised for road development purposes, and there are one or two other amendments of a minor character which I have put down which I will explain when the amendments come on for consideration. In the meantime, we welcome the Government's decision to delete the latter part of the original paragraph 8. We also welcome the new addition to the functions of the Standing Roads Committee in part (d) of paragraph 10, and we have presumed that this means that before any proposal for the resumption of allocations by the Governor General in Council is put into effect it will be placed before the Standing

Committee. I should like the Honourable Member to make that point clear when he replies as there is little safeguard in the new provision if it means that a proposal for resumption may be put into effect before the Standing Committee has expressed its views.

The only other point which I have to raise now refers to the Central Reserve retained by the Governor General in Council under paragraph 3 (1) (*a*). I should have been very pleased to have seen this raised from fifteen to twenty per cent for the benefit of provinces like Assam who, on their consumption figures, can never hope to secure an allocation sufficiently large to enable any substantial improvement or development of roads to be put in hand.

The amendments we have tabled have not been tabled from any obstructionist motive, they have been put down because some of the new conditions which the Government have introduced seem to us to go outside the spirit of the Resolution as we have understood it in the past and cannot be reconciled with the purpose for which the Fund was originally created. It is in an attempt to remedy that position that our amendments have appeared on the paper.

Mr. Akhil Chandra Datta: At the outset, I must congratulate my Honourable friend, Mr. Morgan, on the very excellent and illuminating speech which he has made. I feel that I can endorse without hesitation every word that has fallen from him. It is a pity that a matter like this and of such vast importance should be discussed in the shape of a Resolution. It is difficult to do any justice to these very important matters within the space of a quarter of an hour. There are so many items and we cannot devote one minute even to each one of these items. However, Sir, after that illuminating speech I feel that it is not necessary to make many more remarks. I shall be very brief. The most important change, as has been pointed out by my Honourable friend, Mr. Morgan, is contained in 3(3)(a). He has a shrewd suspicion,—he uses the word "suspicion",—and when a remark like that comes from the European Group I think that is a matter for serious consideration by the Government. In view of the fact that the new constitution is coming and in view of the fact that even under the old constitution roads are a provincial subject and the regulation and control of motor vehicles also are a provincial subject, it is very difficult to appreciate as to why at this late hour this very important change should have been made in this respect. This attempt to interfere with the Provincial Governments' control of motor transport is really, if I may be allowed to say so, a veiled revolt against the provincial autonomy that is coming and against the new constitution. A change like that is not tolerated even by the European Group. It has been said, and very rightly said, by Mr. Morgan that it is probably intended to bolster up the railways. There is also serious objection to the penalty provided for "failure to take such steps as the Governor General in Council may recommend". As many as three amendments have been tabled by the European Group. I shall not, therefore, devote more time to this item. There is another change as regards the scope of the Fund. I refer to clause 7, and the most important change is made in 7 (iii), which provides that the Road Fund may be utilised: "in special cases, on the maintenance of roads and bridges, constructed, reconstructed or substantially improved from the Road Fund or from loans approved or sanctioned by the Governor General in Council". It will be profitable to

[Mr. Akhil Chandra Datta.]

contrast this with the old Resolution, clauses 7(1)(iv) and 7(1)(v). In 7(1)(iv) you find, "in special cases, on the maintenance of roads and bridges, constructed, reconstructed or substantially improved from the Road Account since 1930". The time is the essence of the whole matter—"since 1930". Here in the present Resolution that qualification "since 1930" is removed. Not only that, but we have got also, "or from loans approved or sanctioned by the Governor General in Council". These are very important departures. This is really a serious encroachment upon the road fund, as it was originally intended. If I may say so, it is a breach of trust, because the definition of breach of trust is diversion of funds from the original purpose. It is a breach of trust in that sense. It is, of course, civil breach of trust, not criminal. I have serious objection to these changes made in clause 7(iii).

12 NOON. There is another change to which no reference has been made by the Honourable the Mover of this Resolution. I mean sub-clause (v) of clause 7. I have compared the old Resolution and the new Resolution. This is a new clause inserted here. It was not there in the old Resolution. I fail to understand why this charge should be debited to the road fund to meet charges including the cost of establishment connected with the control of motor transport. It is not a new charge. If this road fund account is abolished today, all the same there must be charges met by the Government of India or by the Provincial Governments in connection with the cost of establishment connected with the control of motor transport. Here again there is a diversion of a portion of the fund from the original purpose for which it was created.

There is another important change to which reference was made by the Honourable the Mover. That is sub-clause (vi) of clause 7: "on the interest and amortisation of loans approved or sanctioned before the date of this Resolution". This expression "before the date of this Resolution" opens a large door for the diversion of the fund.

The Honourable Sir Frank Noyce: Will the Honourable Member explain how?

Mr. Akhil Chandra Datta: The Governor General in Council might have approved or sanctioned a scheme before the date of this Resolution. That might have been before the creation of the road fund. In any case, whether before or after the creation of the road fund, there is the other objectionable feature, namely, that approval or sanction might have been given apart from the road fund account and now it is proposed that the interest on loans or amortisation of loans should be met from this fund and therefore I find that an amendment has been very properly tabled on this point also by an Honourable Member of the European Group.

Coming to paragraph 8, I wholly endorse the principle laid down here. Only I hope that the provision made here will be given effect to without any reservation. The question involved here is the question of the improvement of trunk roads receiving more attention than that of the village roads. I think the policy now is the improvement of rural communications and that view has been expressed in paragraph 8. It is a wholesome provision, if only it is fully carried out.

One word about the constitution of the standing committee. There has been some change introduced. There were previously two nominated official Members. One of them has been cut down and this has been replaced by the Chief Commissioner of Railways. That is, again, another item to which objection has been taken also by the European Group and I quite appreciate that objection. These are the outstanding features to which I wanted to call the attention of the House and subject to these objections I certainly support the Resolution.

Captain Rao Bahadur Chaudhuri Lal Chand (Nominated Non-Official): Sir, as an old Member of the Standing Committee on Roads, I think it my duty to say a few words on this important Resolution. Moreover, I can speak with some experience of the road problem as I have been for a long time connected with the activities of the District Board of my district, and have for some years served on the Provincial Communications Board of my province. But before I come to the merits of the present Resolution, I hope, you will kindly excuse me if I make a few remarks of a general nature.

Sir, generally speaking, there is no fund with the Government of India which is so well managed as the road fund and similarly, there is no committee of the House, where there is more unanimity between officials and non-officials than in the Standing Committee on Roads.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): What is the output of its work?

Captain Rao Bahadur Chaudhuri Lal Chand: Read the reports. Sir that is chiefly due to the tact and popularity of the Honourable Sir Frank Noyce who always tries to understand the viewpoints of his critics and never fails to satisfy them. So, on the actual working of the fund under the terms of the Road Resolution as it stands, we have nothing but thanks and congratulations to offer. It seems that there is so much scrutiny in the spending of this fund, that we are literally getting 16 annas worth of work out of every rupee that we spend. Last year, I was allowed to attend the Road Congress meetings as a representative of the Standing Committee on Roads, and although it was not possible for me to grasp all the technicalities, yet I was pleasingly surprised to find, that reasearch work on a very large scale was being carried on under the guidance of Mr. K. G. Mitchell. The work of co-ordinating the efforts of the different provinces in the work of road making was in itself a huge task, but the fertile brain of Mr. Mitchell has set every province to do research work suitable to its conditions and it appears to me that this work is being carried on all over India.

Sir, I have congratulated the authorities on their efficient management of this Fund. But, I cannot equally congratulate the Government on their even-handed justice. It so happens in this case that the interests of high officials of Government, and of the capitalists of our country are identical, as both of these classes are motor-owners. They have joined hands to usurp this booty of road taxes to their own use, and the result is that the whole of this money is being spent on the construction and improvement of roads that are used by these two classes. Trunk roads have all improved considerably, but no heed is being paid to the needs of the villager. My Honourable friend, Mr. Morgan, commands great

[Captain Rao Bahadur Chaudhuri Lal Chand.]

respect for his fair-mindedness in this House; but as he belongs to the capitalist and urban class, he too could not realise that the words which appeared at the end of paragraph 8 in the October Resolution, and have since been left out as that would have given the Government a chance of earmarking a certain percentage of the grants for rural inter-village roads. Sir, as I am moving an amendment on this point, I hope he will change his mind by then. Village roads are in the hands of local bodies, and the trunk roads are managed by the Public Works Department. As the latter are the masters of the purse, they look to their needs first, and the poor District Boards are simply told to look after thousands of miles of roads in their charge themselves. The other day, I as the chairman of the District Board of my district got a curious letter from the head-quarters. We were told that a sum of Rs. 30,000 had been set apart for new works on roads in the whole province and that a proposal should be sent up for the approval of the Government. On calculation, I found that we could at the most get Rs. 1,000. What new project could be suggested which would cost this sum I leave it for Honourable Members to imagine? On a very optimistic estimate, we could either build one small culvert or about a furlong of new road. We, in our district, consume about one thousand gallons of petrol per day, leaving aside the special boom during elections, at the rate of two annas per gallon, the income from this one district is Rs. 45,000 a year and yet we are offered only Rs. 1,000. So, this is my chief complaint about the method of its application. The Standing Committee which has been set up to give the management the colour of popular control has no power of initiation and only those cases that are approved by the P. W. D. come before it. The P. W. D. may reject a thousand deserving cases without the knowledge of this Committee. The Committee can make no recommendations and they have to select out of the schemes that are laid before them. I venture to put one straight question to the Honourable Member in charge and it is because the Honourable the Deputy President felt satisfied with the wording of paragraph 8 and said that this would give inter-village roads enough money. Now the question is this—How much of the many crores of money they have realised during the last seven years has been spent on inter-village roads? Have any directions been issued by the Government of India to provinces to send up village road schemes. I hope the Honourable Member will throw some light on this aspect.

Sir, I pass on to another aspect of the case. Here, I may tell the Government that even their interests have suffered on account of this neglect of village roads. A high official of my Province told me the other day, that Government were losing their hold on the country, because the motor car had taken the place of the horse, and the village touring which brought Government into direct touch with the rural population had practically come to an end. This is absolutely correct. Even officers of departments like agriculture, veterinary and co-operation, whose business lies solely in villages, always prefer to arrange their tour programme on *pucca* roads only. Nearly all our rural uplift meetings are arranged in villages that are served with *pucca* roads. Even the radio sets that have been given to some villages round about Delhi have been placed in villages that lie on the metalled roads. The other day, I was looking into the

utility of the Rest Houses that my District Board maintains for the use of touring officers in the district, and I found that one of the Rest Houses which was in the interior of the district and where we were keeping a regular whole-time staff was used for one day only during the whole year of 365 days; and that too by an officer who had to go there for District Board elections and could not help spending the day there. So, apart from the step-motherly treatment to villages in the matter of road facilities, Government is fast losing all touch with the vast population in the interior. I may also tell this Honourable House that the villages I mention are not small clusters of huts. I have got a map of my district prepared, in which the population figures of each village are shown against it. It will appear from this that there are hundreds of villages whose population is over one thousand which are closed to all wheeled traffic during the rainy season and nothing but the time-honoured *gadda*, or country cart, could reach them through zigzag paths full of deep ruts during the rest of the year. Some of them have a population of over two thousand and a few over three thousand. The highest officer that goes there is the *patwari*, with occasionally a police head constable to shape their destinies in murder cases. The Health Department, which is purely a Rural Service, sends only a vaccinator there, who is tempted to undertake this journey in order to realise his annual dues. These villages have not learnt to give trouble yet (Laughter), as even the communal leaders and Congress workers do not undertake unpleasant journeys. I refer to this to show that in the interests of administration also, it is necessary that the policy of Government in regard to road development should be completely overhauled. Trunk roads are serving useful purpose, no doubt; but feeder roads are also necessary, and both should go ahead side by side. I would, therefore, urge that a certain percentage of this Fund should be earmarked for Rural Road Development Schemes. So far, villagers have been paying their dues quietly:

> "Theirs is not to question why,
> Theirs is but to pay and sigh!" (Hear, hear.)

Sir, this tax is the least unpopular. It is not a tax on the poor man's salt, but falls on those who can afford to pay, and so it might well be put up a little.

Sir, having said so much in favour of the continuation of this Fund, I think I may point out several objectionable stings that lie hidden in the long series of paragraphs. Probably it is with a view to hide these stings that Government have repeated the whole Resolution, in suppression of the old one, instead of bringing in only amendments to the old Resolution.

The Honourable Sir Frank Noyce: Sir, I must take exception to my Honourable friend's remark. The accusation that he is making is entirely unfounded. The amended Resolution was brought in in order to enable the subject-matter of it to be placed in its proper perspective before the House.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is entitled to repudiate the suggestion if he so chooses.

Captain Rao Bahadur Chaudhuri Lal Chand: Well, I don't mind the form. Now, the most objectionable portion is sub-paragraph (3) (a) of paragraph 3. I will read it out:

"If in the opinion of the Governor General in Council the Government of any Governor's province has at any time :

(a) failed to take such steps as the Governor General in Council may recommend for the regulation and control of motor vehicles within the province . . etc."

Now, item (a) amounts to treating the Provincial Governments like school children. I know the Honourable Sir Frank Noyce will not propose such a thing unless there were very strong reasons for these drastic measures; but is it fair that on the eve of the introduction of the provincial autonomy, the provinces are told, that they should bear in mind the teacher's rod when learning their first lessons. Sir, the time is not proper for such a drastic step. To me it seems that this is the beginning of a clash between Provinces and the Central Government. No doubt, much could be said on both sides, but an analysis of the situation that will be created will show that this was a case more for persuation, than for threat. Let us analyse the situation. Roads are a provincial subject, while Railways are Central. The rail-road competition is already engaging the attention of Government. What will happen if the two pull in different directions? That they are so doing is evidenced from several cases. In my own province there is a very flourishing *mundi* at Okara. This is the biggest market in Northern India for wheat and cotton. Pakpatan is the headquarter of the Nili Bar colony. But as there is no big *mandi* there, all the agricultural produce from Pakpatan side goes to Okara. The distance by road is only 32 miles. The Punjab Government proposed a metalled road out of this Fund to connect the two places, but the Railway authorities have objected, and the result is that so far we are without this road. Honourable Members will feel shocked when I tell the House that the shortest circuit by rail between these two places is 110 miles and you have to change twice. Then, again, in our Province, the bus trade is in the hands of small owners, and most of the lorry owners are carrying goods and men on *kacha* tracks at very cheap rates—Railway interests demand stoppage of these lorries. The discontent resulting from any steps on a uniform basis as is contemplated in item (a) will create such discontent among thousands of lorry owners, lorry drivers, and the cheap travelling public, that law and order will be in danger. I know, the Road authorities and the Honourable Member in charge have been protesting against these objections by railway authorities. But what power has the Standing Committee in such cases? These cases are not even laid before the Committee. The addition of the Chief Commissioner for Railways on this Committee is a welcome change, but some provision should be made to consult this Committee.

I give another example of this clash between Provincial and Central Governments. Rs. 1,40,000 were sanctioned for a colony road in the Punjab by this Committee. Although there was no provision in the old Resolution to withdraw that grant, yet that grant was actually withheld, and it was after strong protests and unpleasant correspondence between the two Governments that it has been restored. I have quoted these to show the unpleasantness, that is in store if some assurance is not given that this power will be reserved for extreme cases of default. I hope Government have secured the concurrence of Provincial Governments and the

Honourable Member in charge will elucidate this point for the satisfaction of this House. I personally feel that sooner or later a separate portfolio for Communications will have to be set up here, so that this subject can get the amount of attention that it deserves. Rail-road clash will then be minimised.

Sir, with these few remarks, I support the Resolution.

Mr. F. E. James: Sir, I should like to ask one question that relates to one of the minor points to which the Honourable Member for Industries and Labour referred, quite unwarrantably I think. In the old Resolution it was laid down that the portion allotted to a Governor's province shall be placed at the disposal of that province in one or more instalments "as soon as the distribution can conveniently be made". Under the existing Resolution, those allotments are made, I understand, to the balances of the provinces with the Government of India, and, therefore, until they are used on actual expenditure, presumably the interest which accrued to those allotments would be credited to the balances of the Provincial Governments. Now, under the revised Resolution the portions allocated for expenditure are to be retained by the Governor General in Council until they are "actually required for expenditure in each case in the manner hereinafter specified". I, therefore, presume that, until they are actually required, this money which previously used to go in instalments to the provincial balances will be retained by the Governor General in Council, and, therefore, will form part of the Central balances and that as and when expenditures are authorised, grants will be made presumably to the accounts of the provinces with the Reserve Bank. In that event, therefore, the Governor General in Council does gain by this Resolution to the extent of interest which he derives from the retention of the allocations which have not been transferred to the provinces. I shall be very glad to be assured as to the precise procedure on that point. What will happen to the interest at present gained by the provinces owing to the allocation of these amounts to provincial balances?

The Honourable Sir Frank Noyce: Sir, I am somewhat at a disadvantage in replying to what has fallen from the Honourable Members who have taken part in the general discussion on the Resolution as fundamental questions of policy have been raised in the amendments. I do not, therefore, propose to refer to those now as I shall have an opportunity of doing so later on when the amendments are moved. I propose to confine myself merely to a few general remarks. My Honourable friend, Mr. Morgan, referred to what I think he called Sir George Schuster's pledge when the Road Development Fund was first started that the proportion of the petrol tax assigned to that fund would be used and was being imposed only for the specific purpose of road development. That is perfectly true and I challenge any Honourable Member in this House to point out any respect in which there has been a change from that policy in this Resolution. Every penny that will be raised in the future and is assigned or allocated under this Resolution will continue to be used for the specific purpose of road development and for no other purpose. Mr. Morgan said that there has been a sharp departure from the policy which had hitherto been observed. There has been no departure whatsoever from the policy which has hitherto been observed of using the money in the Fund for the purpose for which the Fund was created. All that we are doing is to attach conditions in order to ensure that the money is promptly and efficiently spent

[Sir Frank Noyce.]

for that purpose. My Honourable friend, Mr. Morgan, said that these conditions should have been thought out earlier, but the answer to that was given in the speech on this subject that I made last year in this House when I pointed out that nobody, seven years or so ago when the Fund was created, could foresee the rapid development of motor transport and the new problems that it would bring with it. We may have been short-sighted, but that short-sightedness was certainly shared between us and the Members of this Legislature when they started the Fund and wanted it used, as it was originally, in the main for trunk roads.

There is always a difficulty in discussing road questions in this House. On the one hand, we have the upholders of motor transport who say that the Road Development Fund is raised from the users of motor vehicles and that, therefore, it should be spent on the roads which they use. On the other hand, we have my Honourable friend, Captain Lal Chand, who was I think supported by the Deputy President who argues that far more of the Fund should go to village roads on which motor transport at present is not possible. It is very difficult to reconcile those two interests. I submit that this Resolution is an honest attempt to do so. My Honourable friend, Mr. Morgan, contended that road development on sound lines should be subject to no hindrance at all. I can assure him that road development on sound lines will not be subject to any hindrance as the result of this Resolution. No province which is willing to go forward with development on such lines will find itself fettered in any way by the terms of the Resolution. My Honourable friend, Mr. Morgan, asked for a definite assurance that proposals for resumption should be laid before the Standing Advisory Committee. He is not satisfied by the provision in paragraph 10 (d) of the Resolution which includes among the functions of the Standing Committee:

"To advise upon proposals for the resumption of monies held by the Governor General in Council as provided for in sub-paragraph (3) of paragraph 3 of this Resolution".

I should have thought that it was perfectly clear that, if the functions of the Standing Committee are to advise upon proposals for resumption of money, all such proposals must be placed before them for their scrutiny and advice. If it is not quite clear, I should like to make it perfectly clear to my Honourable friends that that is the intention and that it will be observed. My Honourable friend, the Deputy President, who was supported by Captain Lal Chand regards the Resolution as an attack, veiled or open, I am not quite sure in which light he looks at it, on provincial autonomy. It is nothing of the kind. The provinces will be just as free after this Resolution as they were before. If they are willing to co-operate with the Centre, the Centre will be willing to co-operate with them. Surely as I endeavoured to emphasise in my opening speech, it is not inequitable that the Government of India and this Legislature should attach conditions to grants which they make. If you give away money, you certainly can ask and indeed demand from the recipients of the money that they should spend it in the way you suggest. They are under no obligation whatever to accept the money. No province is forced to apply for grants from the road fund. If they prefer to go their own way, if separatist tendencies appear, which I hope will not be the case, if they say that they will not spend the money in the manner suggested to them, that they will not control motor transport in the way we recommend to them, then

they are at perfect liberty to do so and to do without the money. The justification for their case will be placed before the Standing Advisory Committee for its views which will doubtless come to this House in due course. I do not see where and in what the alleged attack upon provincial autonomy consists. Surely, it is an attack on the autonomy of the Centre that the Centre should be compelled to give away money which could be used to its detriment.

My Honourable friend, the Deputy President, objected to the presence of the Chief Commissioner of Railways on the Standing Advisory Committee and said that that was a departure from the existing procedure. That is not the case. The existing Resolution provides for two nominated official Members, one of whom shall be a Member of the Legislative Assembly. We can, therefore, under the existing procedure nominate a Railway official. It seemed to us advisable that the Chief Commissioner, Railways, should be a Member of this Committee and, as my Honourable friend, Captain Lal Chand, said, the Standing Advisory Committee have always found him a very useful and reasonable member. His membership of the Committee, which is now made permanent, enables him to get into touch with the views of the Members of this House and of the other House on road questions in a way that it would not otherwise be possible for him to do.

Captain Lal Chand asked why we have omitted the provision in the Resolution that I had intended to move in the Simla Session in regard to specifying the percentages or rather the proportions in which the amount available from the provinces in the Road Fund should be spent on different classes of roads. He seemed to suspect the hand of the capitalist and the hand of what he called the upper classes in that omission. I can assure him that his suspicion is quite unfounded. The only reason why we have made it is that, on consulting Local Governments, we found that they were of the view that there would be difficulties if we adopted a uniform percentage for all provinces. The conditions in different provinces differ very widely. Some provinces, such as, Assam, have very few roads at all, whilst others have an extensive system of main roads, the degree of competition of which with railways varies from province to province. Some provinces, again are better off than others in the matter of feeder roads. That is the reason, why we have deleted this provision. It is our intention to get the Standing Advisory Committee to help us to secure the proper balance between the different classes of roads in the different provinces as far as possible. We may work out for our own information and guidance some sort of percentages of expenditure which seem to us suitable for the different provinces and we shall then ask the Standing Advisory Committee to help us to secure that expenditure from the Road Fund on the provincial road systems is based, more or less, on those percentages. My Honourable friend, Captain Lal Chand, is specially interested in rural roads and the paper which he read before the last Road Conference showed that he knows a very great deal about them. I do not know whether he proposes to move his amendment after what I have said.

Captain Rao Bahadur Chaudhuri Lal Chand: If an assurance is given that Local Governments will be asked to send up schemes of inter-village roads for grants, because this Committee or the Government of India cannot undertake any schemes of their own accord, if a hint is thrown to them that they should send schemes for inter-village road development also, then I do not propose to press my amendment.

The Honourable Sir Frank Noyce: I am not quite sure whether I can give my friend as definite an assurance as he could wish, but, as there is a possibility that he may not move his amendment, I should like to tell the House something about what we are doing in this matter of rural roads and this is perhaps the most convenient opportunity for doing so. Captain Lal Chand has very properly drawn the attention of the House to the very grave and difficult problem which is presented by the unmetalled roads of India. The House is, I think, fully aware of the fact that most of the public roads in India (that is, those maintained by the provincial Public Works Department or local bodies), and the entire mileage of village roads are unmetalled. That must remain the position for very many years, because India cannot afford to construct and still less to maintain a largely increased mileage of metalled roads. The unmetalled road is of very great importance. It is the road on which the rural community principally rely and over which, as I have pointed out on many occasions in this House, practically every maund of agricultural produce has to be carried before it reaches the metalled road on its way to a market. A few generations ago the unmetalled roads served the needs of the population reasonably well. But with the increase of the population, the development of the travel habit, the replacement of subsistence farming by the growing of money crops which have to be carried to market, (a recent instance of this, of which Honourable Members are fully aware, being an increase in the cultivation of sugar-cane, all of which has to be carried to refineries instead of being crushed in the villages) the wear and tear on unmetalled roads has greatly increased during a period in which it seems to me, at any rate, that they have been progressively neglected. In fact, the view was recently widely held that the unmetalled road is a hopeless proposition and that nothing whatever can be done with it. I do not think that that is the correct view and I would further point out that if it is, the prospects of any real improvement in rural communications are gloomy indeed. I do not underrate the difficulties. The climate of India, the soil which is met with over very large areas, and the very heavy loads which are carried on unsprung two-wheeled bullock-carts in the fertile plains, all combine to render the problem far more difficult than its counterpart in a country like the United States of America with incidentally far greater resources. I am glad to say that some attempt is now being made to improve these roads. These attempts have so far been based on what I may call practical engineering proposals, that is to say, upon proper grading and drainage with some little mixing or blending of soils, where possible, or the use of gravel, grassing, and so on.

In the course of this work, it has, I understand, become apparent that the possibilities of scientific treatment of soils to improve their carrying capacity must also be explored. It has, in fact, become necessary to have a thorough understanding of the physical and chemical properties of soils which go to make good, bad or indifferent earth roads and to endeavour from that understanding to determine whether the good cannot be made better and the others made less bad by economical, physical and chemical treatment. This is a matter for scientific research. It is not possible for every Local Government to set up a research organisation, and we are, therefore, considering on the advice of the Indian Roads Congress, whether we cannot provide funds from the Reserve in the Road Fund for the necessary research, which will eventually, we hope, be organised as a branch of agricultural research with the co-operation of the Imperial Council of Agricultural Research. In the meantime,—and this is a point which I

hope will satisfy my Honourable friend, Captain Lal Chand,—we have recently, at the instance of the Standing Committee, drawn the attention of Local Governments to the importance of the unmetalled road in the chain of rural communications, have indicated that we favour all reasonable use of the Road Fund for its improvement and that we are prepared to encourage, and hope that Local Governments will encourage, any experimental work in this connection which appears likely to bear fruit. I trust my Honourable friend will be satisfied that the development of rural communications is engaging our close attention and will continue to do so.

I have little more to say, but arising out of what the Deputy President said, I should like to point out one way in which we are helping Local Governments to which I did not refer in my opening remarks, but which appears to be worth mentioning now. I think it is important to notice that the new paragraph 7 (4) of the Resolution enables us to meet from the Road Fund "charges, including the cost of establishment, connected with the preparation of schemes of road development, or with the administration of provincial Boards of communications". We may be asking Local Governments for something in return for the money we give them. But we are also prepared to give them all the possible help we can in providing us with that something for which we ask, namely, a balanced system of communications. I maintain, Sir, as I said at the outset, that the object of this Resolution is to secure that balanced system of communications, and I trust the House will recognise that and accept it.

Mr. President (The Honourable Sir Abdur Rahim): The Chair will now take up the amendments one after the other, and when an amendment has been moved and discussed, it will be put to the vote of the House.

Mr. F. E. James: Sir, I beg to move:

"That part (*a*) of sub-clause (*3*) of clause 3 be omitted".

In moving this motion, I should like to express the hope that I may have a reply to my question.

The Honourable Sir Frank Noyce: I am very sorry I did not give the Honourable Member a reply to his question. One is very apt, in the course of replying to a general discussion of this kind, to overlook important points, and I owe my Honourable friend many apologies for not giving him a reply to a specific question. He is perfectly right in what I think was his view that, in future, under the provisions of the revised Resolution, Local Governments will not be able to obtain interest on the amounts credited to them, if that is the procedure at present. The amount involved could not, in any case, be large, and I would ask my Honourable friend whether there is any justification for allowing interest. The provincial shares for the Road Fund have in the past been added to the provincial balances. Is there any reason why Local Governments should use money, which is given to them for the specific purpose of developing roads, to improve their ways and means position? Obviously, it is only the provinces which have not been spending allotments expeditiously who get that advantage. The fact that they get it is a definite encouragement to them to pursue dilatory courses, and that is one of the reasons why we are amending the Resolution in this respect.

Mr. F. E. James: Sir, I thank the Honourable Member for his explanation, though I rather suspect he read more into my question than I intended. I only asked for information and had no sinister intent such as he suggested in his last few sentences. This amendment of mine we regard as an important one, and I would ask the House to dwell for a moment on the precise meaning of this Resolution. . . . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better move the amendment.

Mr. F. E. James: I move:

"That part (*a*) of sub-clause (*3*) of clause 3 be omitted".

This Resolution is merely a recommendation. It has no statutory authority behind it. It recommends to the Governor General in Council that a certain line of policy should be followed, and I understand that the object which the Government of India has in placing this Resolution before the Legislature is to secure the sanction of the Legislature to a particular line of policy, and, therefore, we are asked to subscribe to the principles which are laid down in this Resolution. Now, the Honourable Member for Industries and Labour said in his opening speech that this Resolution was very much the same as the Resolution which he himself moved in 1934, except. . . .

The Honourable Sir Frank Noyce: I do not think I said that. What I said was that it was very much the same as the one I moved in the Simla Session. I never contended for a moment that it was very much the same as the one I moved in 1934.

Mr. F. E. James: I misunderstood the Honourable Member. But I want to make the point that this is a very different kind of Resolution from the one which was accepted by the House in 1934 and that there are some major changes. This is one of them. I will not mention all the other ones but this is really a most important one. Here is the clause now inserted:

"If in the opinion of the Governor General in Council the Government of any Governor's province has at any time failed to take such steps as the Governor General in Council may recommend for the regulation and control of motor vehicles within the province, the Governor General in Council may resume the whole or any part of any sums which he may at that time hold for expenditure in that province."

That is a fundamental change and it prompts the question, what has really happened since this Resolution was last placed before the House, to justify such a fundamental difference? It is the kind of difference that one does not expect in a resolution moved by the Honourable Member for Industries and Labour. Is it possible that for some reason or other the iron has entered his persuasive soul and he is anxious to leave something behind which is unlike most of his previous Resolutions or even his general line of legislation? There is such a fundamental change that one cannot help asking what is the real motive for making the change. I cannot believe that the Honourable Member has suddenly gone *Nazi*! I hope he will not use his well-earned retirement in taking up that line of thought. There is certainly something a little sinister in this particular clause. What is the reason for it? What is the fundamental reason?

Have the Local Governments been obstructive? If they have, the constitution provides amply for it, because up to the present time they have been under the superintendence, direction and control of the Government of India, which has plenty of power under the present Government of India Act to bring them to book. If it is not therefore the obstruction of the provincial Governments in the matter which has forced the Government of India to consider arming themselves with this specific and unashamed weapon, what is it? What is the foreign element which has crept into the situation?

Before developing that, I want to suggest to the House that this new clause is contrary to the original conception of this fund and I shall trouble the House for a moment to read one or two passages which have in past days laid down the Government policy on this matter. Here is a passage from the speech of the Honourable Sir George Schuster on the 28th February, 1929, in introducing his general budget, where he refers to the Finance Bill and the provision necessitated by the recommendations of the Indian Road Development Committee, and he says:

"I have to make it perfectly clear that it is a measure of taxation which is not designed for the advantage of the general revenues of the central Government, but for a specific purpose which has been unanimously recommended by the Committee and which I have no doubt will be welcomed by the House."

There is no mention there of any conditions laid down—no mention whatever, that if a province did not do its duty in regard to the regulation of motor vehicles the Governor General in Council might be empowered to resume the whole or any part of the allocation. Oh, no. The whole idea of this fund was that it should be collected for a specific purpose, that that specific purpose should be the furtherance of road development in the provinces and that the money gathered by this additional tax on petrol should be used for that purpose alone, no fundamental conditions being attached. Then, I would remind the House of the Honourable Sir B. N. Mitra's speech, in 1929, moving the resolution. He said:

"The provincial Governments generally were opposed to any form of control by the central Government or the Legislature through its standing committee on expenditure by the provincial Governments from sums allotted to them from the proceeds of the additional taxation, and that they held generally that their respective shares should be handed over to them from year to year, giving them complete freedom to spend the monies in any way they might like on road development".

He added that one of the provincial Governments wanted to have freedom to spend a portion of its share on general purposes. The Government of India were inclined to think that as the taxation was voted by the Central Legislature for a particular purpose, the Central Legislature would be perfectly justified in assuring itself through its standing committee that the money was being spent as intended. There is no reference here to motor vehicle regulation. The only qualification was that the money should be spent for the purpose for which it was intended, and there was no mention of any external qualification or limitation of the power to distribute the money for that purpose, such as is envisaged in this particular clause. Then, in 1931, the Assembly adopted a supplementary resolution to the resolution above referred to,—the one I have just mentioned—"provided that in view of the financial stringency at that time the grant to the provinces might in special circumstances and upon the advice of the Standing Committee for Roads be made available

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temporarily for expenditure on the ordinary maintenance of roads, on condition that Local Governments when conditions improve shall provide any sum so applied for schemes approved by the Governor General in Council." Again, there is no mention of this external and extraneous consideration of the control of motor vehicles being carreid out by a provincial Government in accordance with the desires of the Government of India. Then, in 1934, the Honourable Member for Industries and Labour himself moved a resolution in supersession of the previous ones, and there again there was absolutely no mention of this condition being made. There are details which varied the resolution of 1934 from the resolution of 1931—the time limit of five years for a maintenance basis was repealed; a provision was made to allocate shares of additional taxation of motor spirits used by air transport for civil aviation purposes; the portion of the annual block grant retained by the Governor General in Council as a central reserve was increased to 15 per cent.

1 P.M. Now, my Honourable friend, Mr. Morgan, has suggested an increase to 20 per cent., and I suppose somebody else will ask one day that it should be increased to 50 per cent., and that more precise particulars should be laid down in respect of the objects on which the grants could be expended, and so on. There is no mention here of any condition on which the Governor General in Council should, through a policy sanctioned by this House, be empowered to resume all or any of the allocations on account of lack of efficient control of motor vehicles in the provinces. Therefore, I think, Sir, there is some justification for the feeling that this year, for some reason or other which has not yet been frankly disclosed, and I hope it will be disclosed in the course of this debate,—the original purpose of this fund has been lost, or rather in sight of being definitely lost. I am very glad to see my friend, Mr Mitchell, in the House. He, of course, should be dressed in more sombre garments, because as a matter of fact he is attending the obsequies of the original purpose of his own Committee and his own Report! Therefore, the first point is that this is contrary to the conception which produced this policy originally in the House and which was behind the creation of this road fund. If it is not, I should like it to be explained exactly in what way this provision is entirely consistent today.

Then, Sir, I go further and suggest to the House that this provision is contrary to the whole spirit of the Government of India Act of 1935. . .

Mr. S. N. Roy (Government of India: Nominated Official): What spirit is contrary to the Government of India Act?

Mr. F. E. James: I have not had time to explain myself, and I shall endeavour, if my Honourable friend has a little patience, to substantiate that statement by one or two reasons, with which he may or may not agree. But I am anxious to obtain from the Government of India the precise reasons for this provision. The Fund is not a statutory fund. It exists entirely at the discretion of the Government of India subject to the declaration of policy set out in the Resolution for which the Government of India is now seeking. . . . .

The Honourable Sir James Grigg (Finance Member): I notice that you concede that it is our money.

Mr. F. E. James: No one ever denied it, and I only mention it in case it escaped the attention of the Honourable the Finance Member.

The Honourable Sir James Grigg: It has not, I assure you.

Mr. F. E. James: Exactly. We are now getting warmer, or rather near to the real point that is behind this particular clause! I am very glad to have drawn the attention of the Honourable Member to it so early as this,—I am very glad indeed. Paragraph 3 plainly states in very blunt language that while the House should adopt a general policy in regard to the expenditure of this fund, it should also agree that that policy should contain an element of coercion in respect of a matter which under the Government of India Act of 1935 is exclusively within the sphere of Provincial Governments. Motor vehicles, if Honourable Members would care to look up the Government of India Act, are to be found in the concurrent list. Now, the concurrent list is divided into two parts,—Part I consists of subjects in connection with which it is not within the competence of the Federal Legislature to enact laws except for purposes of co-ordination or convenience. That is definitely laid down in the Government of India Act, and motor vehicles is in Part I, not in Part II. And here it is suggested that this House should give its assent to a policy which implies a coercive measure in respect of the regulation of motor vehicles. We are being asked to give the Government of India a *carte blanche* to achieve co-ordination or convenience by means of coercion. Even the Motor Vehicles Amendment Bill which the Honourable Member for Industries and Labour introduced under the existing constitution did not attempt any coercion at all. In fact, that was one of the arguments in favour of the Bill which he adduced most strongly. That Bill was, as it was intended to be, a permissive Bill and nothing else. Now the power of direct interference or intervention on the part of the Federal Government is limited to the subjects mentioned in Part II of the concurrent list, and the subject of motor vehicles is not in Part II of the concurrent list,—it is in fact in Part I, and in regard to Part I, the intervention or rather the enactment of laws by the Federal Legislature is specifically stated to be used only for the purpose of co-ordination or convenience. Now, Sir, I am quite prepared to admit that it is possible for a Provincial Government through its exclusive control of motor vehicles to damage an interest which is federal, but then surely the Government of India have under the Government of India Act power to intervene, and to intervene effectively, in such an event. That being so, ...

Mr. S. N. Roy: May I ask by what power the Government of India can secure it?

Mr. F. E. James: It is contained in section 126 of the Government of India Act, 1935,—I am not quite sure,—I cannot recollect at the moment whether it is sub-section (1) or sub-section (2), but there are two sub-sections to that particular clause. My point is this,—if that is the case, and I do not deny that I may be wrong,—my reading of the Act suggests that it is the case,—what is the necessity to adopt a clause in a statement of policy which, if agreed to, would give our consent to the Government of India to resuming all or any part of an allocation to the provinces of this fund if in the opinion of the Government of India the

[Mr. F. E. James.]

provinces have not done their duty in connection with the control of motor vehicles, an item which is essentially a provincial item. I do submit that it is contrary to the spirit of the new Act,—and also to the spirit of that "majestic structure" of provincial autonomy which we are so frequently enjoined to admire with increasing self-satisfaction. I also suggest that it is not necessary. This Resolution does not detract from or add to the inherent power of the Government of India to deal with its revenues as it likes, and therefore it is quite unnecessary to have this provision. I further suggest that it is unfortunate both in time and in content, and that for the persistence of the Government of India in including this clause in the Resolution there must be some very definite reason. Of course, the reason is quite clear. The Chief Commissioner of Railways is going to appear for the first time on the Standing Committee for Roads for the first time. The reason is the railways, which are happily emerging I hope from their slump. (Interruption by Lieut.-Colonel Sir Henry Gidney which could not be heard at the Reporters' table.) I cannot conceive that my Honourable friend, Sir Henry Gidney is so simple as to think that it is not possible. It will be a most effective weapon in the railway interests. . . .

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways): The opposition to it may possibly be inspired by some other interests which may also be equally obvious.

Mr. F. E. James: It may be obvious to the Commerce Member, we are not in his secrets, but. . . . .

The Honourable Sir Muhammad Zafrullah Khan: Perhaps other Honourable Members are not.

Mr. F. E. James: We have to take what appears to be the obvious reason.

The Honourable Sir James Grigg: As we have.

Mr. F. E. James: Now the sword is unsheathed, it is quite naked, whether it is in the hands of the Honourable Member for Industries and Labour or the Honourable Sir James Hitler (Laughter.)—I mean Sir James Grigg. I am quite aware that my Honourable friend, the Member for Industries and Labour, has, metaphorically with his hand upon his heart, said that this particular clause is not going to be used to the detriment of road development, but I am afraid that his assurance really, although I take it in the spirit in which it is meant, is not of great value. In any case, even if it were absolutely binding upon successive Governments,—if that be the case, then why this clause? If it is not to be used for the defence of railway interests, if it is not to be used for the coercion of provincial Governments, if that is not the case, then why have the clause at all? I suggest that this display of unnecessary force at this juncture, and taking into consideration all the circumstances, is calculated to breed mistrust and a spirit of truculence on the part of provincial Governments. I am not interested in the views of Local Governments at present on the subject. After all, my Honourable friend knows that

they are about to expire. But how will this react on the new Governments that are coming into existence on the 1st April? I do suggest that if such an item as this is to be brought into the resolution, the proper time to bring it up—and possibly bring up the resolution in some other form—would be after the constitution of the Federal Legislature in which the Provinces and the States will be properly represented. I am quite aware that the argument may be used that this is all negative criticism. I think everybody in the House recognises the difficulties of the situation. What is our suggestion? In every Federation there are large areas of possible conflict between the Federation and the units, especially in the economic sphere. It is the experience of Federations like Australia and Canada that those areas of conflict are growing and, therefore, the statesmen in those countries, (and I hope statesmen in this country will take note of this)—the statesmen in those countries are doing what they can do to build up co-ordinating machinery which would minimise those points of conflict and encourage co-operation. I suggest that, instead of having these weapons taken with the sanction of the Legislature in such explicit terms, the Government of India would have been better advised to have pressed forward with schemes for co-ordination such as the formation of a Ministry of Communications which would be responsible for co-ordination, and the transformation of the misnamed Transport Advisory Council, into a real Advisory Council of the interests concerned with road development to advise the Minister for Communications. I am going to suggest that if the Fund is to be continued it should be placed on a more permanent basis with a Committee on which the provinces as such are represented,—not the Advisory Committee as it is at present, which, although it is excellent in its work, is in a sense representative of fortuitous circumstances in this House in the formation of parties and political groupings. These are the things that we would press forward. This is not the time to ask this House to accept a clause which affects a matter which is primarily a provincial concern and in connection with which the Government of India is to be at one and the same time a party to the suit, public prosecutor and the chief and sole judge. Therefore, on these grounds I urge that this House should not agree to this clause and I move for its deletion. (Cheers.)

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

"That part (*a*) of sub-clause (*3*) of clause 3 be omitted".

The discussion on this amendment will be resumed after Lunch.

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

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

Mr. C. H. Witherington (Assam: European): There is one point in the wording of this paragraph which we are now discussing on which I should like to have some elucidation from the Honourable Member in

[Mr. C. H. Witherington.]

Charge. It is possibly a point that has occurred to other Members of the House and I think that it would be useful at this stage of the discussion if we could have some interpretation put upon the wording. The paragraph reads:

"(a) failed to take such steps as the Governor General in Council may recommend for the regulation and control of motor vehicles within the province".

My point is this: What form will that recommendation take? Will the recommendations be in the form of a permissive Act passed by this Legislature which authorises the provinces to make their own set of rules, or will it be in the form of a set of rules formulated by the Governor General in Council for each province which the Governor General in Council recommends each province to put into effect? I consider that the paragraph in its present wording is far too wide and it gives the power to the Governor General in Council to formulate his own set of rules which he will recommend for adoption in the various provinces. I do not consider that wide power is right, for it cannot be expected that the Governor General in Council can have a proper conception of the various and varying conditions which obtain in each province. For example, in my own province, Assam, conditions are very different, as one can easily imagine, from conditions in Madras, Bombay or any other province. We have our special problems to consider and those, in my opinion, should be more within the ambit of the Local Governments to study and to formulate provisions for their settlement, than for the Governor General in Council. The Local Governments must have a proper appreciation of what is necessary in their provinces. Therefore, it would possibly be more desirable that power should be given, not to the Governor General in Council to formulate those rules, but the Governor General in Council in consultation with the Local Governments. If this amendment which has been moved by my Honourable friend, Mr. James, is passed there will be no need for us to worry and all will be well. I feel certain that Local Governments are fully aware that the regulation of motor vehicle traffic should be brought under control. They will therefore make their own rules to suit their differing conditions. But if this amendment is not passed and the paragraph stands as it reads at present, then, I submit that some alteration should be made in it in order to allay the fears of the Honourable Members here present who represent all provinces, because at present as it is worded it gives a blank cheque to the Governor General in Council to fill in as they like.

Khan Bahadur Sir Abdul Haiid (Nominated Non-Official): The Honourable the Mover of the motion seems to have made three points in his speech. He said that when the idea of a road fund was first propounded—I think he quoted from the speeches of Sir George Schuster and Sir Bhupendra Nath Mitra—no condition of the sort now proposed by the Government of India was proposed or contemplated at the time. Secondly, that the present proposal trenches on the field of provincial autonomy, and, thirdly, that the Government of India would be better advised to wait till the Federal Constitution came into force. I am afraid that these points betray a complete misconception of the basis of the scheme. First of all, I maintain that there was a condition attached and that condition was that the road fund would be earmarked for road development in the

country. That the Government of India, at the time of the inception of the scheme, provided no safeguard against lack of co-operation or dilatoriness in execution of schemes of road development on the part of any province or failure to carry out any policy designed to promote co-ordination and uniformity of conditions governing the regulation and control of motor vehicles was clearly an omission which should be rectified particularly in the light of the experience the Government of India have had of the working of the scheme. Sir, I fail to comprehend how the proposal encroaches on the sphere of provincial autonomy. The position is simply this. The road fund is fed from a central source of taxation, and the Government of India are prepared to offer grants to the provinces from this particular fund subject to certain conditions. They are not going to compel the provinces to accept those grants *nolens volens*, but what they are entitled to say is this: Do you want a subsidy or grant from Road Fund? If you do, you shall have to accept our conditions. But if you find our conditions irksome or unacceptable, we are not going to force those grants on you. This attitude on the part of the Central Government cannot be regarded as an invasion of provincial autonomy.

The Honourable the Mover's advice to the Government of India to hold the proposal in abeyance till the advent of federation is not sound. On the contrary, I believe that the Government of India have been well advised to seek to assume a very necessary reserve power at the present juncture. The Government of India will have gained valuable experience as regards the operation of this particular proposal by the time the Federal portion of the constitution takes effect, and then it would be open to the Federal Government or the Federal Legislature to retain it or alter or amend it in such manner as they think best. After all, what is it that the Government of India are asking? They propose to arm the Governor General in Council with power to resume, in certain eventualities, a grant made to a particular province. The Honourable Member in charge of Industries and Labour has given the House a definite assurance that this power would be used in very rare cases. An effective check on its arbitrary use has been imposed by the provision that proposals regarding resumption of provincial grants will be referred to the Standing Committee on Roads, which would include representatives of the Central Legislature. Through the medium of the Standing Committee, the Legislature will be in a position to ensure that no unfair or arbitrary decision is arrived at. There is another very important aspect to which I wish to call the attention of this Honourable House. The proposal is conceived in the best interests of the rapidly increasing motoring public. If there was no co-ordinating authority, or that co-ordinating authority had no power to enforce its policy in regard to the regulation and control of motor vehicles, the motoring public would be bound to be subjected to serious inconvenience and harassment in connection with registration of vehicles and licensing of drivers. There would be a diversity of conditions in the provinces, and the motoring public would be the sufferers. It would, therefore, be in the best interest of the motoring public to arm the Central Executive with some power to insist that the provinces shall carry out the policy which will be laid down by the Central Executive in consultation with the Standing Committee. Of course, nobody will deny that the provinces are themselves quite alive to the importance of road development and proper regulation and control of motor vehicles, but the Central Government which undertakes to finance the provincial schemes of road

[Khan Bahadur Sir Abdul Hamid.]

development cannot be deprived of its right to see that the policy it chooses to adopt in this sphere shall be carried out. That can only be done expeditiously and in a spirit of prompt and complete co-operation.

Sir, I oppose the motion. (Loud Applause.)

Captain Rao Bahadur Chaudhuri Lal Chand: Sir, I must congratulate my friend, the Honourable Mr. James, for the very lucid exposition of the situation. In my speech on the motion for general consideration I referred to this clause 3(3)(a) as a sting. I also pointed out that this will not only be resented by the Provincial Governments but might create a very unpleasant situation. The Honourable Sir Frank Noyce has, however, stressed the point that the Fund is our own creation, and we should be the final authority in matters of detail. Even then, I would have supported the Honourable Mr. James, if it were not for the fact that better sense has prevailed since October last and in the new Resolution a separate clause (d) has been added to paragraph 10. This clause did not exist in the Resolution which was circulated to us at Simla. The clause reads:

"To advise upon proposals for the resumption of monies held by the Governor General in Council, as provided for in sub-paragraph (3) of paragraph 3 of the Resolution."

Now I have been pressing for the rights of the Standing Committee. According to this clause, every such case will come before us before the Governor General in Council takes any action. Surely, then, if this Committee comes to the conclusion that the attitude taken by a certain Province was unreasonable, then there is no harm in recommending resumption. This is, after all, a temporary arrangement and as was pointed out by the Honourable Mr. Morgan, the Legislature will have to be approached sooner or later for giving this Fund a statutory shape. Rail-Road competition will also have to be solved by having a common ministry of transport, otherwise the two arms of Government will be pulling in opposite directions. So I think that, with this addition in paragraph 10, we should not press this to a division. The point has been fully stressed, and as we have not been ignored on the Committee, as was the case in connection with the October Resolution, we should feel satisfied with having brought this to the notice of Government.

Sir, one word more before I resume my seat. These differences give good material for academical discussions, but they are detrimental to the best interests of the Government and of the country. Government should act as one body; otherwise, these clashes will have a very bad effect on the administration. For, after all, roads as well as railways are limbs of the same body. I am here reminded of the story of an old *faqir* who had two disciples, and with your permission, Sir, I quote this in order to break the monotony of the House. (Hear, hear.)

Mr. Deputy President (Mr. Akhil Chandra Datta): Do, do.

Captain Rao Bahadur Chaudhuri Lal Chand: This *faqir* was an elderly fellow and was in the habit of getting his legs pressed before going to sleep. One disciple was in charge of the right leg and the other in charge of the left leg. One day the one, in charge of the right leg, had to go to

another village and he asked his brother disciple to press his leg also. The other disciple, after finishing his task, looked upon this extra work as *begar* and, in an angry mood, pressed the old man's knee so hard that it got dislocated. The *faqir* went on crying for pain till next day when the absentee *chela* arrived and administered medicine to *his* leg. It took him 3 or 4 days to set the knee right. After some days the other *chela* also, had to go out, and asked the former to look to his leg. This *chela* was bent upon taking revenge. So he got hold of a heavy club (*lathi*) and after pressing his particular leg began to give a beating to the other leg of his *guru* and he thus broke the leg-bone of the old *Sadhu*. (Laughter.) Sir, the moral is clear: "Do not allow one Government to deal with the other's legs or departments in an unfriendly way; otherwise, the *Sadhu's* life will be in danger." (Hear, hear.) (Loud Applause.)

The Honourable Sir Frank Noyce: Sir, my Honourable friend, Mr. James, asked me the cause of the great change that he thinks has come over me during the last year or two. I am going to return the compliment, in spite of the fact that the "*tu quoque*" is always a rather poor form of argument, and ask him what has happened to him in the last twelve months? Sir, in the days of old there was someone—I have forgotten who it was—who appealed from Philip drunk to Philip sober. I am not going to appeal from James drunk to James sober, for I know that my Honourable friend's habits are as temperate as my own. But I am going to appeal from the James of today to the James of February the 27th, 1936. A year ago my Honourable friend explained to this House the changes which may arise out of Federation in words which I had better quote. He reminded us of these words this morning but I will give them in full from his speech of last year during the course of the discussion in the Railway Budget. He then said:

> "There is, in different Federations in the world today, a growing danger of conflict in the economic sphere between the Centre and the individual units, and the separatist tendencies which are inherent in the proposed scheme for this country are likely to grow unless machinery to co-ordinate the various interests for the common economic good is set up."

With that point of view I entirely agree and it is in pursuance of that point of view that we are putting forward this Resolution today. We realise as fully as my Honourable friend the dangers that may arise in the years ahead of us when Federation is in full operation and I submit to this House that we are proposing no more in this Resolution than to set up some sort of co-ordinating machinery. It would, I presume, be argued by my Honourable friend that what he has in mind is voluntary co-ordination. But voluntary co-ordination is, I submit, always a very slender prop on which to rely. We have an example of the truth of that, as we all know only too well, in the League of Nations. Co-ordination without sanctions is useless and all that we are providing here is that there should be some sanction behind our efforts at co-ordination. I submit that it is a very mild form of sanction. But that is not the main argument in my Honourable friend's speech a year ago on which I would rely. I would invite his very special attention and the very special attention of the House to these words. My Honourable friend, like an Irish speaker in the House of Commons, has smelt a rat

[Sir Frank Noyce.]

and wishes to nip it in the bud: he has smelt behind this Resolution the rat of the railway interests. We have never denied that one of our objects, if not the main object, in bringing forward the Motor Vehicles (Amendment) Bill which was before the House last Session and the Resolution which is before it today is to enable us to deal with the state affairs in regard to road-rail competition which has arisen during the seven years which have elapsed since the original Resolution was placed before the House. This is what my friend said a year ago:

"Now, what is the remedy as far as unfair competition is concerned? We suggest that most of the unfair competition could be eliminated by the proper regulation of road transport and by effective measures taken, by Local Governments particularly, in the direction of seeing that those regulations are in fact carried out on the roads. I am quite aware that this is a matter which concerns the Provincial Governments intimately but it surely is a matter on which the Government of India should take the most urgent and drastic steps. We suggest, for example, that the following regulations are required."

And then my Honourable friend made certain suggestions as to the regulations which were required. What are we doing today?

Mr. F. E. James: Postponing the Bill to next Session.

The Honourable Sir Frank Noyce: That is not my fault; it was the wish of the House; the House wished its postponement; the House asked that it should be circulated for eliciting public opinion. Public opinion has not yet come in and it has to be carefully examined when it does. In any case, the Bill is merely an enabling Bill and does not in itself empower us to take "most urgent or drastic steps". The only step that we can take is the one which is now before the House. My Honourable friend has not suggested any other. All that he has put before the House is the possibility of a Ministry for Communications. That I can hardly believe is a drastic step and it is a step which apparently is not so much in favour with some of the interests that he represents as was the case a few months ago, judging from communications that have recently appeared in the press. The only other step he suggested, I think, was the re-organisation of the Transport Advisory Council. That, I agree, is a matter which is well worth consideration and it will be considered but he has not suggested any active step, any urgent and drastic step. All we have done in this Resolution is to adopt the suggestion that he himself put before the House a year ago and now he turns round and complains that this is neither the time nor is there any necessity for it. As for the time, what better time could one want than this before fissiparous tendencies begin to set in? As to the urgency, I am content to leave the House to judge between me and him. All I would say is—and I say it with great respect—that Mr. James's speech of a year ago struck me as being spoken with far more conviction than the speech he has given us today. One point that I should like to urge on my Honourable friend and his supporters is that, though he may believe—and with considerable justification—that this particular sub-paragraph of the Resolution has been included, as he would have it, in the interests of railways and, as we would have it, in the best interests of railways and roads together, it is also in the interests of those who seem to be most strongly opposed to it. There are ways in which there may be failure to co-ordinate

other than those in which railways are specially interested. Let me mention a few possibilities to my Honourable friend. There might easily be discrimination by one province against busses and lorries registered in another. There might easily be a refusal by some provinces to recognise a driving licence and certificates of registration issued by others. There might also be, as we all know, non-co-operation for reasons on which I need not enlarge. But I submit to the House: Are the Central Government and the Central Legislature to be tied hand and foot if that sort of thing happens?

Mr. F. E. James: You have the power now.

The Honourable Sir Frank Noyce: We have no power. How have we the power?

Mr. F. E. James: It is mandatory.

The Honourable Sir Frank Noyce: Whatever may be the case now, after the 1st of April there will be no power left. What I would ask my Honourable friend is this: does he really contend that if a Local Government acts in a manner detrimental to the rest of India, we have no option but to continue to make over to it its share in the Road Fund? That is the position.

3 P.M.

My Honourable friend repeated an argument which was used by Mr. Morgan this morning that, when the Road Fund was constituted, there was no talk of any of these conditions. It is a little difficult to follow an argument like that put forward in a democratic Assembly. Are the hands of the Government to be tied for all time? Can they never change their policy? New circumstances arise, new conditions have to be dealt with. Can we take no action to meet them? That is why we have come to the House. We have come to the House to ask it to attach conditions which were not necessary when the original Resolution was put forward. I submit that that is a perfectly reasonable proposal. I should like to read to the House what was said by Mr. Jayakar, who, if anybody can be regarded as the father of the Road Fund, is certainly entitled to that distinction. This is what he said when the original Resolution was put forward and discussed in this House on 4th February, 1930:

"In accepting this view, the difficulties which my Committee felt were two, firstly, that the two annas petrol tax (*as it was then*) was a source of Central revenue, and, secondly, that the Legislative Assembly, being the custodian of that revenue, it would be wrong to suggest any arrangement by which the Legislative Assembly would be denuded of their powers of supervision and control. We could not therefore accept the view of the provincial representatives, which sought to convert the Government of India and the Legislative Assembly into a mere conduit pipe."

That is exactly what we are being asked to do today. We are asked to perform the function of a conduit pipe and those are not the functions that we are prepared to perform or that this Assembly should be willing to perform. Mr. Jayakar further says:

"The compromise which we found satisfactory was first to maintain some control which this Legislative Assembly could exercise as the custodian of the Central Revenues, and secondly, that such supervision or control should be strictly limited to the necessities of the case."

[Sir Frank Noyce.]

That is exactly what we are doing. We are asking this House to exercise its proper functions as the custodian of central revenues. We are not asking it to exercise any more supervision or control than we consider is necessitated by the case. Sir, I trust I have convinced the House that there is no justification for the amendment which my Honourable friend, Mr. James, has put forward.

I should like before I sit down first of all, in accordance with the pleasant custom which prevails in the Mother of Parliaments to congratulate my Honourable friend, Sir Abdul Hamid, on his able maiden speech and secondly, to reply to the point raised by my Honourable friend, Mr. Witherington. He asked what we mean when we say that the allocation to a Province will be resumed if it has failed to take such steps as the Governor General in Council may recommend for the regulation and control of motor vehicles within the Province. I think he is unnecessarily alarmed by that. It is certainly not the intention of the Central Government to compel the Provinces to lay themselves in a Procrustean bed. It is not the intention of the Central Government to deprive them of their rule-making power and to force them to accept its rules. That, obviously, would be most undesirable in the new era of provincial autonomy. If we can help them in framing the rules as we have done in the past,—a set of model rules were discussed by the Transport Advisory Council,—if we can help them in framing their rules, we shall be very glad to do so, but there is no intention whatever of forcing our rules upon any province. The point that would naturally be examined is whether they were framing any rules at all. What I would press upon my Honourable friend, Mr. James, is that the Motor Vehicles Amendment Bill is an enabling Bill. There is no guarantee whatever that the Provinces will exercise the powers which it gives them. None whatever. The only way of making sure that they do, is to say that, if they do not, they cannot expect assistance from the Road Fund. Surely that is not unreasonable. One would have to see that first of all the rules are framed and secondly that they were adequate. There is no intention whatever of forcing the Provinces to adopt any uniform standard of rules. All that is intended is to see that they use the powers which will, I hope, be given them by the Bill when it becomes an Act, for the purpose for which they are meant. The word "coercion' has, I submit, been mentioned far too often in this debate. I would again repeat that I cannot see that there is any undesirable element of coercion in the attitude that "We are prepared to help you to develop your roads by giving you grants from the Road Fund. We want those roads developed in the best interests of railways and roads and if you are not prepared to do that, you cannot expect a grant". It also seems to me, Sir, that this House, or some Members of it, has been unduly suspicious of the intentions of the Government in this respect. We have provided a means by which the House can acquaint it self with what is going on and surely the House should have sufficient confidence in itself to see that the powers which this Resolution gives us are properly and wisely exercised. Sir, I oppose the amendment.

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

"That part (*a*) of sub-clause (*3*) of clause 3 be omitted."

The motion was negatived.

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

"That in part (*a*) of sub-clause (*3*) of clause 3, for the words 'steps as the Governor General in Council may recommend' the words 'action as an Act of the Indian Legislature may provide' be substituted."

Sir, I have listened with close attention to what my Honourable friend, the Member for Industries and Labour, has said both when he moved his original Resolution and when he replied to my Honourable friend, Mr. James, who moved our Group's first amendment. I may say at once that I entirely agree with a great deal of what he says. However, it seems to me that he has, in fact, given me several arguments for the motion now before the House. He mentioned that there had been too much talk of suspicion and that he also deprecated the fact that this suspicion had been aroused—for whatever reason—in the minds of Honourable Members. I would remind him that the main reason for this suspicion is the very wide terms in which part (a) of sub-clause (3) of clause 3 is at present worded. It is because these words are so vague and give such apparently wide powers to Government that this suspicion has been caused. I say, *apparently* gives wide powers to the Government because I have very grave doubts as to the use that this Resolution will be after the 31st March of this year. It brings me to the main theme of my speech, namely, the propriety of the clause as it stands at present. The Honourable Sir Frank Noyce has indicated that he is out to defend the interests of the Centre and of this House. With that I am in entire agreement and it is on that ground that I move the amendment before the House. He has also said that his object is to obtain some means of power which will enable him to co-ordinate the various rules and other matters governing motor transport all over India. Now, I say at once that I entirely agree that circumstances may arise, as my Honourable friend, Mr. James, pointed out a year ago, in which it is necessary that the Centre (or as it will later be the Federal Centre) should have these powers. Now, as things are at present the Governor General in Council can do very much as it likes,—we all know that. But from the 31st March, or to be more exact, from the 1st April, this will not be the case. Then if they are going to divide any of the monies, which my Honourable friend, the Finance Member, quite rightly contends are his monies, they will have to do it in accordance with the Government of India Act, 1935. And I would remind him,—I need hardly remind him because he certainly knows,—that he can only do that within the four walls of that Act. In particular, when he makes any grants to provinces he must make those grants in accordance with the provisions laid down in, I think, Chapter VII. There are two particular sections,—section 150(2) relating to grants, and also section 140(1) relating to the distribution of central taxes. Now, Sir, in regard to the first of these sections, that would appear to give him all the power that he seeks now to secure under this clause 3(3)(a), namely, to lay down any conditions he likes, because there is nothing specified about that. I will just read the section, if I may, for the benefit of those who have not got the Act. The section reads:

"(1) No burden shall be imposed on the revenue of the Federation or the provinces except for purposes of India or some part of India.

(2) Subject as aforesaid, the Federation or a province may make grants for any purpose notwithstanding that the purpose is not one with respect to which the Federal or the provincial Legislature, as the case may be, may make laws."

[Mr. T. Chapman-Mortimer.]

Now, Sir, it is obvious from that that he can make grants in any way he likes, but I submit. . . . .

The Honourable Sir James Grigg: Subject to the vote of the Legislature.

Mr. T. Chapman-Mortimer: Yes, quite so, but I will just go on to explain why I do not think this particular division or allocation of money falls within the scope of that section of the Act. That section of the Act relates, as I understand it, to the making of grants such as might be necessary after a great earthquake or a great famine. If that were not the case, it means that a future successor of my Honourable friend, the Finance Member, may propose to the House, and the House may sanction, the giving of any money it likes notwithstanding that very clear provisions are laid down in regard to the distribution of the taxes on income and the rate at which they should go to the provinces. Any delay that might occur under that section can be completely got round by operating under section 150(2), as I have read out now. I submit, Sir, that it is much more probable that this particular distribution of money should take place under section 140(1) which provides for the distribution of excises and export duties; it says there:

"There shall be levied and collected by the Federation, but if an Act of the Federal Legislature so provides."

That, Sir, seems quite clear, and then under section 144, the Government of India Act, 1935, gives the Central Government (or later, the Federal Government) power to attach to any grant so made certain conditions. That is quite clearly laid down. Now, Sir, as I have said, the objections to this part (a) of clause 3(3) are that it gives the Central Government arbitrary power which may be used, and may quite properly be used, in the interests of railways—but it is an arbitrary power. Secondly, it has been contended that it interferes with provincial matters. To my mind, Sir, both those objections would be met if Government could see their way to accept the amendment now before the House, because in the first place it will dispel any idea that the Government of India would be arbitrary in their action,—in fact, we all know that they will not be able to be arbitrary; and secondly, it will dispel any doubt that may exist,—I think in some cases it exists wrongly,—that there will be interference with provincial matters. Both of these objections, as I have said, can be met by the Government of India if they will accept this amendment now before the House. My Honourable friend, the Member for Industries, has suggested that he must have this power because if we do not give him this power now he will not be able to defend legitimate Central all-India matters. I submit, Sir, that he is making what I might call "much ado about nothing", because after the 31st March this Resolution will be of no use to him; whatever way we vote now will not help him very much. I am reinforced in my opinion on this point by the fact that in the India and Burma (Transitory Provisions) Order, 1937, it is mentioned that a grave doubt exists in the case of the Road Fund, and it is specially provided in that Order that if any monies are lying to the credit of the Road Fund at the end of this financial year, it shall be quite proper that they could continue to be used for purposes of the fund after the 1st April next. But that of course naturally only relates to funds voted in this coming Finance Bill.

Sir, that is really the main point I had to make; in other words, I am not attacking Government on the ground that they are trampling on the provinces. I am not suggesting that they are taking action which is contrary to the spirit of provincial autonomy. But I do contend, Sir, that they are doing something which on the Honourable Member's own admission is contrary to the interests of this House. He has read out from the speech of Mr. Jayakar and he has quoted from other documents to prove that it is our duty—as Members of this House—to look after Central monies. And it is on that ground that I submit that this House should accept the amendment I have just moved.

Sir, I move.

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

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

"That in part (*a*) of sub-clause (*3*) of clause 3, for the words 'steps as the Governor General in Council may recommend' the words 'action as an Act of the Indian Legislature may provide' be substituted."

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I wish to add a few words to what my Honourable and young friend has said just now. As I understand it, the Resolution wants that if the provincial Governments fail to take any such steps as the Governor General in Council may recommend for the regulation and control of motor vehicles within the province, the Governor General in Council may resume the whole or part of any sums which he may at that time hold for expenditure in that province. Now, what is asked by this amendment is that if anything is to be done to checkmate the actions of the provincial Governments, it should be done by an Act of the Central Legislature then in existence. I see justification for this amendment. In the first place I had doubts myself with regard to the power of the Governor General in Council at this time with reference to this subject. But the Honourable Member for Industries and Labour has made it clear that the Governor General in Council has not got that power now. If that power is not there, then there might be some justification for getting that power; but if he has got that power, then he should exercise it. Of course, I have some doubt, if the Governor General in Council has not got that power, how is this resolution going to be moved. We are only recommending, and the power will be exercised by the Governor General in Council. The very fact that this resolution is recommendatory in itself means that the Governor General in Council has got that power. If he has got that power, then it is no use passing this resolution at all; but if he has not got that power, then the question arises whether the past conduct of the provincial Governments has been such as to show that they have failed in any way to do anything which is in consonance with the wishes of the Governor General in Council. Nothing of the sort has been shown up to now. Therefore, it seems to me that the power is being obtained from the House by means of this resolution to forearm the Government to exercise it after the Federation comes in, or after the 1st April, 1937. Therefore, I submit that it would be wrong on the part of the central Government to curb the powers of the provinces beforehand, when they

[Mr. Lalchand Navalrai.]

have not shown that they have misbehaved. In other words, it is now assumed that after the 1st April, 1937, when the power comes to the provincial Governments, they will not exercise it properly. There is no justification for passing this resolution at this moment. When that power is given to the provincial Governments, I feel that they will not fail in their duty in passing the rules. It is feared by the Treasury Benches that they may not pass the rules when the Act is made giving them that power. I cannot understand that at all. When the management and control of these motors is going to be put into their hands, they are given full powers to make rules. Why should we understand that they will not exercise their powers? If they do make any rules which do not agree with the wish and will of the Central Government, they can ask the Central Legislature to pass some legislation then. This money is central money and whether they give this money or not will lie in the hands of the Central Legislature and the Central Government. They can bring in a Bill and say that this money will not be given to the provinces unless they do this or that. Why presuppose all these things and make this resolution? But if the resolution is going to be made, then it is only wise and proper that it should be made in the words which have been suggested in this amendment, namely, that the power should be given to the Federal Legislature to see that the Provincial Governments do not fail in carrying out their wishes. With these words, I strongly support this amendment.

Mr. K. G. Mitchell (Government of India: Nominated Official): Sir, I oppose the motion. The material part of the amendment appears to me to be that an Act of the Central or Federal Legislature should be substituted for the instructions or recommendations of the central executive in this matter. I think that the answer to that has already been given by the Honourable Member from Assam who said that he thought it would be impossible for the centre to make uniform rules which would be applicable to all provinces. It appears to me, having studied the question to some extent, that it would be even more difficult to apply a specific Federal Act which would be absolutely rigid in its application to every province and that it would be impossible to draw up an Act which would have any effective result if it attempted to make a rigid provision for every province. The present form of the Indian Motor Vehicles Act is an enabling Act and the Bill to amend it was in the same form, an enabling Bill. It is designed to give Local Governments powers to make certain rules which they have not at present the power to do. It is very necessary that the rules made by different Local Governments should be as elastic as possible and should be as suited to local conditions. . . . .

Mr. T. Chapman-Mortimer: On a point of personal explanation: I was not in any way referring to this matter of the amendment of the Motor Vehicles Act: it did not occur to me at all. I was merely putting my point that Government should only be able to resume this money when a province had definitely failed to carry out a special provision laid down by the Central Legislature, at the wish of the Government to carry out certain specific instructions in regard to the protection of some central subject; and I had not at all in view this Bill which my friend is talking about.

Mr. K. G. Mitchell: As I understand the amendment, it says that unless the Local Government has taken action "as an Act of the Indian Legislature may provide". I assume that that action had reference to the intentions of this clause in the resolution regarding the control of motor transport. That is the main point. As regards the specific intention underlying this part of the resolution that there should be some power in the centre to require a certain measure of uniformity in the application of rules to meet the varying conditions in different provinces, I submit that it is not possible to provide the equivalent in the form of a Bill or an Act of the Central Legislature. As regards the rest of the arguments adduced by the Honourable the Mover largely based on the Government of India Act, 1935, section 140, as I understand it, only gives power to distribute the proceeds of taxes of excise and with the separation of Burma a very large part of this fund will be derived from customs duty and I understand that that section does not apply. . . .

Mr. T. Chapman-Mortimer: I was given to understand that it would apply. I took this point up many months ago and I was given to understand that it had been taken up and that the section [section 140(1) of the Government of India Act, 1935] would be interpreted to apply to import duties as well as to export duties. . . .

The Honourable Sir James Grigg: No.

Mr. K. G. Mitchell: I do not think that is very material. The real position to my mind is that this money is, whatever the particular source, part of the central revenues and can ultimately only be granted to the provinces by a vote of the Central Legislature, and the Central Legislature is entitled to attach any condition it likes. . . . .

Mr. T. Chapman-Mortimer: That is my point, that it is the Central Legislature that should be entitled.

Mr. K. G. Mitchell: That is the point of this clause in the resolution, that the Central Legislature through the Governor General in Council should attach certain conditions. Sir, I oppose the motion.

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

"That in part (*a*) of sub-clause (*3*) of clause 3 for the words 'steps as the Governor General in Council may recommend' the words 'action as an Act of the Indian Legislature may provide' be substituted."

The motion was negatived.

Mr. G. Morgan: Sir, I beg to move:

"That in part (*a*) of sub-clause (*3*) of clause 3, after the words 'the Governor General in Council' the words 'after consultation with the Standing Committee for Roads' be inserted."

Sir, a great many arguments have already been placed before the House by previous speakers on the last two amendments, but the effect of the amendment that I have moved is simply this,—that before the Governor General in Council,—I am reading this in conjunction with the new clause 10(b),—I am quite aware of the fact that the word "proposals"

[Mr. G. Morgan.]

is there,—but the effect of this amendment is that before the Governor General in Council makes a recommendation to a province in respect of the control of motor vehicles in that province he should come to the Standing Committee and place the recommendation before them first. The whole thing lies, Sir, in allaying suspicion which the Honourable Member in charge considers is unjustifiable, but the suspicion is there, and public opinion has to be satisfied. Government have themselves proposed that one of the functions of the Standing Committee should be to advise on proposals for the resumption of allocations if a province has failed to carry out a recommendation, and there seems no good reason why it should not also be a function of the Standing Committee to advise on the recommendation as well. If the word "proposals" covers that part, that will be all right,—I mean the proposals for resumption. . . . .

Mr. S. N. Roy: What is the difference?

Mr. G Morgan: Just let me finish. A proposal for resumption is the last stage under the provisions of paragraph 3(3) (a), while the recommendation to the province is the first stage, and if my amendment is accepted, the Standing Committee will be kept informed of the operation of this paragraph all the way through. I think the Government will find that this paragraph will work much more smoothly if they take the Committee into their confidence at the outset and explain not only the reasons for the resumption but also the reasons for the original recommendation. . . . . .

The Honourable Sir James Grigg: Might I interrupt the Honourable Member for one moment? At what stage does he propose that the Governor General should consult the Standing Committee in regard to his recommendation? Does he suggest that the Governor General should first make the recommendation and then tell them about it, or he should make no recommendation to a province without consultation with the Standing Committee for Roads? We are not clear about it. In other words, does my friend mean that with the Standing Committee for Roads a Committee of the Central Legislature should be made a participant with the executive Government in interfering with what is the constitutional right of the provinces,—is that the Honourable Member's proposal?

Mr. G. Morgan: It is only a question of consulting the Committee; I quite agree with the arguments put forward by Honourable Members of the Treasury Benches, but the fact remains that we have got to dispel a very big cloud of suspicion, and it is with that view that our amendments have been moved, and if the public and the provinces knew that it would not be simply an executive order and then a resumption, there cannot be any room for suspicion. As I interpret the clause, the only meaning that can be given to it is that we have proposals for the resumption, but do those cover the original proposition, of executive action and can we advise or go against that recommendation ? If we can then I don't mind it so much. But there is bound to be a lapse of time between making the recommendation and deciding whether the province has failed to carry it out, and the Standing Committee should have an opportunity of expressing an opinion at the beginning of the process as well as at the end.

My friend, Captain Lal Chand, said he was satisfied that clause 10(d) would meet the case. I hope it is so. I shall be very glad if it does meet the case. I am not obstructing in any way whatever. I only want it to be made perfectly clear that a mere executive order is not going to have the effect of resuming funds and stop the construction of roads between the two processes mentioned in clause 10(d).

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

"That in part (*a*) of sub-clause (*3*) of clause 3, after the words 'the Governor General in Council' the words 'after consultation with the Standing Committee for Roads' be inserted."

Mr. S. N. Roy: Sir, the object that Mr. Morgan has in mind in moving this amendment is, I think, very largely attained by sub-clause (d) of clause 10. It will be recalled that at the last Session of the Assembly when a notice of this Resolution was given no such clause was added to the functions of the Standing Committee, and it was as a result of the criticisms which we received at that time that Government thought it desirable to introduce a clause in paragraph 10 making it incumbent on them to take the advice of the Standing Committee on any proposals for resumption. That means that Government will have to make up their minds as to whether they propose to resume the share of any particular province before they actually place that proposal before the Standing Committee. It is obviously impossible that the Standing Committee should share with Government the executive right to decide on the merits, but when the matter is placed before the Standing Committee, the Standing Committee will naturally be placed in possession of all the facts on which the decision of Government has been made, and in that way the Standing Committee will be able to exercise its control. I really do not see what object can be gained by introducing the complication that Mr. Morgan suggests apart from the fact that it is, in my opinion, somewhat unconstitutional to bring in the Standing Committee at an earlier stage than that proposed here. Sir, I oppose the motion.

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

"That in part (*a*) of sub-clause (*3*) of clause 3, after the words 'the Governor General in Council' the words 'after consultation with the Standing Committee for Roads' be inserted."

The motion was negatived.

Mr. G. Morgan: Sir, with your permission, Mr. James will move the next amendment.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member does'nt want to move this amendment then?

Mr. G. Morgan: I don't want to move it, but Mr. James will move it.

Mr. F. E. James: Sir, I move:

"That in sub-clause (VI) of clause 7, the words 'before the date of this Resolution' be omitted."

[Mr. F. E. James.]

Sir, I move this amendment in a spirit of extreme sobriety, and not at the behest of any interest at all, but in order to elicit some accurate information as to the precise reasons why these words were inserted. Perhaps, I had better remind the House that the Resolution adopted in 1934 in regard to this point reads as follows:

"All allotments for expenditure in British India may, subject to the previous approval of the Governor General in Council to each proposal made, be expended upon any of the following subjects, namely:

item (iii): on the interest and amortisation of loans taken after the date of this Resolution, and spent on the construction, reconstruction or substantial improvement of roads and bridges."

Now, the proposed motion limits the sums allocated for expenditure in connection with these items on the interest and amortization of loans approved or sanctioned before the date of this Resolution by the Governor General in Council and spent on the reconstruction or substantial improvement of roads and bridges. Therefore, when this Resolution is passed, it will not be possible for the Governor General in Council to sanction the expenditure from any of these sums allocated on the service of loans raised under this Resolution for the purposes mentioned in clause 7, sub-clause (6). I am not quite sure what is the precise purpose of the alteration which is a very substantial one. I am aware that the constitutional relationship between the provincial Governments and the centre will be substantially changed as from the 1st April, and I am quite prepared to admit that it may be necessary for the Governor General in Council to exercise severe control over the use of these funds in this particular connection. But it seems to me that the control is already there without the insertion of the words "before the date of this Resolution". If those words are deleted, it would mean, if a province wished to raise a loan to be spent on the construction, reconstruction or substantial improvement of roads and bridges, first of all, it would have to raise the loan on the security of the general revenues of that province. Then, if it wished to use any of the sums allocated out of this Road Fund, it would have to go to the Governor General in Council in regard to each proposal and secure the previous approval of the Governor General in Council. Therefore, presumably, before the loan was actually floated, when the Local Government were considering the desirability of raising a loan for this purpose, they would have to get into touch with the Central Government and enquire whether in the event of their raising a loan the Governor General in Council would be willing to allow any part of the allocated sums to be used for the service of the particular loan. Surely, the safeguard is there, and why, therefore, should you say that after the date of this Resolution it shall not be possible for a Provincial Government even to come up to the Governor General in Council for sanction—that you should debar altogether the possibility of these funds being used in special cases for the provision of service of loans raised for the particular purposes of the construction, reconstruction or substantial improvement of roads and bridges? It may be feared that different provinces may embark on schemes that are not sound, but even so, the safeguard is there. I cannot see therefore the force of the inclusion of these words "before the date of this Resolution", as it appears to me to make an unfair distinction between conditions before this Resolution and conditions after this Resolution, even if one's hopes and fears in connection with the new constitution may not be altogether unjustified. Sir, I move.

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

"That in sub-clause (VI) of clause 7, the words 'before the date of this Resolution' be omitted."

The Honourable Sir James Grigg: Sir, in my comparatively short time in India I have noticed that there is a very nearly infallible way of creating friction, and that is, for the Government of India to make grants of central money subject to certain conditions and there is no doubt that the money which is placed in the Road Fund is in origin central money. The grants are nearly always taken as an inalienable right of the recipient, while the conditions are regarded as an intolerable insult to his intelligence or an intolerable interference with his constitutional liberty or prerogative, or the conditions are taken as a sign of the stupidity and tyranny of the Government of India. That has been, as far as my experience goes, a very frequent, if not a universal, consequence of the Government of India exercising generosity—but perhaps I had better use a neutral word,—exercising its privilege of making grants and also exercising its privilege of attaching conditions to them. Of course, there are two ways of avoiding this dilemma, and the view of the European Group is clearly that one of those ways should be adopted.

There are two ways of removing this dilemma,—first of all, not to attach any conditions, and the second is, not to make the grants at all. In the case of the Road Fund I say, and in the full knowledge that my Honourable Colleague, whose approach is not quite the same in this matter as mine but who is nevertheless in full agreement with me—I say quite definitely that it is impossible for the Government of India who have invested Rs. 800 crores of capital in the railway system, to subsidise unconditionally,—and I emphasise unconditionally,—a competing form of transportation. As regards the second alternative, I certainly do not want to be understood as making any threats or even announcing any intention; I am merely setting out what is the constitutional position. It is quite clear that if the efforts of the Government of India to secure by consent a properly co-ordinated and coherent solution of the road-rail problem fail, then our successors in title will certainly have to consider the second alternative. But, quite apart from that, there may come a time when the Central Government may decide that it can no longer afford to give up a crore or a crore and a half or two crores a year for this purpose. For example, the Federal Government may decide that it is rather more important for them to finance work of social amelioration than it is to subsidise provincial roads. It would, therefore, in my view be definitely unconstitutional for us to tie the hands of our successors in any way in the matter of the resumption of money which is now placed in the Road Fund. Quite obviously, if that is the constitutional position, it is absolutely impossible for us to allow the provinces to assign as security for a road development loan the share which is allotted to them from the proceeds of the Road Fund, particularly as in future the loans will not be from the centre to the provinces, but the provinces will have to go to the market to raise the loans themselves. I say therefore that the assignment of the provincial share as security is definitely impossible, but I would go further and say that it would be wrong to allow provincial grants from the Fund to be used in defraying the charges of road development loans raised in the market. If you get into the position where the centre has, in the exercise of its undoubted constitutional right, ceased to make these grants to the Road

[Sir James Grigg.]

Fund—and the provinces have in fact got an obligation to provide 5, 10 or 15 lakhs a year as the annual charges on road development loans and they are in the habit of making those charges from their provincial share of the Road Fund—under the hypothesis that I have mentioned they will be in the position where they are faced with a hole in their budget and they have the disagreeable alternative of either leaving the hole unfilled or of imposing extra taxation to fill the hole. In those circumstances can there be any doubt that the pressure on the centre to continue the grants and the eleemosynary arguments which would be put forward for continuing them,—can anybody doubt that the strength of those would be such as to amount to a very definite infringement of the fiscal autonomy, not of the provinces but of the Centre? And, after all, when we are using constitutional arguments, let us ask whether the Centre too has not its right to fiscal autonomy. I remember one of my numerous chiefs saying at an Imperial Conference that after all the United Kingdom was entitled to fiscal autonomy and I say that in India the Centre has its rights too. We are certainly hearing a good deal about provincial rights but the Centre has its rights too and quite definitely it is our business here to defend the rights of the Centre and to see that they are not encroached upon and these are the reasons why we propose to discontinue the permission to use the road fund towards defraying the charges of road development loans. But in view of the previous Resolution on this matter we have taken care, and taken care very abundantly, to see that all our existing commitments in this matter are fully met. Mr. James said "Yes, that is all right, but you have got a safeguard, because in each case the consent of the Governor General in Council is required". That brings me back to my first mild bleat. I do not think it at all affects the constitutional point I have raised. In fact it puts upon the Central Government the invidious task in each case of deciding first of all on the merits and soundness of the development scheme and secondly as to whether the particular provincial budget will be able to bear the particular charges on that loan for an indefinite period without assistance from the Centre. In other words, the Centre is called upon to judge not only of the soundness of the scheme but of the budgetary stability of the provinces. Well, that, Sir, is a function which will either degenerate into mere formality which in my opinion is the more likely alternative or it will involve the Government of India in those endless arguments and conflicts with the provinces as to their own budgetary position and the soundness of their schemes and would arouse the most intense local feeling as between the Centre and the particular province. And not only that. It would arouse intense local jealousies as between province A which thought it was not being favourably treated and province B. Those are the reasons which have actuated us in proposing to discontinue the use of the Road Fund to meet the annual charges of road development loans.

Mr. Akhil Chandra Datta: I rise to support this motion. I do not propose to go into the constitutional questions which have been raised. I want to say only one word on one aspect of this matter and it is this. We are told that out of 563 lakhs raised so far from this petrol tax about 203 lakhs remain unspent. I hope I am not making a mistake. In the first place, it is very unfortunate, when there is admittedly a deficiency of roads, particularly village roads, that a huge amount like this should have been collected and yet allowed to remain unspent. I expected some

sort of explanation from the Honourable Member. My point on this amendment is this. I have got an apprehension that a portion at least of this unspent amount may be devoted to the payment of interest on any loan which might have been taken long before the revenue was collected. What I mean, is this. Some revenue was collected last year. It remains unspent. I only hope that that amount will not be devoted to the payment of interest on loans incurred some time before, because that was never intended. I do not think it will be disputed that so far as last year's revenue is concerned or the revenue of the year before last; it is not desirable that the amount, instead of being spent on the legitimate purpose of this fund, namely, the construction of new roads or the improvement of existing ones, should be spent on loans incurred years before. I hope it is not the intention to do this and I should like very much to have an assurance that that will not be done. May I know, as a matter of information, what is the unspent amount for Bengal?

The Honourable Sir Frank Noyce: I am sorry I cannot tell my Honourable friend off-hand what is the amount unspent by Bengal. As regards his speech, all I can say that it has left me in a state of complete bewilderment. If I recollect correctly, he started his speech by saying that he supported this amendment moved by the European Group.

Mr. Akhil Chandra Datta: I do support it.

The Honourable Sir Frank Noyce: I am glad to know that, because his arguments were entirely against the amendment. My Honourable friend objects to the unspent balances in the road fund. With that object I entirely sympathise and it is in order to prevent balances remaining unspent that we have included the provision in paragraph 3 (b) of the Resolution that the Governor General in Council may resume the share of a Provincial Government which delays the application of the road fund to the objects on which it was intended to be used.

Mr. Akhil Chandra Datta: I do support the amendment of sub-clause (VI) of clause 7, because the whole point of this amendment is that the Road Fund should not be utilised for the payment of interest on loans incurred before.

The Honourable Sir Frank Noyce: My Honourable friend is under a complete misapprehension. The whole point of this amendment is that the Road Fund should continue to be used to provide for the interest and amortization of loans.

Mr. Akhil Chandra Datta: The whole question is whether it refers to loans incurred in the past or to the loans to be incurred in future. That is the essence of the whole question.

The Honourable Sir Frank Noyce: The relevant part of paragraph 7 is that sums allocated for expenditure in British India may be expended upon any of the following objects and one of these is the interest and amortization of loans approved or sanctioned before the date of this Resolution by the Governor General in Council. My friends of the European Group want the words "before the date of this Resolution" omitted, and, therefore, what they want is that sums allocated for expenditure in British India may continue to be expended on the interest and amortization of loans. If that is what my Honourable friend is supporting. . .

Mr. Akhil Chandra Datta: I mean "to be spent", not "spent"; that is the whole idea of his amendment.

The Honourable Sir Frank Noyce: I think my friend, the Mover of the amendment, will agree, I hope he will, that I have interpreted the intention of his amendment correctly? I should be glad if my Honourable friend, Mr. James, will corroborate my interpretation.

4 P. M.

Mr. F. E. James: I am extremely sorry I did not hear the Honourable Member.

The Honourable Sir Frank Noyce: I have informed the Deputy President that the object of this amendment is to enable the Road Fund to continue to be used for the payment of interest and amortisation of loans.

Mr. F. E. James: Yes.

The Honourable Sir Frank Noyce: My Honourable friend says that he supports the amendment but he says he does not want that; he wants a definite provision,—and I am quite unable to follow him . . . .

Mr. Akhil Chandra Datta: May I explain? The objection is not to the payment of interest on the loan: the question is—loans incurred in the past, or loans to be incurred in the future. That is the point.

The Honourable Sir Frank Noyce: The object of the amendment is that to secure both.

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

"That in sub-clause (VI) of clause 7, the words 'before the date of this Resolution' be omitted."

The motion was negatived.

Mr. G. Morgan: Sir, I beg to move:

"That in sub-clause (VI) of clause 7, after the word 'spent' the words 'or to be spent' be inserted."

Sir, the reason for my moving this amendment is that if a loan which comes under this clause as it is at present has not been all spent and contracts are still running, would this clause preclude the payment of interest on the balance of the loan unexpended? Supposing the loan is not fully spent, would this clause preclude the payment of interest on the balance of the loan unexpended?

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

"That in sub-clause (VI) of clause 7, after the word 'spent' the words 'or to be spent' be inserted."

The Honourable Sir James Grigg: Sir, I can give the Honourable Member the assurance that, in regard to past commitments where loans have been sanctioned but not fully spent, the sanction will cover the use of the Road Fund for the loans to be raised in future to cover the unspent part of it; but, in point of fact, if the Honourable Member has any doubt about it, so long as the previous amendment has gone, I do not in the least mind accepting his amendment.

Mr. G. Morgan: Thank you.

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

"That in sub-clause (VI) of clause 7, after the word 'spent' the words 'or to be spent' be inserted."

The motion was adopted.

Mr. G. Morgan: Sir, I beg to move:

"That after sub-clause (VI) of clause 7 the following proviso be inserted :

'Provided, however, that in respect of loans for the purposes of road development raised in any Governor's Province after the date of this Resolution, the Governor General in Council may sanction specific proposals for the expenditure of the sums allocated on the interest and amortization of such loans'."

Sir, after what my Honourable friend, the Finance Member, said on the previous amendment, I do not think there is very much chance of my getting his sympathy with this, but still I should like to move it. This is a reasonable amendment and its object is to meet the position after the inauguration of Provincial Autonomy on April 1st. After April 1st if a provincial Government desires to raise a loan for road development, it will not be necessary for the provincial Government to obtain the sanction of the Governor General in Council, and I think the Governor General in Council should be just as free to exercise his discretion as to whether or not a province should be allowed to use its allocations for the payment of the interest and amortization of those loans as he is today in respect of loans which he has approved and sanctioned. It is a matter of convenience for the province more than anything else. Suppose a province decides upon a big road programme and then comes to the conclusion that the only way in which it can push ahead with its programme is by raising a loan and putting the work in hand at once. Provided the Province does not fall foul of paragraph 3(3)(a) it may expect to receive an allocation from the Road Fund so long as that Fund exists, and in such circumstances, what insuperable objection can there be to the Province requesting the permission of the Governor General in Council to use its allocation from the Road Fund to pay the interest and amortization of that loan? The Governor General in Council can give his permission to use the allocation for this purpose for a year or for a longer period, or he can request the Province to bring the matter to him for a renewal of his sanction from time to time. It is entirely within the discretion of the Governor General in Council. Sir, the loan cannot be raised on the security of the allocations from the Fund because the sanction of the Governor General in Council to use the allocations for the payment of interest and amortization cannot be taken for granted or assumed as a matter of course. Each specific proposal will have to be brought forward to be considered on its merits. A loan is probably the only way in which a big development programme can be put in hand, and permission to use the allocations from the Fund to meet the service charges of the loan may be one of the most useful and effective means of assisting road development. The amendment, therefore, conforms closely to the spirit and purpose of the Resolution and its adoption would at least ensure that in all suitable cases the allocations will play a very important part in the furtherance of road development. Conversely, failure to have such a proviso in the Resolution may often mean that the allocations from the Fund will be frittered away on small

[Mr. G. Morgan.]

schemes which make no material impression on the road problem at all. Sir, I move.

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

"That after sub-clause (VI) of clause 7 the following proviso be inserted :

'Provided, however, that in respect of loans for the purposes of road development raised in any Governor's Province after the date of this Resolution, the Governor General in Council may sanction specific proposals for the expenditure of the sums allocated on the interest and amortization of such loans'."

Mr. F. E. James: Sir, I should just like to refer to what the Honourable the Finance Member said especially on the previous amendment. He gave us an extremely clear statement of the constitutional position and I think we can be grateful to him. At the same time his excursion into the future and his suggestion that possibly a future Government might prefer to use the proceeds of this Fund on social services than for the purpose of subsidising provincial road development schemes does lead one to be a little uncertain as regards the future. I can only express the hope that, as far as he is concerned, he will not in any way be influenced by the notorious example of one of his previous masters who did raid a certain road fund in no uncertain manner . . . . .

The Honourable Sir James Grigg: All of them did it.

Mr. F. E. James: I trust, therefore, that he will forget that particular incident in history and that he will not be inclined to follow that example!

The Honourable Sir James Grigg: Sir, I am sure that it would be no more constitutional for me to bind my own hands than it would be for me to bind the hands of my successors in title, but I can promise the Honourable Member that if it becomes necessary to consider the English precedents which he has quoted, that would certainly be done with due regard to the different conditions of India. (Laughter.) To come to Mr. Morgan's amendment, I really think it is, as he explained it, indistinguishable from Mr. James' amendment. Mr. Morgan's amendment wants the power to sanction the use of the road fund allotments for defraying the annual charges of road development loans to continue but he wants them in each case to be subject to the consent of the Governor General. In the concluding part of my remarks on the previous amendment I said that this dispensing power would either degenerate into a complete formality or it would create the most intense friction between the Government of India and the provinces in every case where they proposed to refuse their sanction to the use of the allotment in the way desired. You do not by this proviso with its dispensing power escape the dilemma of infringing or encroaching on the fiscal autonomy of the Centre because there is no doubt that when a Local Government raises a loan, permission to use this money for defraying the charges of that loan is of no use to them unless it is given for a considerable period. If it is given for one year, it is no good to them at all in raising the loan. Unless, therefore, it is given for a considerable period of years, they will not want it. If it is given for a considerable number of years, you come

up against the constitutional argument which I have already developed. Sir, I am afraid the Honourable Member's forecast as to the attitude which I should adopt on this amendment is turning out to be unfortunately too true.

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

"That after sub-clause (VI) of clause 7 the following proviso be inserted :

'Provided, however, that in respect of loans for the purposes of road development raised in any Governor's Province after the date of this Resolution, the Governor General in Council may sanction specific proposals for the expenditure of the sums allocated on the interest and amortization of such loans'."

The motion was negatived.

Mr. G. Morgan: Sir, I beg to move:

"That in part (*b*) of sub-clause (*1*) of clause 9, after the words 'official member' the words 'other than a Railway official' be inserted."

There is no necessity for me to make a speech on this subject. The reason is obvious. What has emerged from this debate is that we are all anxious to dispel the suspicion of the railways dominating any particular position in this road business and we should like that the nominated official member should be someone other than a railway official. Sir, I move.

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

"That in part (*b*) of sub-clause (*1*) of clause 9, after the words 'official member' the words 'other than a Railway official' be inserted."

The Honourable Sir Frank Noyce: Sir, I accept the amendment.

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

"That in part (*b*) of sub-clause (*1*) of clause 9, after the words 'official member' the words 'other than a Railway official' be inserted."

The motion was adopted.

Mr. G. Morgan: Sir, I beg to move:

"That in sub-clause (2) of clause 9, after the words 'official members of the Committee' the words 'other than the Chief Commissioner of Railways' be inserted."

The same argument that I used on the previous amendment covers this amendment also and I hope that the Honourable Member in charge will see his way to accept this small amendment also.

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

"That in sub-clause (2) of clause 9, after the words 'official members of the Committee' the words 'other than the Chief Commissioner of Railways' be inserted."

The Honourable Sir Frank Noyce: I also accept this amendment.

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

"That in sub-clause (2) of clause 9, after the words 'official members of the Committee' the words 'other than the Chief Commissioner of Railways' be inserted."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): It is perhaps not necessary to read the lengthy Resolution. The question is:

"That the Resolution,* as amended, be adopted."

The motion was adopted.

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*"That in supersession of the Resolution adopted by this Assembly on the 21st April, 1934, this Assembly recommends to the Governor General in Council that:

1. There shall continue to be levied on motor spirit an extra duty of customs and of excise of not less than 2 annas per gallon, and the proceeds thereof shall be applied for the purposes of road development.

2. (1) From the proceeds of such extra duty in any financial year there shall be deducted a sum as near as may be equivalent to the share in such proceeds arising from taxed motor spirit used for purposes of civil aviation during the calendar year ending in the financial year concerned, and such sum shall be at the disposal of the Governor General in Council for allotment as grants-in-aid of civil aviation.

(2) The balance of the proceeds shall be credited as a block grant to a separate Road Fund.

(3) For the purposes of this Resolution 'taxed motor spirit' shall mean motor spirit upon which the duty of customs or excise shall have been paid and in respect of which no rebate of such duty shall have been given.

3. (1) The Road Fund shall be allocated as follows:

(a) a portion equal to fifteen per cent. shall be retained by the Governor General in Council as a central reserve;

(b) out of the remainder there shall be allocated by the Governor General in Council:

(i) a portion for expenditure in each Governor's Province;

(ii) a portion for expenditure elsewhere in British India;

(iii) a portion for expenditure in Indian States and administered areas,

as near as may be in the ratio which the consumption of taxed motor spirit, other than motor spirit used for the purposes of civil aviation, in each area for which an allocation is to be made shall bear to the total consumption in India of taxed motor spirit, other than motor spirit used for the purposes of civil aviation, during the calendar year ending during the financial year concerned.

(2) The portions allocated for expenditure in Governor's provinces shall be retained by the Governor General in Council until they are actually required for expenditure in the manner hereinafter specified.

(3) If in the opinion of the Governor General in Council the Government of any Governor's province has at any time:

(a) failed to take such steps as the Governor General in Council may recommend for the regulation and control of motor vehicles within the province; or

(b) delayed without reasonable cause the application of any portion of the Road Fund allocated or reallocated as the case may be for expenditure within the province,

the Governor General in Council may resume the whole or part of any sums which he may at that time hold for expenditure in that province.

(4) All sums resumed by the Governor General in Council from the account of any Local Government as aforesaid shall be re-allocated between the credit accounts of Local Governments and the Reserve with the Governor-General in Council in the ratio of the main allocation for the financial year preceding the year in which the reallocation is made. Provided that the sum so calculated as the share of the province from whose account the resumption has been made shall also be credited to the Reserve with the Governor General in Council.

4. The balance to the credit of the Road Fund or of any allocation thereof shall not lapse at the end of the financial year.

5. No expenditure shall be incurred from any portion of the Road Fund save as hereinafter provided.

6. The Central reserve with the Governor General in Council shall be applied first to defraying the cost of administering the Road Fund and thereafter upon such schemes for research and intelligence and upon such special enquiries connected with roads and upon special grants-in-aid for such objects connected with roads as the Governor General in Council may approve.

7. The sums allocated for expenditure in British India may, subject to the previous approval of the Governor General in Council to each proposal made, be expended upon any of the following objects, namely :

(i) on the construction of new roads and bridges of any sort;

(ii) on the reconstruction or substantial improvement of existing roads and bridges;

(iii) in special cases, on the maintenance of roads and bridges, constructed, reconstructed or substantially improved from the Road Fund or from loans approved or sanctioned by the Governor General in Council;

(iv) to meet charges, including the cost of establishment, connected with the preparation of schemes of road development, or with the administration of provincial Boards of communications;

(v) to meet charges including the cost of establishment connected with the control of motor transport; and

(vi) on the interest and amortisation of loans approved or sanctioned before the date of this Resolution by the Governor General in Council, and spent *or to be spent* on the construction, reconstruction, or substantial improvement of roads and bridges.

8. In considering proposals for the construction, reconstruction or improvements of roads and bridges from the Road Fund, the Governor General in Council shall have regard to the present urgent need for improving the efficiency and reducing the cost of transport by road of agricultural produce to markets and railways.

9. (1) A Standing Committee for Roads shall be constituted each financial year consisting of :

(a) the Member of the Governor General's Executive Council in charge of the department dealing with the Road Fund, provided that should the said Member of the Governor General's Executive Council be unable to be present at any meeting he may nominate some one in his place;

(b) one nominated official member, *other than a Railway official*, who shall be a Member of the Legislative Assembly;

(c) three members elected by the Members of the Council of State from amongst themselves;

(d) six members elected by the Members of the Legislative Assembly from amongst themselves; and

(e) the Chief Commissioner of Railways.

(2) The Chairman of the Committee shall be one of the Official Members of the Committee, *other than the Chief Commissioner of Railways*, whom the Governor General in Council may from time to time appoint.

(3) No approval to any proposal for expenditure from the Road Fund shall be given by the Committee unless it is supported by :

(i) a majority of the members present and voting who are Members of the Legislative Assembly, and

(ii) a majority of the members of the whole Committee present and voting.

(4) All proposals for expenditure from the central reserve and all other proposals for expenditure from the Road Fund to be made in British India shall be referred by the Governor General in Council to the Standing Committee before he approves of them.

10. The functions of the Standing Committee shall be :

(a) To consider the annual budget and accounts of the Road Fund.

(b) To advise upon all proposals for expenditure from the central reserve.

(c) To advise upon the desirability of all other proposals involving expenditure from the Road Fund in British India.

(d) To advise upon proposals for the resumption of monies held by the Governor General in Council as provided for in sub-paragraph (3) of paragraph 3 of this Resolution.

(e) To advise the Governor General in Council generally on all questions relating to roads and road traffic which the Governor General in Council may refer to the Committee."

THE MANŒUVRES FIELD FIRING AND ARTILLERY PRACTICE BILL.

Mr. G. R. F. Tottenham (Defence Secretary): Sir, I move:

"That the Bill to provide facilities for military manœuvres and for field firing and artillery practice be referred to a Select Committee, consisting of Mr. Sri Prakasa, Mr. B. Das, Raizada Hans Raj, Bhai Parma Nand, Raja Sir Vasudeva Rajah, Mr. C. H. Witherington, Nawab Siddique Ali Khan, Captain Rai Bahadur Chaudhuri Lal Chand, Mr. J. F. Sale and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, this Bill was circulated at the end of the last Simla Session, and a large number of opinions have since been received. I am now taking the ordinary next step of asking the House to agree to the reference of the Bill to a Select Committee and in doing so I do not think it is necessary for me to make anything in the nature of a long speech. If there is one thing that is perfectly clear as a result of the circulation of the Bill, it is that there is practically unanimous approval of the principles of the Bill. These principles, I would remind the House, are, firstly, to provide legal sanction, where necessary, to enable the military forces to make temporary use of private land for the purpose of manœuvres, field firing and artillery practice, and, secondly, to lay down a legal basis for the assessment and award of compensation in respect of any damage or inconvenience caused to the public by this temporary use of land by the military authorities. I do not think that any reasonable person can object to those principles and I now ask the House to accept them. On the other hand, it is true that circulation has produced a large number of suggestions and criticisms on points of detail. Some of these, in my opinion, should certainly be accepted; they will improve the Bill. Others perhaps may not be necessary, but in any case I think it is unnecessary to go into them here and now. They will, I feel sure, be examined and discussed fully and carefully by the Select Committee.

There is, however, just one rather more general line of criticism on which I should like to say a few words. It seems to have been assumed that this Bill aims at giving the military authorities large new powers, which they do not possess at present, and the suggestion has been that, if additional powers are required, those powers ought to be given, not to the military authorities, but to the civil authorities. Well, Sir, I may say, at once, that that is a suggestion with which the military

authorities themselves are in entire agreement. The military authorities themselves do not wish to have the responsibility of working all the detailed provisions of this Bill and they would far rather that it was done for them by the civil authorities. Moreover, I think a careful reading of the Bill, even as now drafted, would show that the assumption to which I have just referred is a mistaken assumption. I believe it is really based on the wording of clause 5 of the Bill which says that compensation shall be payable by the officer commanding the forces engaged in the manœuvres. It has been deduced from that, I think inaccurately, that the intention is to allow the commanding officer, in the first place, to assess the compensation and see if he can get it accepted by the people concerned and that it is only when he fails to do so that we bring in the civil authorities and ask them to assess the compensation in the manner described in the subsequent clauses of the Bill. I do not think that these words really bear that interpretation. They merely mean that any compensation that is payable should be payable by the Central Government, that is to say by the Officer Commanding the troops as the representative of the Central Government, rather than by the Local Government. Even now I believe, under the existing practice, it is the invariable custom when manœuvres take place for a civil officer to be attached to the forces. It is he who in the first place advises the military Commander on claims to compensation and his advice is very largely accepted and compensation is paid accordingly. That, Sir, is just the kind of civil co-operation that we wish to see secured in a legal manner by this Bill. If we can make that intention clearer by any drafting amendments to the Bill, we shall certainly be prepared to do so. Our object is, after all, to enable the military forces to carry out their training, which is absolutely essential if we are to have an army at all, with the minimum disturbance to private rights and in a manner which will cause the least possible objection to those whose rights have to be temporarily disturbed. Sir, I move.

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

"That the Bill to provide facilities for military manœuvres and for field firing and artillery practice be referred to a Select Committee, consisting of Mr. Sri Prakasa, Mr. B. Das, Raizada Hans Raj, Bhai Parma Nand, Raja Sir Vasudeva Rajah, Mr. C. H. Witherington, Khan Sahib Nawab Siddique Ali Khan, Captain Rao Bahadur Chaudhuri Lal Chand, Mr. J. F. Sale, 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 Thursday, the 11th February, 1937.

LEGISLATIVE ASSEMBLY.

Thursday, 11th February, 1937.

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

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

AMENDMENT OF SECTIONS 30, 34, 34-A, AND 35.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume discussion of the motion moved by Sardar Sant Singh to refer the Code of Criminal Procedure (Amendment) Bill (*Amendment of sections 30, 34, 34-A and 35*) to a Select Committee. As regards the complaint made the other day by the Honourable Member, Sardar Sant Singh, that there has not been an adequate circulation of his Bill by the Punjab Government, the office has communicated the complaint to the Punjab Government, but as yet we have received no reply.

Sardar Sant Singh (West Punjab: Sikh): Sir, I am very thankful to the office for taking this action in order to maintain the dignity of this House. When I was talking the other day on this Bill, I submitted that this Bill was in force in certain particular provinces mentioned in the section itself. I was then discussing the attitude of Coorg in this matter, and I quoted the opinion of the Chief Commissioner of Coorg that day. It was to this effect:

"In the circumstances explained by the Commissioner of Coorg, the Chief Commissioner would have no objection to the proposed repeal of sections 30 and 34 and the proposed amendment of sections 34A and 35 of the Criminal Procedure Code, so far as Coorg is concerned."

Then, there is the opinion given by the Additional Judicial Commissioner of the same province. He says:

"Sessions cases, I have no doubt, can be tried more quickly and at far less cost by 1st Class Magistrates, specially empowered under section 34, Cr. P. C. From the point of view of efficiency, the Magistrates probably have an advantage over Sessions Judges.

But Sessions Judges inspire more public confidence. This I would attribute to the difference in point of view between Magistrates and Sessions Judges."

This should be an eye-opener to those Honourable Members who spoke against the principle of the Bill last time when it was moved in this House. I have carefully read those speeches again and I find that great stress was laid upon this fact that less time is taken by the Magistrates in disposing of cases, and that there is no undue hurry in their disposal. But it was at the same time alleged that the Magistrates are more competent than the Sessions Judges, so much so that appeals from their convictions to the High Court have been less successful than those from the Courts

[Sardar Sant Singh.]

of the Sessions Judges. I will deal with this point later on when I deal with appeals, but at present I will only say that coming as it does from the highest administrator of law in this province, this opinion should have some weight with Honourable Members of this House. Further on it is said. . . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should not read these opinions at length, because they are in possession of all the Members. He can refer to them, if necessary.

Sardar Sant Singh: My submission is that I am reading some portions because it was stressed last time when this Bill was before the House that the opinion from the provinces concerned was against this Bill

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not read the entire opinion, because it is in possession of all the Members. Brief references or quotations would be sufficient

Sardar Sant Singh: In this connection, the one important point, which I made in my speech last time, was that it is of greater importance to the country that the persons who are being tried should feel confidence in the trying Magistrate. It is not enough to say that justice is being done: the real point, which all the law courts should try to impress upon the persons who come before them as accused, is that the accused should feel that justice is being done to them. An autocrat or a police magistrate may say, "Can you deny that the man was really guilty or really did this act?" It is all right so far as it goes. He may be guilty, but the question is whether the procedure laid down by the Legislature has or has not been followed. Does or does not the accused feel that he was given the necessary facilities to advance his defence or his point of view before the Magistrate? Trials are being held in Russia today of very important cases in which persons are being charged with offences involving capital punishment, but can anybody here pretend that the way in which these trials are being conducted there has inspired confidence in the civilised world? I will say, decidedly not. What is more important is the way in which the courts conduct themselves.

Then, the more important point in the province of which I am speaking at present is, how many Magistrates have been conferred these enhanced powers in this province. Dealing with Coorg, the Commissioner says:

"The Chief Commissioner of Coorg, in his Notification No. 56, dated 13th June, 1921, withdrew the powers conferred under Notification No. 61, dated 12th December, 1891, on the District Magistrate of Coorg to try as a Magistrate all offences not punishable with death."

He goes on to say that as there is no Magistrate who is empowered under this section, that province would not object to the repeal of section 30, Cr. P. C.

The next province which can utilise this section is Ajmer-Merwara. Here, too, the Judicial Commissioner advocates this Bill and he gives an opinion which I will not read; but I want to read that portion of the Additional District and Sessions Judge's opinion where he says that this power is exercised by the Magistrates only in the case of habitual offenders; and

the more important cases of manslaughter or abduction of women under aggravating circumstances are not tried by these Magistrates. So this province uses this power to a very limited extent.

Coming to Sind, the opinion given by the Government of Sind as regards the conferring of this power upon the Magistrates is like this: that in Sind only two District Magistrates, namely, those of Thar Parkar and Upper Sind Frontier, have been invested with power under section 30 of the Criminal Procedure Code throughout the province of Sind; and, then, it is stated that these powers are quite necessary in a province like Sind, where conditions in some tracts are so savage and primitive. May I ask the Honourable the Home Member in this connection whether he regards every district of the Punjab as coming under this description of being savage and primitive? Even in these two districts, in a later opinion received from Sind, the Government has said, "Thar Parkar and Upper Sind Frontier: under section 30 of the Criminal Procedure Code powers given were withdrawn in 1915 and none of the District Magistrates in Sind is at present invested with power under that section". So, the reproach is removed, and like a wise administrator Sind has got absolutely no District Magistrate with enhanced power under section 30. Next comes the province of Assam. . . . .

The Honourable Sir Henry Craik (Home Member): I do not follow the order in which the Honourable Member is taking up these provinces: he has not taken them in the order in which they appear in the opinions paper.

Sardar Sant Singh: I am referring only to those provinces where section 30 Magistrates are in existence. There are several provinces in which the section does not apply. I am leaving those provinces aside for the time being—I will deal with their opinions later on: for the present I am confining myself only to those provinces where the power under this section can be exercised.

The Honourable Sir Henry Craik: Even so, you are not following the order paper. Powers are exercised in Delhi for instance, and in certain parts of the Central Provinces and the Punjab: you are leaving them all out.

Sardar Sant Singh: I have deliberately left Delhi and the Punjab for separate treatment. As regards the Central Provinces, I will come to it later on. But let me take Assam as I was dealing with it. At page 28, the House will find that in Assam the only Magistrates who are, at present, empowered under section 30 are the Deputy Commissioner of Khasi and Jaintia Hills and of Cachar for the trial of cases in the hill areas. In the plains districts very sparing use has been made of the section. In the last thirty years, Magistrates were given these powers only on two occasions: that is, in 1918 and again in 1920. This is the use made in Assam. Now I will take the Central Provinces. The Central Provinces is opposed to the principles of this Bill. The Government there has stated that the overwhelming majority of opinions received is opposed to any change in the present system. But let us take the opinion of the Honourable Judges of the High Court of that place. The Honourable Mr. Justice Vivian Bose, giving an opinion which probably might look as

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going against the Bill, really favours the principle underlying the Bill. The very opening words of this opinion are:

"Cost must be the deciding factor. Sessions trials are usually more satisfactory because more time is spent over them. There is ordinarily a more experienced Judge and abler Counsel; also there are really two trials, one before the committing Magistrate and the other before the Sessions Judge."

Further on, the same Judge gives a very valuable reading of the situation in these words:

"But two factors which it would be unwise to ignore tell against these Magistrates, or against the system. The first is that there is widespread prejudice against them—unjustified perhaps, and possibly a good deal even interested—but it exists. The second is that the system is an anachronism in the sense that it is to be found only in a few of the Provinces and in none of the major ones. I think it is desirable to have as uniform a system throughout India as we can. On the whole I favour the Bill if the cost can be reasonably met, but not otherwise."

Here is an experienced Judge of the High Court telling us in the plainest terms that there is a prejudice against Magistrates who are given enhanced powers under section 30. The Honourable the Chief Justice of the High Court in one sentence disposes of this Bill, and that sentence is pregnant with meaning, and though he opposes the Bill, yet his language is really worth considering. He says this: "The Bill, in my opinion, speaks the language of the future, but for reasons of expense the time is not yet". Sir, nothing can be more complimentary than this that the Honourable the Judges do feel that this reform is most needed.

Sir Leslie Hudson (Bombay: European): But not yet.

Sardar Sant Singh: As regards not yet, I shall deal with it later when I come to deal with the question of expense, but so far as the principle underlying the Bill is concerned, I think there is no harm, at any rate I commit no sin if I bring forward the principle of the Bill to the notice of the country through this House.

Then let us turn to the United Provinces of Agra and Oudh, and the relevant portion of the opinion of that Province is as follows:

"I am to add that there appears to have been no popular demand for repeal of the section. The reason for this apathy is that so far as concerns the United Provinces the question of the retention or repeal of section 30 is not at present a live one. Its application is limited to Oudh and the Kumaon Division of the Agra Province, and formerly all Deputy Commissioners of Oudh and Kumaon were empowered under section 30 by virtue of their office. In the year 1914, the position was examined in the light of the Home Department's letter No. 601, dated the 15th May, 1914, and it was found so little use had been made of these powers that for practical purposes the section had become a dead letter."

This is another province where this section applies, and yet it has not been made use of for obviously sound, good, judicial reasons.

Similar, Sir, is the opinion of the Registrar of the High Court of Allahabad. He says this:

"To the best of my knowledge no Magistrate in Oudh has, for a considerable length of time, been invested with such extended jurisdiction."

This is about Oudh.

Then, Sir, I shall deal with the position in Bihar. That is a place about which the Honourable the Home Member, in his speech last time, made capital, and I want to show what the Honourable the Home Member then said:

"The Honourable the Judges of that High Court",—(*referring to Bihar and Orissa*),—"go even further and say without any possibility of contradiction that the present system is working very well indeed both as regards expeditious disposal and convenience to the parties.

It cannot be denied that there is sometimes a weak Magistrate. This is particularly significant, but even the work of the weak Magistrate is superior to that of the corresponding Assistant Sessions Judge. In fact, the work of these officers is uniformly superior to the work of Assistant Sessions Judges. That is the opinion in which the whole of the High Court concur. Now, how can you defend this measure after hearing what the High Courts have got to say on the point."

Probably my Honourable friend, the Home Member, thought that this was the last argument to crush this Bill out of existence, but I will for his gratification and information read something from the opinion of the Honourable Judges of this very Court which will show which way the wind is blowing, whether the real mind of the Judges speaks in his favour or in my favour. This is a province which has given the most hostile opinion to my Bill. No other province has given such a hostile opinion as this province, except the sister province of the Punjab, where reactionary laws prevail in preference to the rule of law. At page 21, 2nd column at the bottom of these opinions, is the opinion of the Honourable Justice Shaikh Fazl Ali. This is what he says:

"At least in theory, for serious offences the ordinary form of sessions trial must be preferred to a trial by a Magistrate, and perhaps many of us if we were ourselves in the position of accused persons",—*I would specially draw the attention of the House to this particular sentence*,—"if we were ourselves in the position of accused persons would rather be tried by the Sessions Court than by a Magistrate."

Now, what does it speak?

The Honourable Sir Henry Craik: Read on.

Sardar Sant Singh: Yes, I shall read the rest also, I shall not leave any portion of it. I was submitting, Sir, for the consideration of the Honourable Members of this House that if we are resting in our drawing rooms in arm chairs under electric fans enjoying all the luxuries which modern civilisation affords the rich man, we are quite safe when others are being tried by a Magistrate in whom they feel no confidence, but if we are the accused, we will not like that system. I remember when the Honourable Mr. Justice Ford during the course of a revision petition dealing in the question as to whether accused persons when arrested can consult a legal adviser or not, said: "If I am charged with such a serious offence as of murder, the first thing that I would do would be to send for my lawyer and consult him". In countries where the rule of law predominates over the rule of the executive—unfortunately this is not the case in our country, —the lawyer is the defender of the legal conscience of every man, whether high or low, but here the lawyer is a suspect in his own country. Why? Because the lawyer stands in the way of the executive carrying out their will in any manner they like. Now, what does this Judge say, Sir:

"It does not, however, follow that merely because the one form of trial is better than the other, the latter should be abolished."

The Honourable Sir Henry Craik: Go on, next sentence.

Sardar Sant Singh: I am going on.

"There are strong administrative reasons for retaining section 30 in the Code, and, in my opinion, no case has been made out for repealing it."

What reasons? Judicial? No. Reasons of inspiring confidence in the administration of justice? No. But what reasons? Administrative reasons. Am I here, a representative of the legal profession as I am, having been trained in the traditions of the rule of law—am I here to advocate the cause of administration, or the cause of the higher principle, the nobler principle, the transcendant principle, as I say, of the rule of law, and not the rule of the executive? I fail to see how the administrative reason could be advanced to oppose the principles underlying my Bill:

"I am told it has worked well in this province and I am not aware that it has given dissatisfaction in other places. I should, however, like to note that we should not be too harsh to our Assistant Sessions Judges. They have certainly a more judicial outlook"—*I am sure the Honourable the Home Member is following this opinion*—"than the average Magistrate and their only defect is that they are inclined to try criminal cases like civil cases which can be cured only by experience."

That is the opinion. Read between the lines of this opinion and you will see the innermost working of the mind of the Honourable Judge who gave this opinion. I am sure you will agree with me that his judicial conscience is in favour of my Bill, but his executive and administrative conscience is against my Bill.

The Honourable Sir Henry Craik: He says that "no case has been made out for repealing the section".

Sardar Sant Singh: That is the administrative conscience speaking. When his judicial conscience is speaking he says certainly that there is more confidence in the Sessions Judges than in the Magistrates. This opinion is supported by another Honourable Judge of the same High Court, Mr. Justice Wort. He concurs in the views expressed by Honourable Mr. Justice Fazl Ali.

The Honourable Sir Henry Craik: I must interrupt my Honourable friend. He does not concur. He simply says, "I have nothing to add".

Sardar Sant Singh: It is my misfortune that I understand the English language in one way, and the Honourable Member understands it in another way. This is from Bihar. In this connection I may say in passing that if the Bihar Province feels that the Assistant Sessions Judges are no good and section 30 Magistrates are better both in judicial ability and independence of character, I think the time should have come by now when the Bihar Government or the Honourable the Judges should have abolished the Assistant Sessions Judges and replaced them by section 30 Magistrates, but they have not done it. This finishes the list of those provinces in which this section is working, except three provinces,—the Punjab, the North-West Frontier Province and Delhi which is practically a part of the Punjab. I will begin with the North-West Frontier Province because to some that province seems to be a most backward one in its ideas, governed on principles which probably the other provinces look on with something

like contempt, and where the administration of justice one should have expected to be on the executive lines. But even in this province, I find a vein of dissatisfaction running among the judiciary with the present system as it works there. After giving the figure of violent crime in that province, the Government of that province say that they are opposed to this measure, but if we go through the opinions given by the various gentlemen consulted we find that a majority of the non-officials consulted are in favour of the Bill whilst officials are against it, and on what ground? Not on account of the principle underlying it, not on the ground that justice will be delayed as was tried to be made out here, but on the ground of expense. Probably, I was not strictly right when I said not on the ground of delay; the ground of some delay also is given. Let us look at the opinion of the Honourable the Judicial Commissioner, the head of the judiciary in that Province. While opposing this Bill the Honourable the Judicial Commissioner had to admit the force of facts. He says:

"It appears to me that the grant of special powers in this province has always been made too freely. At the present time I understand that there are no less than 27 stipendiary Magistrates and 5 Honorary Magistrates who are invested with these powers, and in view of the small size of the cadre of Magistrates, I think it scarcely needs pointing out that it is impossible to find such a large body of men with qualifications necessary to hear the most serious cases that are not punishable with death. It appears to me that if the number of Magistrates with special powers were radically reduced, the major objections to the present system would disappear."

What does this opinion mean? I leave it to Honourable Members to judge for themselves. The Judicial Commissioner then proceeds to suggest that too much work is given to these section 30 Magistrates with the result that the administration of justice is not satisfactory. That is my interpretation of what he says:

"I advocate that suitable Magistrates having been chosen to exercise special powers, they should hear cases under those powers and no other cases. If this suggestion be adopted, I think it probable that in the majority of districts one specially empowered Magistrate, apart from the District Magistrate and the Sub-Divisional Magistrate, would be able to cope with the whole of the work."

Then, the opinion of the Sessions Judge of Derajat, which the Honourable the Home Member will quote as going against the principle of the Bill which I advocate. No doubt, the opening words of the opinion are against me, but the body of the opinion is in my favour. He says:

"I must regretfully observe that in this Province the majority of the Magistrates exercising enhanced powers were not selected but were invested with enhanced powers as a matter of expediency. In a number of cases within my knowledge Magistrates exercising enhanced powers are not fit for even first class powers. They are young, inexperienced, and display a profound ignorance of the rudimentary principles of the law basis, being unable to express themselves with any degree of clarity in English."

Now, the Honourable the Home Member waxed very eloquent when he said that I was speaking in the wilderness, expressing nobody's opinion but my own and that there was no demand from the public that they are dissatisfied with the trial of these cases by these Magistrates. I present him this opinion, coming from a backward province and from no less a person than a Sessions Judge. Support comes even from unexpected quarters of this province. The District Magistrates (the head of the executive in every district), of Peshawar gives his personal opinion thus:

"I personally consider that sooner or later this Province will have to fall in line with the remaining provinces of India. In my opinion, however, that time has not yet arrived."

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They may say that I am a bit too early in presenting this Bill, but they cannot deny that the principle of the Bill is very sound, and he gives a suggestion in the last paragraph of his opinion:

"For these reasons I would suggest that the proposed amendment be postponed until such time as the province is fit to receive it. There is much truth in the criticisms levied by the movers of the Bill against the inefficiency of Honorary Magistrates".

I need hardly point out that all the Bar Associations in the North-West Frontier Province are in favour of my Bill. This particular portion, which I referred to in my speech last time when I moved this Bill, that Magistrates with enhanced powers look for their promotion to the goodwill of the District Magistrates, and that they are afraid of the police going against them finds ample support from the Bar Association of the capital town of the North-West Frontier Province, Peshawar. He says:

"The speech of Sardar Sant Singh in the Assembly has a lot of truth in it and there is no doubt that Magistrates are generally afraid of the Police and work under the undue influence of Public Prosecutors. Cases of this type are innumerable and in the N. W. F. P. the state of affairs is particularly bad."

These opinions from the North-West Frontier Province clearly indicate that even this province is not satisfied with the nature of the administration of justice which is being carried on there.

Now, comes the most important province in which the Magistrates have been freely invested with section 30 powers. I mean the Punjab, my unfortunate province. Here you will find more than two or three Magistrates, out of a total strength of 5 or 6, are invested with section 30 powers. I wish the Honourable the Home Member had given us the total strength of the first class Magistrates in the Punjab, and I wish he had given us the figures as to how many of them are invested with section 30 powers, but this has not been done. Even now I will request him to kindly give us in his speech the total number of the first class Magistrates, and the number of those who have been invested with these powers, so that we may be able to judge whether discretion and care has been applied in giving this power to the Magistrates or not. However, in the Punjab we are limited to two opinions only, one of the Punjab Government and the other of the Honourable Justice Din Muhammad. The Honourable Sir Henry Craik, when speaking on this Bill, made a gratuitous remark upon the Members of this House when he said:

"Now, let me quote the opinion of a High Court Judge of Lahore, an Indian and a lawyer more eminent than any lawyer who has spoken this afternoon, a lawyer with a very long experience especially on the criminal side."

Now, I want to pay back my complaint to the Honourable the Law Member. I do not want to bring in personalities in my speech, but I know that this particular gentleman owes his position in the High Court to the goodwill which he earned rightly or wrongly of the Honourable Sir Henry Craik.

The Honourable Sir Henry Craik: On a point of order. I would like to have your ruling whether it is in order for the Member to make a reflection of that kind on a Judge of the High Court.

Sardar Sant Singh: I did not cast any reflection.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must withdraw. The Chair thought he was referring to the Advocate General or the Law Member and not to a judge of the High Court.

The Honourable Sir Henry Craik: May I, for the sake of lucidity, explain to you what the Honourable Member said. He said that this particular Judge of the Lahore High Court owed his position to the fact that he had earned my goodwill. That is a most improper reflection. The gentleman, in question, owes his position entirely to his legal ability and experience and to no other cause whatever.

Mr. President (The Honourable Sir Abdur Rahim): That is a reflection on a Judge of the High Court, and the Honourable Member must withdraw it.

(*Cries of* "Withdraw", 'withdraw.")

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must withdraw it without any reservation whatsoever.

Sardar Sant Singh: What I am submitting, Sir, ... (*Cries of* "Withdraw", "withdraw", "withdraw".)

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must withdraw that expression.

Sardar Sant Singh: My submission is . . (*Cries of* "Withdraw", "withdraw".)

Mr. President (The Honourable Sir Abdur Rahim): The Chair has given its ruling.

Sardar Sant Singh: I have heard your ruling, and I was just going to submit that what I intended to convey . . . .

Mr. President (The Honourable Sir Abdur Rahim): What you have conveyed already you must withdraw. (*Cries of* "Withdraw", "withdraw".)

Sardar Sant Singh: My submission is that I did not convey any reflection upon the High Court.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must express his regret for what he has already said.

Sardar Sant Singh: My submission is that it is not a reflection upon a High Court Judge.

Mr. President (The Honourable Sir Abdur Rahim): The Chair has given its ruling that it is. (*Cries of* "Withdraw", "withdraw", "withdraw", "withdraw".) The Honourable Member knows that very well,—that he cannot make any reflection on a Judge of a High Court: and the Chair says that it has ruled that the Honourable Member's remarks do contain such reflection.

Sardar Sant Singh: I will certainly, Sir, withdraw if my words do convey that impression. I made no reflection upon a Judge of the High Court.

Mr. President (The Honourable Sir Abdur Rahim): Very well, then, the Honourable Member can proceed.

Sardar Sant Singh: With your permission, I would ask your ruling on this point whether, when an Honourable Member on the Government Benches conveys an idea that a particular person was more eminent as a lawyer than the Honourable Members of this House who had spoken, certainly I have a right to protest that the implications in that sentence . . .

Mr. President (The Honourable Sir Abdur Rahim): Any depreciatory remarks against a Judge of the High Court cannot be allowed in this House.

Sardar Sant Singh: I was submitting, Sir, that the Honourable the Home Member would have been probably more gratified, and this House would have more appreciated the position, if the opinion of all the Judges of the Lahore High Court had been circulated to Honourable Members. When I was speaking last time when introducing this Bill, I made it clear that from the conversations which the Honourable the Chief Justice had with the members of the Bar in various districts, the impression was given that he was in favour of introducing a system of sessions judges as an experimental measure. At that time the Honourable the Home Member said that my opinion was not based upon facts, because the Honourable the Chief Justice had given a different opinion in writing to him. That opinion, I then said, had not been published, and we had not been supplied with a copy of that.

Mr. President (The Honourable Sir Abdur Rahim): The opinion was not included in the opinions sent up by the Punjab Government? None of the other Judges' opinions were included?

The Honourable Sir Henry Craik: May I draw your attention to the fact that the letter from the Registrar of the High Court encloses the opinion of the Honourable Mr. Justice Din Muhammad and states quite explicitly that all the Honourable Judges have concurred with this opinion.

Sardar Sant Singh: I read this letter when my Honourable friend was not sitting in his seat last time.

Mr. President (The Honourable Sir Abdur Rahim): Apparently there were no separate opinions of other Judges. In that case, the Honourable Member must take this as the opinion of all the Judges.

Sardar Sant Singh: I did not conceal this fact, when I was speaking last time upon this Bill. I read this portion of the letter of the Registrar at that time, and I said that no separate opinions had been furnished to us; only this much appeared from the letter of the Registrar of the High Court, but separate opinions have not been furnished . . . .

Mr. President (The Honourable Sir Abdur Rahim): But separate opinions have not been furnished because separate opinions were not given. The other Judges concurred in what Mr. Justice Din Muhammad said.

The Honourable Sir Henry Craik: Sir, I happen to know the procedure. The usual procedure of the Lahore High Court, when legislative proposals are submitted for the opinion of the Honourable Judges, is that the Chief Justice generally asks one particular judge—any judge whom he considers qualified to give an opinion—to go into the proposals and write an opinion; and if the rest of the judges concur in that, they do not write separate opinions. Of course, if they desire so to do, they do so.

Sardar Sant Singh: May I submit that what I intended to convey was that these opinions had been received after the Bill was circulated. When I was making my speech during the circulation motion, my Honourable friend quoted the opinion of the Honourable the Chief Justice of the Lahore High Court. Presumably, he gave us to understand that he held, in his possession, the opinions of the various Judges of the High Court before this motion for circulation was adopted.

The Honourable Sir Henry Craik: I did.

Sardar Sant Singh: My friend says he did; in that case I think it was fair to us that such opinion should have been circulated and printed along with the opinions which were received later on.

The Honourable Sir Henry Craik: They have been circulated.

Mr. President (The Honourable Sir Abdur Rahim): What page?

The Honourable Sir Henry Craik: On page 3 of the Paper No. I. The Honourable Member made complaints that I was in possession of the opinion of the High Court before the motion for circulation was decided in this House. I admitted I was, and then he says that those opinions ought to have been printed, and I said they had been printed.

Mr. President (The Honourable Sir Abdur Rahim): He was perhaps referring to the opinion of the Chief Justice.

Sardar Sant Singh: Yes.

The Honourable Sir Henry Craik: The Chief Justice did not record any separate opinion.

Mr. President (The Honourable Sir Abdur Rahim): That is what he is suggesting.

The Honourable Sir Henry Craik: Well, he is wrong and misleading. If he tries to convey the impression that the Chief Justice submitted a separate opinion, I say that that impression is wrong.

Sardar Sant Singh: When the circulation motion was being moved, I derived this impression. However, that impression is now removed that no separate opinion was given by the Honourable the Chief Justice on this point but I should have expected from the remarks that have been made that the Honourable the Chief Justice would be asked whether the impression created amongst the members of the Bar was correct or was incorrect. But nothing has been done. However, as I was submitting, we have got only one opinion. From that opinion, with your permission, I would like to quote a few portions. The first point taken up by the Honourable Mr. Justice Din Muhammad is that this question of the abolition of section 30 magistrates should not be treated on an all-India basis. Why, Sir? There is no reason given. So long as the constitution is not changed, so long as we are living under the old Government of India Act of 1919, there does not seem to be any reason why a central subject should not be amended by this House. The next point taken by him is this. He says that the existence of such magistrates in the Punjab is necessary, because the number of cases, at present disposed of by these magistrates, is very large, and their nature varies. I quite see the point, and I will try to appreciate this argument of the Honourable Judge of the Lahore High Court. A large number of cases to be tried by Magistrates furnishes, according to him, the reason why the justice should not be administered, as it ought to be administered. Is that the reason that because there are a large number of cases, the procedure adopted should be quicker and probably more executive than judicial? If that is the meaning of the Honourable Judge I beg to differ from him. Then he says:

"They try most of the cases of culpable homicide not amounting to murder falling under section 304 (2), cases of abduction falling under section 366 or 366-A, cases of rape, or falsification of accounts, of aggravated forms of forgery, robbery, house breaking, etc. Besides, all cases of habitual offenders, where punishment up to the limit of seven years is considered adequate, are also disposed of by them."

From the nature of the cases mentioned—and he has given an almost exhaustive list of these cases—it is clear that these cases are
12 NOON. of a very serious nature. But he goes on to say:

"These cases are not usually of a very complicated nature and are generally such as can be easily entrusted to any experienced magistrate of the first class but for the fact that enhanced punishment is called for."

The other reason is that these cases are not of a very complicated nature. I am very fortunate that I am addressing these remarks to you, Sir, as you have been so eminent and a distinguished Judge of the High Court and I am sure that you will appreciate me when I ask: "Are the cases of pure and simple murder of a complicated nature?" To any lawyer, it would appear that a murder case is of a simpler nature than these cases and why should we not invest these magistrates with power to try murder cases as well? There are no complications in murder cases. The reason why a superior court and a double procedure is prescribed in the Criminal Procedure Code of this country for the trial of these cases is not because they are of a complicated nature, but because the punishment is higher and the responsibility for conviction or acquittal of such offenders is greater and more onerous. You will appreciate me, Sir, when I say that the criterion for providing the double procedure in the Criminal Procedure Code is due to the fact that, if you want to restrict the liberty of subjects for a larger number of years, you must give him a trial from a

than who commands the confidence of the public for administering even-handed justice, otherwise there will be no sense in it. The whole scheme of the Schedule attached to the Criminal Procedure Code wherein the maximum punishment for each offence is prescribed and the column by whom they are to be tried is given. A simple student will be convinced that the higher the punishment the higher the magistrate who is required to try the case. That is the scheme underlying the Schedule. Now, here the opinion is based upon the fact that because the case is simple, it can be disposed of by a magistrate. To me it seems to be an opinion which is not based upon any sound reasoning at all. Further on, the Honourable Judge says:

"This will inevitably entail the cumbersome dilatory procedure provided for in the Criminal Procedure Code."

Here, the Honourable Judge seems to be labouring under the impression that the double procedure prescribed in the trial of sessions cases is a most undesirable form of procedure that has been prescribed by the Indian Legislatures. If the Honourable Members on this side agree with this proposition, I have nothing more to say and I will withdraw my Bill. Let the Honourable the Home Member take courage in both hands and bring forward a Bill repealing the provisions of the Criminal Procedure Code for the trial of the sessions cases. I will then agree with him that he is doing something which is consistent, and that he is dealing with the matter in a uniform manner. But let me tell him that this point was elaborately considered in 1923, when the Criminal Procedure Code was reviewed, and it was thought necessary and desirable by this very Government that the double procedure offers the greatest security to an innocent person who unfortunately happens to be charged with a heinous crime. If that was the case, I fail to understand why stones should be thrown upon the Sessions Judges in this way that because my Bill will require a double procedure, it should not be treated on its merits. Then the Honourable Judge says:

"Apart from the fact, that the delay thus caused may sometimes lead to miscarriage of justice, the double procedure will in itself prove very costly both to the administration and to the accused."

Here the implication is that the double procedure leads to miscarriage of justice. I make a present of this to the Honourable the Law Member who is not present in the House today. I wish he was here to defend this portion of the Honourable Judge's argument and offer a contradiction to him. The most surprising portion and I should say the most shocking portion of the opinion received is to be found later on when the Honourable Judge says:

"Further, the Assistant Sessions Judges will generally be recruited from the same class from which section 30 Magistrates are now appointed, which will mean that the same persons will exercise enhanced powers under the new arrangement with the additional disadvantage of committal proceedings being a necessary adjunct. The holding of these committal enquiries will prove an extra burden on magistrates first class also which in some districts may necessitate an increase in their number too. This proposal, therefore, is alike useless and impolitic."

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member, in discussing the opinion, must bear in mind that it is the opinion of the entire High Court. That is what the Chair understands to be the position. This opinion is the opinion of all the Judges.

Sardar Sant Singh: That is why I am quoting it to show that this opinion is based upon no rule of law; whether it is of the entire High Court or of a single Judge, I am not concerned with that. I am criticising the opinion as it is. I think the best reply that can be furnished to this opinion is the opinion of an equally competent Judge of a High Court of a different Province. Here is the opinion of a Sessions Judge of Chittoor, Madras Presidency. He says:

"In my opinion there is a real difference between the outlook or point of view of a District Magistrate and that of a Sessions Judge. I have been both. A District Magistrate's first care is the preservation of law and order and of a high standard of efficiency in the area for which he is responsible. In important or sensational cases especially he may find it difficult to free his mind of such considerations as the possible effects of an acquittal—for example in a case in which the integrity of police investigation has been seriously challenged."

I do not want to quote the whole of his opinion. Further on he says:

"This point may perhaps be expressed by saying that to a District Magistrate the end is more important than the means, though I am far from suggesting that the end aimed at is not always lofty or that the means are consciously admitted to be low. It is purely a question of relative importance, of emphasis. First class magistrates naturally share the District Magistrate's point of view. They tend to put their duty to administer well first and the rights of the under trial prisoner second.....
.....The line of least resistance for a magistrate is to accept the police case, for that is a line most likely to please his superior officers, and it is also a smooth, easy and ready made path.....The position of a first class magistrate in India has been compared (*I think by Mr. Justice Page of the Rangoon High Court*) to that of a sheep upon a mountain forced to take shelter from the chill of the east wind and the fury of the north wind, both strangely enough blowing from the same quarter. The point of view of a judicial officer is so radically different from that of an executive official that the conflict is often painful when the same individual is called upon to exercise both functions."

I think that is a complete answer to the opinion of the High Court of the Punjab. If the two points of view are to be analysed in a calm, cool and judicial spirit, I think that most of the Honourable Members of this House will be inclined to agree with the opinion given by the Sessions Judge of Chittoor. I will now show for the satisfaction of my Honourable friend, the Leader of the European Group, that the greatest support that comes to me for my Bill is from the European community. I think after hearing that opinion, he will change his present views and will advise his followers to vote for my Bill. The European Association, Calcutta, says:

"My Committee is in favour of the repeal of sections 30 and 34 and the proposed consequential amendments which have for their object the removal of anomalies arising from altered circumstances in the areas affected and of bringing these areas under the same conditions as prevail in the rest of British India. My Committee feels that considerable social and economic changes have taken place in the areas affected since the year 1898 and they are in sympathy with the promoter of the Bill in seeking to draw attention to the need for bringing the judicial administration of these areas into line with present conditions with the popular desire for a uniform system of justice. My Committee have not overlooked the additional expenditure that would be entailed in setting up courts in these areas but they consider that this matter could have been discussed in the debate relating to the creation of such provinces as include the areas affected, and they cannot regard the added cost as a sufficient argument against a desirable improvement in the administration of justice."

I think this should afford a sufficient argument for the conversion of my Honourable friend, the Leader of the European Group, to my point of view. There is one more opinion coming from the Anglo-Indian quarters.

The Anglo-Indian and Domiciled European Association, Calcutta, says:

"The concensus of opinion received by this Association is in favour of the amendment of sections 30 and 34".

So, Sir, from the two important European Associations, I find support for my Bill.

Now, I come to another reason advanced by the Honourable the Home Member when opposing the motion for circulation on the last occasion. He said that on analysing the figures of successful appeals from the orders or judgments of section 30 Magistrates and from those of the Sessions Judges, it will be clear that the percentage of successful appeals from orders of Sessions Judges is greater than those from such Magistrates. He has quoted facts and figures in support of this argument. But I think I will be able to show by giving reasons that that does not furnish any argument in support of his contention. Let us take the principle which I advocate that the people are not satisfied with the administration of justice in such courts. Now, the way to judge whether the people are satisfied or not is not to look at the number of successful appeals but to look to the number of transfer applications that are made from the courts of the Magistrates and from those of the Sessions Judges. The dissatisfaction of the accused with the trial can be judged from the number of cases, both successful as well as unsuccessful, brought in the transfer court in order to get the case transferred from a particular Magistrate. Will my Honourable friend, the Home Member, quote such applications? So far as my own experience goes, and that experience extends now over 28 years, I can safely say without fear of contradiction, even from Captain Lal Chand who is listening very attentively to what I am saying, that there has been no case of transfer in recent times from the court of one Sessions Judge to another on the ground that the accused will not have a fair trial in that Sessions Court. I did not have to deal with a single case of such transfer in my 28 years of practice.

The Honourable Sir Henry Craik: I have seen them.

Sardar Sant Singh: Was there any from your court when you were a Sessions Judge? I hope not.

The Honourable Sir Henry Craik: No. The public had complete confidence in my court.

Sardar Sant Singh: I am asking definitely whether any affidavit was filed in the High Court that a Sessions trial be transferred from one Sessions Judge to another, because the accused did not feel that he would have impartial justice in that court.

Captain Sardar Sir Sher Muhammad Khan (Nominated Non-Official): There have been many.

Sardar Sant Singh: In the army, not in judicial courts.

[Sardar Sant Singh.]

On the other hand, in the courts of section 30 Magistrates you will find that in almost every ten cases one application for transfer is made. Is not this a condemnation of the system of trial by section 30 Magistrates? Take the figures for last year in the Punjab, and you will find that the people's dissatisfaction is made manifest by the number of transfer applications from such courts. That is the proper criterion to judge, whether the people are satisfied with the administration of justice in those courts. Then, take the number of such applications which have been successful and the number of transfers which have actually been made. Even then, I challenge anybody to contradict me with facts and figures when I say that not a single case will be found where the High Court has transferred a Sessions trial from one Sessions Judge to another on the ground that the accused will not have a fair and just trial from that court. There may be other grounds; for instance, the Judge may have expressed his opinion in a previous case. But that is no criterion, and to get a case transferred on that ground, is no reflection upon the Magistrate or Sessions Judge. But on the ground that the accused will not have a fair trial in the Sessions court there has not been a single transfer application. But on the other hand, from section 30 Magistrates a number of such applications for transfer are made on the ground that the accused will not have a fair trial. This is the only criterion. As regards the criterion which is given by the Honourable the Home Member that there are more successful appeals from the Sessions Judges than from section 30 Magistrates, my reply is very simple and should be very convincing too. This again will perhaps be construed as casting a reflection upon the integrity of the Magistrate, but as the point has been brought out in spite of my attempt not to use any phrase which may cause some reflection upon the integrity of the Magistrate, I am compelled to do so. My point is that the record made in a Magistrate's court is, more often than not, not a true record. The police the Public Prosecutor, the Prosecuting Inspector,—they get the better of the defence counsel. It is the Public Prosecutor who holds the sway over the court of the Magistrate. It is not an unusual thing to see that when a witness gives a reply which is favourable to the accused or to the defence, the Magistrate's pen stops short. He at once calls out, "No, no, the witness has not understood the question." The witness is cross-examined, and a question is asked in the language which the witness understands very well. But no sooner does the answer go in favour of the accused than the Magistrate's pen stops automatically.

Captain Rao Bahadur Chaudhuri Lal Chand (Nominated Non-Official): It is not so outside Lyallpur.

Sardar Sant Singh: It is well known in Rohtak, and my Honourable friend, Captain Lal Chand, knows it fully well. If he were once more to give up the habit of responding to "His Master's Voice" and speak out what he knows, I think he will bear me out completely that this is a fact. I know where his profession and where his better judgment is,—they are at two different places. However, the question is repeated to the witness and again he repeats the same answer. At once there comes an interruption from the Public Prosecutor, "No, Sir, he has not understood the question". Of course, the witness has understood the question according

to his own intelligence, but the intelligence of the Public Prosecutor is greater and more shrewd than that of the witness. That is why the Public Prosecutor sees some mischief in the question, and the question is repeated till the witness is made to realise that he is saying something which is against his own interest, and the question goes down afterwards .. . . .

Captain Sardar Sir Sher Muhammad Khan: Where is the defence counsel?

Sardar Sant Singh: He is quite helpless. I wish our Honourable and new Knight from Jhelum were an accused in some case and I had the privilege of defending him (*Captain Sardar Sir Sher Muhammad Khan*: "I should not have you!"), and I should ask him to see how the trial is conducted in the Magistrate's Court. If any Honourable Member doubts this fact, I will offer him one simple experiment. Let him one day walk to a Magistrate's Court in Delhi, unknown to anybody, and see how cases are conducted there. I am sure that when he returns he will agree with Sir Ramsay MacDonald who said that the court of a magistrate was more like a fish market than a court of justice.....

An Honourable Member: Who is Sir Ramsay MacDonald?

Sardar Sant Singh: The Prime Minister of England some time back. However, Sir, the fact remains that the number of appeals that go from the court of a magistrate are not accepted to that extent as those of a Sessions Judge, because the record of a Sessions trial is more honest and more complete. I cannot do much better than offer my services to any gentleman here who wants to see the conduct of a trial in a court to accompany him to any court he chooses: I will demonstrate this fully to him. After all, my opinion has been borne out by some of the opinions that have been received in connection with the Bill that the reign of the police holds full sway in a magistrate's court.....

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Absolutely true.

Sardar Sant Singh: . . .more than it can possibly hold in a Sessions trial. Probably, they think that I am hostile to the present Government when I say these words. As a matter of fact in this particular respect, they ought to be grateful to me when I bring to their notice the evils of the administration of justice in courts.....

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Known to them?

Sardar Sant Singh: I really am in a very great difficulty in answering your question; but this much is certain that the administration of justice in the Punjab (because I have personal knowledge about that) does not inspire confidence in the public at large. I was submitting that the number of successful appeals is no criterion. Then there is another side of the question. The number of appeals from the magistrate's court are mostly to the Sessions court and not to the High Court: only those appeals go to the High Court where the punishment is higher than four years:

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where the punishment is less than four years, the appeals go to a Sessions court and certainly when taking into consideration these figures which have been supplied to us by the Honourable the Home Member on this point, they are figures of High Court appeals only and not appeals to the Sessions Court. They are not a safe criterion. Again the successful appeals in the case of a Sessions trial are due to another factor, which is that in the Sessions court trial of more serious offences, mostly murder, takes place: the punishment is death—capital punishment—which is a very serious state of affairs. Naturally, the cases for confirmation as well as appeals from death sentences are heard by a bench of judges who scrutinise their appeals with very great care and also ability, with the result that any flaw is given benefit of to the appellant. Naturally the number of appeals are in excess which are accepted than the case of ordinary offences under section 4 where a single Judge of the High Court disposes of an appeal in lesser time than a single appeal is disposed of in a murder case. You cannot put both on the same footing, on the same level. Mostly.....

The Honourable Sir Henry Craik: Lastly?

Sardar Sant Singh: Not lastly. Yet, these appeals, when they are rejected by the High Court form the basis of further mercy petitions to the Local Government and the Governor General in Council. This check or this second scrutiny by the executive affords another check that these appeals should be scrutinised with the greatest care by the High Court. Naturally you would not expect that the eminent Judges of the High Court placed in such a high position will deal with life and death questions so lightly as to decide the appeal without fully or carefully going through the police diaries. That is why the number of successful appeals in Sessions cases is greater than the number of appeals from ordinary magistrates' convictions.

I have dealt elaborately with the opinions from the provinces concerned; but the opinion of those provinces in which this section is not used is overwhelming. The one principle which I tried to enunciate last time when I spoke on this Bill was that to civilised administration it is more important that people should feel confidence in the judges of the land: not merely that justice has been done, but that the public feels that justice has been done in these cases. To this argument no reply has been vouchsafed by the Honourable the Home Member. What is pleaded is that the cost will be prohibitive, we would have to create more Sessions Judges and Assistant Sessions Judges, and we will give to meet extra expenditure in provinces where the budgets are already in deficit. I quite see that such an argument should be utilised in its full force by the executive to retain its hold upon the Magistrates and to continue to resist the separation of the judiciary from the executive; but really the separation of the judicial functions from the executive will introduce the rule of law in the country which will help the administration much more.....

Mr. President (The Honourable Sir Abdur Rahim): In the opinion of the Chair, the Honourable Member should not embark upon such a wide question as that.

Sardar Sant Singh: All right, Sir, I shall confine myself to the principles of the present Bill. The present Bill is a very modest attempt to introduce the principle of separation of the judiciary from the executive. The benefit to the State is expected to be much more than the cost involved in bringing about this necessary reform. The fear which is expressed by some speakers that the cost will be unbearable is not justified, in my opinion. For instance, in the Punjab there are very few districts in which two Sessions Judges do not sit,—one is a Sessions Judge and another is an Additional Sessions Judge. Of late, almost every District and Sessions Judge has got an additional Judge attached to him. Now, if those Additional Sessions Judges are made to work as Assistant Sessions Judges and the powers of section 30 Magistrates are abolished, and if Assistant Sessions Judges are given those cases to try, my submission is that the expense will not be so prohibitive.

Then, the second point which I want to make in this connectoin is that, after all, most of the opinions favour the introduction of this reform. Why not introduce it in a limited sense? After all, I am making this motion for the Select Committee where the point will be considered. We may decide in the Select Committee to lay down certain restrictions upon the free bestowal of those powers upon every Magistrate; we may lay down certain rules for the guidance of the Local Government in empowering these Magistrates with section 30 powers. We may, at the same time, limit the number of districts where these powers should be given, and we may also limit the number of Magistrates who should be so empowered. It will be open to the Select Committee to do it. What I want is that, as such Magistrates are in great abundance in the Punjab and in the North-West Frontier Province alone, there is no reason why we should not sit together and find out a way, if not for an entire repeal of the sections, but for a *via media*, by which the object of this Bill may be achieved, though partially. I am sure when I am saying this, it will be clear that the reform contemplated by the introduction of this measure is called for. It is even felt by those very Magistrates who are at present working as section 30 Magistrates. From personal conversations with many of the Magistrates and from personal discussions with them, I have got this impression that they do not like to be under the power of the police when they are exercising enhanced powers and sending people to higher terms of imprisonment. If this Bill had been circulated to those people, I am sure some of them at least would have expressed a desire to be relieved of these enhanced powers. Every Magistrate is not a slave to the police, nor is he a slave to the Public Prosecutor. They have got their independent judgment,—it must be said to their credit, but the difficulty is that they are placed in such a position as to be unable to resist the influence of the police, and that is a draw back in the administration of justice.

I hope, Sir, I have made my point quite clear. I have tried to meet the criticism that was levelled at this Bill, and I am sure that the House will agree to the motion that it be referred to a Select Committee.

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

> the Code of Criminal Procedure, 1898 (*Amendment*
> s referred to a Select Committee, consisting of the
> Honourable the Home Member, Mr. Akhil Chandra
> Datta, Mr. Lalchand Navalrai, Mr. Sham Lal, Sir Muhammad Yakub, Mr.
> M. Ananthasayanam Ayyangar, Mr. M. Asaf Ali, Dr. F. X. DeSouza and the Mover,

[Mr. President.]

with instructions to report before the 31st March, 1937, and that the number of members whose presence shall be necessary to constitute a meeing of the Committee shall be five."

Mr. Lalchand Navalrai: Sir, I hope I shall not make an attack of any kind which would not be liked by the Treasury Benches or which would affect any High Court Judge or any Sessions Judge or even a Magistrate. My reasons for not attacking any of them are not because that one cannot make those attacks or that one does not agree with what my friend, Sardar Sant Singh, has said, but because, I know, that they know all the courts for which such attacks are made, and it is no use telling them that over again. Sir, this Bill wants that a certain so called uncivilised provision should be civilised. What is wanted is that section 30 of the Criminal Procedure Code should be amended, or rather, it should not be made applicable even to those provinces in which it is being put into practice. Sir, the very fact that this section was restricted to only certain provinces shows that it was not intended that it should be applied to any part which should have normally the normal courts. But the first reason for repealing this section is that it was applied at a time when it was considered that the executive should have more power in their hands than the judicial Courts. The distinction, therefore, made was that in places where they wanted that they should have justice exclusively in their hands they got this section enacted and applied to those provinces, but that was a very old, old time. Those times have gone by and it cannot be said that now the section has not spent itself and should not die its natural death. This section was enacted at a time when the very Criminal Procedure itself was being enacted, but since then things have changed, the people have got advanced, and no primitiveness, or savagery, as stated by one of the Judges, exists now requiring such a section. Even if there be portions of India where there is that primitiveness, provisions like this should be done away with even in those places, because if they have a civilised law, it will make them civilised too. Otherwise, what chance are you going to give them to be abreast of the times or to become modernised?

The opinions also show that what I say is absolutely correct and that this section is not required on that ground. Another reason for keeping these powers is to give more power in the hands of the executive, to pass them on to the police and to the Magistrates who are at the beck and call of the Government. It cannot be denied that there is a difference between one and the same gentleman exercising the powers of a Magistrate at one time, and then changing his mentality altogether as soon as he is put on the bench of a Sessions Court or Additional Sessions Court. I hope that some of the Honourable Members here who have acted as Magistrates in the beginning and then have been transferred to the judicial department can vouchsafe what I am submitting here, and I am sure there will be no contradiction to this. Therefore, why not apply one law absolutely to all people in India, and why should this old and obsolete section remain on the statute-book? At the time this section was enacted, there was probably a dearth of Sessions Judges, or there were not many Sessions Judges, or the Government could not afford to keep many Sessions Judges on account of the cost. But that also has vanished now. What do we find now? We have got not only one Sessions Judge in each district, but in some districts there may be even two Sessions Judges. Besides, we have got also Additional Sessions Judges—not one, but two or three sometimes, I am talking

of my own province Sind, and I think in other provinces also that may be the fact. Again, there are in addition Assistant Sessions Judges, and there are also first class Subordinate Judges acting as Assistant Sessions Judges. Can it be said with any justification that there are no Additional Sessions Judges available so that these powers should be given to the Magistrates? A first class magistrate when he is given powers under this section can punish a man up to seven years and he can try any offence which is not punishable with death. I submit in a district which cannot be said to be wholly uncivilised, and even if a portion of it is primitive—there if you have side by side magistrates trying such cases, and also Sessions Judges trying such cases, what will be the impression and confidence of the people? Are those going to courts so ignorant or so unintelligent that they will not know that they are going to a Magistrate's Court where they cannot get as much justice as in the Sessions Court situated in the same town and in the same place? Therefore, to create confidence in the people these sections must disappear, unless it be confessed that the intention to have this power is to leave power in the police to send up cases to such Magistrates as would not apply their judicial mind to them as much as a Sessions Judge or an Additional Sessions Judge would. But they do not say that at all. What they say is that in certain portions of the country a section like this is necessary. What are the reasons for it? Absolutely none, at any rate, none which can be accepted. I, therefore, submit that the grounds that are being given for keeping this section on the statute book do not exist and this section should be eliminated altogether from the Code.

1 P.M.

As regards the question of cost, there is no extra cost at all. The Sessions Judges get their pay, and the Magistrates who are given these powers also get their pay, and what is the extra cost that would be incurred? Another thing. When the cases go to the Sessions Judges they have to be tried with the help of either a jury or assessors. The country is now prepared for having jury in every Sessions trial. Therefore, on that ground also these powers should not remain with these Magistrates. Then it is claimed that these powers are rarely exercised and are exercised by special Magistrates to whom these powers are given. For what reason are these powers given to these magistrates? I submit that it is only that due justice should not be given to these men. I will give you an instance, and that will satisfy the House that it is not on the ground of giving justice but on grounds of an executive nature. It is not these murder cases only, but cases, triable by a Court of Sessions under other sections, are also given to the magistrates to try. There are cases of this kind prevalent in the country and they are given to the special magistrates. How does that happen. A person is engaged as a spy. He gives information to the police that a certain man has got cattle in his house, which must be stolen property. The Sub-Inspector at once takes up a posse of police and raids the house at midnight or so. A man living happily with his family is awakened, they go to the cattle shed. The Sub-Inspector also takes with him two men like a *gadi* driver or a man belonging to the Excise Department. They find a number of cattle, bullocks, buffaloes, cows and so on. The Sub-Inspector at once confiscates all the animals. A list is prepared. Subsequently, the police brings the cattle to a pound, and the Sub-Inspector thinks out a plan as to how to justify this action. What happens is this. People all round come to know that there are certain cattle there. A man would go and say "I lost a bullock some

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years ago and this bullock resembles it." Then the Sub-Inspector records the first report and asks the man to bring two identifying witnesses. He goes home and brings two witnesses, either his brother or his cousin or a relative. They say that the bullock is stolen property. These are not imaginary cases. These circumstances have come out in actual tried cases, and if I may say so, I have conducted a few.

The Honourable Sir Henry Craik: What has all this got to do with the Bill?

Mr. Lalchand Navalrai: Just wait and see. I am coming to the question of the special magistrates how they come in the picture. These men go to the pound and say that the bullock belongs to the man. The Sub-Inspector records the statement of these two men. Now, a case has been made. After a few days, some other men come up and claim some more cattle. The charge sheet is then made that the man is a habitual dealer of stolen property whose case comes under section 401, triable by a Court of Sessions. Then what happens? Ask the Sessions Judges here. Are such cases sent to the Sessions Court. No. For that special magistrates are created under this section 30. Why? It would be obvious from the facts that I have placed before you that the case, if it came before a Sessions Court, would not stand for a moment. Then the man would get three or four years imprisonment at the hands of the magistrate who has been appointed by the district magistrate to try that case. Such cases have happened in a district like Dadu in Sind. This district was a part of the Larkana district, but now it has a separate District Magistrate and all other offices. An acting Sub-Divisional Officer who had to vacate his place and would revert to be a first class magistrate is usually deputed to try such cases. May I ask if such a person would be free from the influence of the police? Would he not, in order to become a permanent sub-divisional officer, try to please the police hiding his own conscience in giving punishments to these unfortunate people. Does the House like that a provision like this should remain in the statute book and be abused in this manner. It is the duty of the Government to see that such a provision is removed from the statute book.

I submit opinions have been called on this question, and I believe that the opinion of the non-officials that has been secured is absolutely in favour of the Bill, that is, in favour of this section being omitted from the Criminal Procedure Code. With regard to the official opinion also, it would be observed that it also, in many provinces, is in favour of the non-retention of this section. In that respect, dealing with my own province first, I would make a similar complaint as has been done by my Honourable friend, Sardar Sant Singh, that the opinions of all or at any rate of those that are very much affected or who know and have personal knowledge of the mischief are not secured.

Captain Rao Bahadur Chaudhuri Lal Chand: Where is the opinion of the under-trial prisoners who are affected by this Bill?

Mr. Lalchand Navalrai: I think you will find one perhaps in Rohtak. Well, Sir, what I contend is that it was quite necessary that the opinions of the Bar Associations and of the public, as well of those who have seen

these difficulties and would come forward and give their evidence or record their opinions of such instances as I have placed before this House should have been obtained. Now reading the Sind opinion, what I find is this. The Government of Sind say through their Secretary:

"I am directed to forward a copy of a letter from the Judicial Commissioner of Sind who was consulted in the matter and to state that His Excellency the Governor agrees with the opinion expressed by him."

Now, it is quite plain that it was the Judicial Commissioner alone who was consulted. Well, I would not say anything with regard to this except this that this officer has also remained as an executive officer for a long time, and merely to take his opinion and to base their report on that alone by the Sind Government would mean no eliciting of public opinion of Sind people. Now, Sir, even that opinion clearly shows that they almost do not want that this section should remain any more applicable to Sind. Well, Sir, what they think is stated thus:

"I am to add for the information of the Government of India that in Sind only two District Magistrates, namely, those of Thar Parkar and Upper Sind Frontier have been invested with powers under section 30, Criminal Procedure Code."

Now the Government of Sind say that there are only two District Magistrates who have such powers but then subsequently they have said, in continuation reported, that these two magistrates also do not hold these powers. Therefore, it is a proof which we have got that in Sind they do not require this section to exist any more. Why, then, should it remain on the Statute-book and the people be thus troubled at any time by being tried by this extraordinary procedure?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can resume his speech after Lunch.

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

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

Mr. Lalchand Navalrai: Sir, it is really surprising to see that not only is this side of the House vacant but a quorum could not be secured, so much so that the proceedings could not begin at the proper time. That shows that Government is not considerate in having refused to comply with the request of the Members who are outside the House. I was submitting, when the House adjourned for Lunch, that it is no use having this section on the Statute-book any more, and I was referring to the opinion given by the Government of Sind. I said that even the Sind Government was not wholeheartedly of the opinion that this section will serve any useful purpose, and I believe that the keeping of this section any more on the Statute-book is only to annoy the public and make it against the Government. While describing that there were two districts in which the power was given to the two District Magistrates, the Government of Sind

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further add that they have kept this enactment only to be used occasionally. This is what they say:

"Further, on occasions when it has been considered desirable, experienced and efficient Sub-Divisional Magistrates have been specially invested by the Local Government with powers under section 30 Criminal Procedure Code, on the recommendations of the District Magistrate and the Judicial Commissioner of Sind, for the trial of particular cases."

I cannot understand what those circumstances are under which they have to be exercised unless the circumstances are only those of which I gave an instance. Such instances are, by no means, singular, because there have been many occasions on which the acting Sub-divisional Magistrates, who have become out of their places because of the return to duty of the original incumbents, have been invested with these powers to try these people and send them to long terms of imprisonment. Therefore, I fail to understand why this section should remain in its application to Sind. Coming to other provinces I think the great fight seems to be between the Honourable the Home Member and Sardar Sant Singh with regard to the Punjab, but on account of the Punjab other provinces are also going to suffer. They may manage among themselves and send the people of the Punjab to the Andamans, which is a paradise according to the Honourable the Home Member. Why not send all of them to the Andamans rather than allow them to remain here to affect other people. Sir, the Government has got many powers. They issue Ordinances and they issue Regulations. So, if they think that there are really some people in the province of Punjab who cannot be brought round or punished adequately under the ordinary law, let there be some Ordinance or Regulation for them when occasion arises. But, as has been pointed out by the Honourable the Mover of this motion, I hope such occasions will be very few if at all. Then, Sir, I must refer to the opinion of the Judicial Commissioner of Sind; I cannot leave it unchallenged. I submit that it was not wise on the part of the Judicial Commissioner to have said that, in Sind, there are tracts where the people are primitive and savage. I take great exception to that remark. He has gone with impunity in giving that opinion because no one else was consulted. If somebody else had been consulted, they would have retorted to show that Sind is not a country which would bear the remark of primitiveness or any savagery. He has got three Additional Judicial Commissioners as colleagues. Did he consult them? Is that the opinion of all of them. Even the Government of Sind do not say that the opinion is shared by the other three Additional Judicial Commissioners that are working with him. Those Judicial Commissioners, I am sure, would have given independent views in this respect. The Judicial Commissioner says:

"I think that this power is necessary in a Province like Sind."

I cannot understand the insinuation contained in the words "Province like Sind". Is he thinking Sind to be a desert? Sind is a much advanced part of India. There are aeroplanes and several other amenities which that Province enjoys. I submit that it is scurrilous to say that Sind is a primitive country or that any people are savages. I take exception to this. There is no tract where the people are wild or savage or ancient. If only the Judicial Commissioner would refer to the meaning of these two words, he has used, he would himself find that we are not living there in a forest with wild people and savages. In this respect the opinion of the Judicial

Commissioner does not weigh at all. However his opinion is later on softened which itself is a confession. He says:

"but it is a power which I think should be exercised with the very greatest care and discrimination and that a Magistrate should only be invested with these special powers in Sind, if the Judicial Commissioner concurs."

He wants to make himself the judge of the selection. This caution in itself means that there is no necessity for it and it is only obstinacy to say that this section should remain on the Statute-book. We have not got the opinion of any of the Sind Bar Associations. On almost all questions, I have seen the District Bar Associations are consulted. There are Bar Associations in every district, and if only they had been consulted, then the Judicial Commissioner would have been confronted with so many opinions. He calls Sind primitive. He does not say which part of Sind is primitive. There are eight districts and all of them have been given franchise under the new constitution. Is Sind a primitive place to which the Government have given the status of a separate Province? If they should consider Sind to be a primitive place, then they made a great mistake in separating it from Bombay.

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): Then why do you want subvention?

Mr. Lalchand Navalrai: It is to provide all the up-to-date amenities like aerodromes and other things from which the other parts of India also derive advantage. Even the Thar Parkar, the Upper Sind Frontier district, have got full franchise. Are there any tracts in Sind inhabited by wild people which have been excluded? In this House an Order was presented to exclude certain areas from the application of the constitution. Is Sind or any part of it excluded from the constitution? There is none. So there is no justification for giving any weight to the opinion coming from the Sind Government. The Judicial Commissioner gives his opinion and the Government of Sind simply forwards that opinion. Is that the proper way of eliciting public opinion? Then coming to Baluchistan, it may perhaps be said that there are some parts in Baluchistan which are inhabited by people who are not as intelligent as in other places. But they do understand things properly. I do not think there is any place in any of these provinces where people do not understand who a Magistrate is or who a Sessions Judge is, or what benefit they get from the Sessions Court, and what harm is being done to them by the Magistrates. I submit they fully know it. Then why should there be this invidious distinction made in giving justice to some people through the judicial Courts and to others through the executive authorities. In Baluchistan also I find . . . .

The Honourable Sir Henry Craik: This section is not used in Baluchistan.

Mr. Lalchand Navalrai: Therefore, I say that even in a place like Baluchistan where one can say with some justification that there are some unintelligent people to whom you could wish to apply executive weapons, you have not applied these powers. It is no use in applying it to other civilized tracts where people are very intelligent, and they know and understand the vagaries of the executive. They have to deal with the police

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every day, and they know how they are troubled by the police. Surely, the outside public will have some confidence only if you take them out of the hands of the police and place them in the hands of judicial officers who can appreciate evidence and decide cases on the evidence adduced before them and not on the report of the detectives or spies or police officers. In Baluchistan it is said that no use is, at present, made of section 30 of the Code of Criminal Procedure, and, therefore, no useful opinion on the provisions of the Bill could be given. Even in a place like Baluchistan it is not in use. Why should it have use in other places?

Then, I come to Coorg to which it applies. There the Chief Commissioner says:

"In the circumstances explained by the Commissioner of Coorg, the Chief Commissioner would have no objection to the proposed repeal of sections 30 and 34 and the proposed amendments to sections 34A and 35 of the Criminal Procedure Code, so far as Coorg is concerned."

This is a plain opinion. And when I refer to the Additional Judicial Commissioner's opinion . . . .

The Honourable Sir Henry Craik: Sir, on a point of order, I may respectfully point out that the speaker is using exactly the same arguments and reading out exactly the same extracts as were used and read by the previous speaker.

Mr. Lalchand Navalrai: I do not think the opinion of the Additional Judicial Commissioner was read out.

The Honourable Sir Henry Craik: Yes, it was.

Mr. Lalchand Navalrai: Then I will not use the whole. At any rate the opinion from Coorg clearly points out that there is a vast difference between the justice meted out by a Magistrate and by a Sessions Judge, and this opinion substantially supports my own argument.

Then, I come to Assam which is one of the places where section 30 applies:

"In Assam, the only Magistrates who are at present empowered under section 30 are the Deputy Commissioners of the Khasi and Jaintia Hills and of Cachar for the trial of cases in the hill areas. In the plains districts very sparing use has been made of the section. In the last 30 years, Magistrates were given these powers only on two occasions."

Does this justify the retention of this section and is it worth the Government's opposition on this point? Then it is said:

"With few exceptions non-officials support the Bill while officials oppose it."

The officials want to take advantage of the executive authority rather than judicial law. So they must oppose it; but the non-officials have to deal with the people who are affected and their opinion should prevail.

They consider that the retention of section 30 in this province is an anachronism, and that accused persons should always have the right to be tried by Sessions Judges aided by jurors or assessors, even if this costs more and means delay in the disposal of cases.

In giving pure justice, the cost should not be counted. Government spend money on things which do not appeal to the public. When there is a question of purity of justice the question of cost should not come in.

In Bombay the whole Presidency is not affected, and after the separation of Sind they give their opinion for the Bombay Presidency in itself. There they say that:

"as sections 30 and 34 of the Code of Criminal Procedure do not apply to any parts of the Presidency, Their Lordships do not wish to offer any opinion in the matter."

Then, I come to Ajmer-Merwara. Here the Judicial Commissioner actually advocates the Bill, as against the opinion of the Judicial Commissioner of Sind, who belittles Sind where he is himself lording. As regards the Judicial Commissioner of Ajmer-Merwara:

"He is of the opinion that though trial by a Magistrate is quicker and less expensive than trial by a Court of Sessions, a Magistrate is usually much less well equipped to deal with a complicated case than a Sessions Judge, and consequently his work cannot be very satisfactory."

That is exactly what is advocated on this side of the House.

Then, I come to the Bar Association of Ajmer. This opinion was not read by Sardar Sant Singh:

The Honourable Sir Henry Craik: We have all read it.

Mr. Lalchand Navalrai: It is this:

"The objects of S. Sant Singh's Bill for the repeal of section 30, Cr. P. C. appear to be two-fold:

1. To remove off the Indian Statute Book a piece of exceptional and differential legislation, obtaining in certain provinces.

2. To attain the separation of the judiciary from the Executive, in so far as the Bill goes."

On principle the Ajmer Bar Association support the Bill and they give their reasons. I will not read them, because if the Honourable the Home Member is so anxious to give his reply, I will not stand in his way.

Then, we come to Bengal. It will be seen that while the opinion of official bodies there is against the Bill, that of the non-official bodies is in its favour. If that side of the House is tired of seeing any more reports read, I will not read any more. I do not think, however, if I had this side of the House they would have allowed me to take this course. As I see, no useful purpose will be served as the Government is bent upon opposing this Bill I shall not take up any more time. But, I must say in the end that I have shown sufficiently that this section is an old and antiquated section, it has outlived its usefulness, and it should live no more. There is no dearth of sessions judges or additional sessions judges and assistant sessions judges, and even first class subordinate judges exercising these powers; and I submit there is no need for leaving judicial decisions in the hands of the executive. I have also submitted that no extra cost should be feared at all if any has to be incurred, but I say there will be no extra cost. At this moment we are considering the principle of the Bill, and whether it should be sent to the Select Committee. We are not asking the House either to accept or reject the Bill now. Therefore, I submit that the House should have the patience to leave the

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opinions that have been gathered to be considered by the Select Committee. From the consensus of opinions collected from officials on this Bill, it seems to me that they have admitted the principle of this Bill and that this section is of no use. I, therefore, submit that this Bill should be sent to Select Committee for their consideration.

The Honourable Sir Henry Craik: Sir, when speaking on the motion for circulation, I made it perfectly clear that Government must oppose this Bill and would do so at every stage; and I stated also that if, on that occasion, I did not divide the House on the motion before it, it was not to be implied from that that we did not propose to oppose the Bill in its next appearance before the House. This measure, which is one of a comparatively simple character, has now been debated in this House for, I think I am right in saying, three full parliamentary days, and I really think we have got to the stage where there is absolutely nothing new to say about it, indeed we have had in the speeches delivered today a great deal of repetition of arguments used and facts quoted during the discussion on the earlier motion. I, therefore, propose myself to be very brief.

When the motion for circulation was before the House the arguments against the Bill were forcibly stated in several speeches on this side of the House, notably those of Khan Bahadur Sheikh Khursheed Muhammad and especially those of Messrs. Macdougall and Leach from Burma, one of the provinces particularly affected. Since that date the Bill has been circulated for opinion, and I do not think that any impartial person reading the opinions can come to any other conclusion than that the overwhelming mass of opinion is strongly opposed to the Bill. We find that every single Local Government in India is against it. We find that in every one of the six provinces affected, the higher judiciary are also against it. The only shade of opinion which I find generally supports the Bill is the Bar Associations, and to be quite frank I do not think that amendments in legal procedure advocated by lawyers are generally in the direction of simplicity or clarification . . . . .

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): May I know if this is a reflection upon the Honourable the Law Member? Can the Honourable the Home Member pass strictures upon the Honourable the Law Member on the floor of the House?

The Honourable Sir Henry Craik: The Honourable the Law Member, whose regrettable absence from amongst us today I much deplore, is, I think, perfectly capable of putting it across me outside the House if he considers it objectionable. I have read myself and studied the opinions with some care, and that is the conclusion to which I have come, that the overwhelming mass of opinion concerned is strongly opposed to the Bill. In spite of that, I was prepared to listen carefully to any fresh matter or fresh arguments that might have been put forward by the Mover of the Bill, and his supporter today. But quite candidly and without casting any reflection, I did not hear a single argument, any single consideration, that had not been put forward previously . . . .

Sardar Sant Singh: What about the transfer applications?

The Honourable Sir Henry Craik: We have only your word about that: you did not quote any figures about it . . . .

Sardar Sant Singh: I want you to bring out evidence, if there have been transfer applications.

The Honourable Sir Henry Craik: The complete poverty of the Honourable the Mover's case was very well illustrated when in reply, as a rebuttal of the unanimous opinion of the whole High Court of Lahore—and I may add of the whole High Court of Patna—two provinces which are very closely affected by this Bill—all he could quote was the opinion of an anonymous Sessions Judge in Madras, a province entirely unaffected by this Bill.

I will now touch very briefly on the opinion of the Punjab Government and the general public opinion in the Punjab. The Punjab Government's opinion stated that the point I made in the previous debate that there was no popular demand for this measure was corroborated by the proceedings in the recent budget session of the Punjab Legislative Council. A non-official elected member brought forward a cut motion in support of the principle of this Bill and the Local Government in their letter report that the Mover only found one supporter in the Punjab Legislative Council, and it quickly became apparent that the non-official members were indifferent, if not positively opposed, to the proposal. The Honourable the Mover in the opening part of his speech the other day dismissed that very lightly by saying "Oh; we know the Punjab Legislative Council: we know what goes on there; the Government Member simply says 'This will probably be considered when the new reforms come' and the motion is at once withdrawn". I have been a member of the Punjab Legislative Council for a good many years, an advantage which I do not think the Honourable the Mover ever possessed, and that is not my recollection of the kind of thing that went on there, and I think that is also the recollection of my friend on my right. Anyhow, I had the curiosity to look up the proceedings of that particular debate, and I find that no such promise even in the vaguest or most indirect way was made by the Government speaker. He opposed the cut in the most direct way on its merits and gave no promise whatever that the proposal might be considered at some vague future date. Out of the five elected members who spoke, the mover, as the Government letter says, had only one supporter. The other speakers all opposed the motion, one of them at any rate is the most consistent opponent of everything that the Government puts forward. But he strongly opposed this cut motion and ultimately the mover withdrew it. I think the Punjab Government were perfectly justified in saying that those proceedings show that there is no popular demand in the Punjab for this measure. In fact, Sir, this is a Bill which has no real support behind it, except the support of the Bar Association, and their advocacy of this measure is clearly not entirely disinterested. For example . . . .

Sardar Sant Singh: What about the opposition of the Magistrates? Is it interested or disinterested?

The Honourable Sir Henry Craik: There is a significant opoinion that was forwarded by a legal gentleman in the North-West Frontier Province, which will be found at page 20 of Paper No. I. He argues at

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considerable length in favour of the Bill, but he rather lets the cat out of the bag in the last sentence of his opinion, where he says—"I think however that the time has come when efficient help is available to the Government if recruitment as Assistant Sessions Judges is made from amongst the trained and experienced members of the bar of over 10 years' standing on a reasonable scale of salary not involving a very large additional expense to the administration". He says this would not involve very large expense to the administration, and of course incidentally it would do a pretty good turn to the local bar.

Now, Sir, on this question of cost, so far as I remember,—and I listened as attentively as I could to the Honourable the Mover today,—he did not touch on it at all, but the subsequent speaker, Mr. Lalchand Navalrai, did touch on this question of cost, but I found very great difficulty in following his argument. As far as I could understand it, it was that there would not be any extra cost . . . .

Mr. Lalchand Navalrai: I said that should not matter and no more cost will be incurred.

The Honourable Sir Henry Craik: How the Honourable Member could suggest that, I simply cannot understand. If you are going to have, instead of a single trial by a Magistrate, committal proceedings followed by a trial in the Sessions Court, there must be obviously a great deal of additional cost . . . .

Mr. Lalchand Navalrai: That will not be waste.

The Honourable Sir Henry Craik: If my friend had listened to the estimate of cost that was put forward in the speech of Mr. Macdougall from Burma at the last Session, he would have remembered that Mr. Macdougall went into this matter item by item, and he gave figures, numbers and so on, and he came to the conclusion that the cost for Burma alone would be roughly in the neighbourhood of 4½ lakhs a year, not counting certain additional items which it was difficult to estimate . . . .

Mr. Lalchand Navalrai: Burma will take care of itself.

The Honourable Sir Henry Craik: Sir, I do not think it is necessary for me to detain the House longer. This Bill, Sir, as I said, would involve the provinces in very great expense. It would tend to delay and procrastination in the course of justice and, as I said, there is not the slightest evidence that there is any popular demand for it. I hope the House will reject this Bill.

Several Honourable Members: Sir, the question be now put.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is that the Bill further to amend . . . .

Mr. N. M. Joshi (Nominated Non-Official): No, Sir, the question is that the question be now put.

Mr. Deputy President (Mr. Akhil Chandra Datta): I am putting the question. Does the Honourable Sardar Sant Singh wish to reply?

Sardar Sant Singh: Yes, Sir.

Sir, we have heard of the tyrannies of the majorities, but we were not prepared to hear from the Honourable the Assistant Whip of the Government Benches along with a good paraphernalia behind him to say that the question be now put. Dr. Dalal too has come out with his surgical operation to finish this Bill prematurely. I knew, Sir, when I looked at this side of the House it was vacant, but when I looked at that side of the House whose conscience is in the official keeping, I knew that I had to face a majority, but I never thought that it would be a relentless majority . . . .

Sir Muhammad Yakub: Majorities are always relentless.

Sardar Sant Singh: You have yet to learn a good deal about majorities. However, I knew I would be called upon to reply to statements from the Treasury Benches, but not a single Member had the courage to get up and speak to meet the arguments I advanced before the House; not a single Member who has been a District Magistrate, and who has recently come here leaving his district duties to help us in the passage of laws. . . . .

Mr. Lalchand Navalrai: To help us or obstruct us?

Sardar Sant Singh: To help us,—had the courage of his convictions to stand up and say that in his province this Bill was not wanted.

Captain Sardar Sir Sher Muhammad Khan: They have no time to waste.

Sardar Sant Singh: Our friend, the nominated representative of the military, has no time to waste, I wonder what he is here for. However, Sir, the strongest argument that I can now advance in favour of my Bill is that it has met with so little opposition from informed quarters. Even the nominated Member from the Punjab who waxed eloquent when I was not present in the House and made certain remarks against me is sitting quietly and laughing knowing that they want to kill my Bill, not by argument, or reason or logic, but by sheer force of numbers. I am quite prepared to meet them. It was suggested that I said nothing new. Well, Sir, I think I said many things new, and I shall again tell them what new facts and new arguments I adduced in support of my Bill. The first was the feeling amongst the litigant public that they will get unbiassed impartial justice from a Magistrate is clearly demonstrated by the number of transfer applications made from such Courts. Here I hold out a challenge to all Members of the Government to tell me if, (say during the last one year, not to go back much further), they could point out a single application having been made to the High Court to transfer its sessions trial from one Sessions judge to another on the ground that they would not get a fair trial in that Sessions Court. I challenged my Honourable friends from the Punjab and from elsewhere to give me any figures. The Honourable the Home Member said that it was for me to quote the figures. I wish I were in possession of those facilities which

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the Honourable the Home Member enjoys on account of his office. My complaint is that the Punjab Government did not play the game even towards this Honourable House. Not a word has been said by the Honourable the Home Member in justification of the conduct of the Punjab Government. Why was not my Bill circulated? Why were not opinions obtained from those who were in a position to give such opinion? Is it not non-co-operation with vengeance with this House by the Punjab Government? I am more thankful to the Honourable the President than to the Treasury Benches, for having sent my complaint to the Punjab Government. This is a constitutional issue of the first importance. Is the Central Legislature going to have that co-operation from the Local Governments which the Central Legislature expects, or is it not going to have it?

Mr. N. M. Joshi: You asked for provincial autonomy and this is the fruit of provincial autonomy.

Sardar Sant Singh: Well, it means that when the Federal Legislature comes into existence the autonomous provinces will refuse to co-operate with this House. This is a serious reflection upon the dignity of this House, and I had expected that the Honourable the Home Member would come forward with some apologia or some explanation from the Punjab Government to offer to this House to soothen their feeling. But none is forthcoming. Probably they think that because these benches are vacant, because none of them can protest today, therefore they can take things easy, but I assure them, let the 23rd February come, let these benches be filled, and we will show them up to the world. Let the clouds of war thicken in Europe and we will tell these Johnnies sitting there and enjoying fat salaries what our co-operation means.

Sir Leslie Hudson: I rise to a point of order, Sir. Is the appellation "Johnnies" to the Honourable Members occupying the Government Benches parliamentary?

Sardar Sant Singh: I withdraw the expression in deference to my Honourable friend, Sir Leslie Hudson; I will say, these gentlemen,— (*An Honourable Member*: "Honourable gentlemen")—Honourable gentlemen. My submission is that the executive feels that they are in a position to treat this House or those who are present in this House with the greatest contempt, and I want to record my protest against that. Why Government Members have not spoken, why District Magistrates have not given their opinions today on this Bill is due to the fact that they do not want to debate this Bill fully in all its aspects but want to throw it out mercilessly through the sheer force of numbers. I therefore have to draw the attention of the whole country through you that this is a treatment which should not have been meted out to the few Members that are present here.

Now, coming to the arguments of my Honourable friend, he has practically nothing to say to refute my points. Even this time he did not contradict me when I said that the Magistrates specially empowered under section 30, or even without section 30, first class Magistrates, are under the influence of the District Magistrate, and hence with the best of intentions they cannot administer even-handed justice in a judicial

spirit to any case that comes before them. My Honourable friend the Home Member states that the High Courts are against me. I tried to quote the opinion of some of the Judges that were favourable to my Bill.

An Honourable Member: Quote them again.

Sardar Sant Singh: I need not quote them again, but this time I am going to quote the opinion of a Judge of the High Court of Burma and I am going to quote from law reports judgments given in appeals by the High Court where they have upheld my complaint. The Honourable Mr. Justice Mya Bu said:

"I think that, due regard being had to the rights and privileges of accused persons, the system of having cases triable by the Court of Sessions other than those punishable with death tried by Special Power Magistrates is wrong in principle, and is one which trained lawyers have just grounds for regarding as highly unsatisfactory."

Can there be a greater condemnation in more explicit terms? Further on, the same Judge states:

"Special Power Magistrates are not men who have had any training as lawyers, and all the experience that they have gained has been acquired as Magistrates. Where under the ordinary law the sanctity, the independence and the efficiency of the Court of Sessions are required to deal with certain classes of cases Special Power Magistrates are a bad substitute."

This is an opinion from a Judge of a High Court.

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

Every argument of mine is supported by him. He says:

"I fear that they (*referring to Special Power Magistrates*) cannot command the public confidence which should ordinarily be reposed in a Court trying heinous offences and invested with the power of sentencing convicted persons to as much as 7 years' rigorous imprisonment provided it is within the limit allowed by law for the offence."

Sir Muhammad Yakub: Mr. President, this morning, the Honourable Member has read the opinions of Judges and eminent lawyers at great length for about an hour. The debate is now closing, and, in his reply to the Honourable the Home Member, is he in order to read the opinions again? I should have thought that in giving a reply he would confine himself only to answering the arguments which were raised by the Honourable the Home Member.

Mr. President (The Honourable Sir Abdur Rahim): The Chair hopes the Honourable Member will confine himself entirely to answering anything that has been said by other Members.

Sir Muhammad Yakub: There were no other speakers.

Sardar Sant Singh: The Honourable the Home Member said that the Honourable the Judges of the High Courts are against my Bill. I quoted some opinions in the morning in my first speech showing that the Judges of the High Courts were favouring the principle of my Bill.

The Honourable Sir Henry Craik: I think the exact expression I used was, "almost unanimous" as regards Judges, and as regards Local Governments, "quite unanimous".

Sardar Sant Singh: I am coming to Local Governments later on, but as regards the Judges I quoted some opinion, and I am quoting a few more to show that the Honourable Judges are in favour of my Bill.

Mr. President (The Honourable Sir Abdur Rahim): Is it from the Punjab High Court?

Sardar Sant Singh: No. From the Burma High Court.

Mr. President (The Honourable Sir Abdur Rahim): I do not think the Honourable Member is entitled now to break new ground.

Sardar Sant Singh: I am not breaking any new ground, Sir; I am only replying to the observations that have fallen from the lips of my Honourable friend the Home Member.

The Honourable Sir Henry Craik: I am perfectly prepared to take it from the Honourable Member that there were some Judges of the High Courts who were not against the principle of the Bill.

Mr. President (The Honourable Sir Abdur Rahim): As the Chair has pointed out, all these papers are in the possession of every Member of the House, and it is not the practice to quote at length from them. The Honourable Member is perfectly justified in referring to expressions of opinion of High Court Judges and others, but it must be done within limits.

Sardar Sant Singh: My submission is that I am only quoting the relevant portion, not the whole opinion. I am quoting only one or two sentences from each opinion.

The Honourable Sir Henry Craik: The Honourable Member is trying to make a point which I am willing to concede.

Mr. N. M. Joshi: There are other Members who have got to be convinced.

Sardar Sant Singh: There are other Members who have got to vote on the division. I shall now refer to the opinion of the Honourable Mr. Justice A. H. L. Leach. A representative of the European Group spoke against my Bill and this Judge is probably some relation of his. This is what he says:

"The system under which criminal cases are tried by Special Power Magistrates instead of by Sessions Judges is a system which, in my opinion, should not be continued for a moment longer than can be avoided."

Then comes the opinion of the Honourable Mr. Justice Ba U. I pointed out that District Magistrates interfere with the administration of justice by the Magistrates. About this matter he says:

"Their apprehension that District Magistrates sometimes do interfere with the administration of justice by their subordinate Magistrates is in some cases in so far as Burma is concerned well founded. On two occasions the late Chief Justice had to administer a public rebuke to two District Magistrates."

Then, he refers to a case in 10 Rangoon 180 in which the Chief Justice said:

"Mr. So and so is both the Deputy Commissioner and District Magistrate of Pyapon and I agree with the view of my learned brother Sen, J. to whom an application for the transfer of these proceedings has been made . . . . ."

The Honourable Sir Henry Craik: On a point of order. I understood you to rule just now that the Honourable Member must confine himself to replying to the arguments put forward on the other side. I said nothing at all on this subject.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is not replying to the speech of the Home Member alone. There may be other speakers who have spoken.

The Honourable Sir Henry Craik: I am the only speaker who spoke on the other side.

Mr. President (The Honourable Sir Abdur Rahim): Is that so? Then, the Honourable Member must confine himself to the points raised by the speech of the Home Member.

Sardar Sant Singh: In his speech, the Honourable the Home Member said that except for Bar Associations I found very meagre support from other quarters. I understood him to say that I have advanced no argument which requires to be traversed by him. I made it out when I began the reply that the Honourable Member has not cared to meet the arguments which I advanced. He only brushes them aside. I have advanced new arguments and I am giving in support of those arguments the opinions obtained by circulation.

Mr. President (The Honourable Sir Abdur Rahim): These opinions are really in the possession of every Member of the House, and the Honourable Member has quoted quite enough.

Sardar Sant Singh: That is right but what I want to submit is that I am not quoting the opinion as a whole. I am only quoting some portion.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has really no business to quote so many opinions at length.

Sardar Sant Singh: Then, Sir, I proceed to another point. The conduct of District Magistrates in interfering with the administration of justice has formed the subject of many High Court rulings.

The Honourable Sir Henry Craik: Again on a point of order. The Honourable Member is now touching on a subject which I never mentioned at all in my speech.

Sardar Sant Singh: If the Honourable the Home Member does not give any reply to any of the arguments I advanced, that does not mean that I have no right to point out to the House that those facts have not been touched upon by the Honourable the Home Member and to draw the conclusion that the Honourable the Home Member had no reply to make to these arguments.

The Honourable Sir Henry Craik: You are now making a reply to a speech which I have not made.

Sardar Sant Singh: The Honourable Member has no reply to give to these arguments.

The Honourable Sir Henry Craik: The Honourable Member is replying to the speech which he thinks I ought to have made.

Mr. President (The Honourable Sir Abdur Rahim): It is very difficult to define the limits within which a reply like this should be confined, but the Chair hopes the Honourable Member will not really go on repeating what he has already said. He is not allowed to do that.

Sardar Sant Singh: Very well, Sir. There is one point which the Honourable Member did not touch on. He said nothing about it and I hope that the Honourable Members of this House will take note of this fact that practically he had no reply to offer to these arguments.

Now, Sir, when the Honourable the Home Member stated that the opinions of all Local Governments are against this Bill, I again took exception to this. I quoted certain opinions of Local Governments in which they express the opinion that they will not oppose this. I gave some instances. Really, if you analyse the various arguments that have been received, you will find that public prosecutors, some of the District Magistrates and some of the Local Governments are against my Bill and also some High Courts are against my Bill, but others are in favour of my Bill. But there is one unanimity of opinion in my favour and that is that all the Sessions Judges and other judicial officers are in favour of my Bill. The Bar Associations are in favour of my Bill. Some of the District Magistrates also are in favour of my Bill.

Sir Muhammad Yakub: Have you not said all this in the morning?

Sardar Sant Singh: I am analysing them Is it not a strange fact that not a single opinion of any Bar Association throughout India should be in favour of the executive authority? The Honourable the Home Member brushes it aside by saying that these Bar Associations are interested. May I not retaliate by saying that the executive wants to keep this power in their own hands? The District Magistrates do not want that the judiciary should be independent and self-respecting. Are they not interested in the same? If the Honourable the Home Member is willing to ascribe motives to members of the Bar Associations for giving their opinion, cannot the same motives be applied to District Magistrates and to other executive officers who want to keep the control of the judiciary in their own hands? Such jibes do not carry us much further, Sir. The Honourable Sir Muhammad Yakub was perfectly right when he said that the Honourable the Home Member was casting reflections on the domain occupied by his colleague the Honourable the Law Member. I am sorry that the Honourable the Law Member is unavoidably absent from the House today. (*An Honourable Member*: "He is sick".) Sir, the greatest tragedy is that the Honourable the Law Member should allow himself to fall into the lap of the Honourable the Home Member and be caressed thereby. (Laughter.) Sir, I am an advocate of the rule of law for this country and the Home Member is an advocate of the rule of the executive in this country, and

there we differ and strongly differ in our mentalities. What I submit, as I pointed out when I was speaking on the Press law debate in 1932 or 1933, is that the one thing which is very difficult to understand about this Government is why the Law Member permits his rule of law to be slowly and steadily taken away by the executive authority in all departments of life? The same is the principle here,—that by keeping up the old archæological remains of procedure in the criminal procedure of the country, we are blocking our own progress in this particular department of life. Sir, the Honourable the Home Member says that all the Local Governments are against it. May I ask him that if we leave the interested quarters alone, if we leave the Local Governments alone and if we leave even the Bar Associations alone as interested parties, what about the European Association of Calcutta whose representative there is our friend the Honourable Mr. Morgan?

Mr. Lalchand Navalrai: What do they say?

Sardar Sant Singh: You ought to read their opinion. What do the European Association and the Domiciled European and Anglo-Indian Association of Calcutta say? Sir, they support the principle of my Bill. What have you to say to that? I ask the Home Member—is that not disinterested opinion? What more disinterested opinion do you want in favour of my Bill? That is an opinion which you cannot describe as being one underlying which there is any motive excepting justice and fair play for all.

Mr. Lalchand Navalrai: Where is this opinion?

Sardar Sant Singh: I will hand you over the opinion. I have quoted it in the House already once. Then it was very cruel on the part of the Honourable the Home Member to brush aside the opinion of the Sessions Judge of Chittoor as coming from an anonymous Sessions Judge? Is it fair? The Honourable the Home Member took exception when I was trying to point out the need for this reform and he took exception to my remarks by saying that my speech betrays a mistrust of the judiciary. What about my friend the Home Member—a public servant serving under the same Government, and occupying no lesser a position than that of a Sessions Judge giving his honest opinion, and being called an anonymous Sessions Judge from far, far Madras?

The Honourable Sir Henry Craik: There is nothing defamatory about that.

Sardar Sant Singh: This is an apt illustration, if any is needed, to impress upon the House that this Government is relentless in cruelty to those of their public servants who happen to honestly differ from them in their views, and that they do not want that they should have liberty of expression of even an honest opinion so long as they are Government servants. Sir, he is not all alone in his opinion. If the Honourable the Home Member has gone through all the opinions, and I hope he has, he will find that the opinion of very independent provinces like Bengal and Madras is entirely in favour of the principle of my Bill. I did not care to read out all the opinions and I only read out those where the contrast was so clear and so bold that nobody could escape from the inference that the

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Bill commends a very sound principle of justice before the House. He claims that the overwhelming opinion is against it. I beg to differ from him. My contention throughout this morning has been as well as now that the Bill is supported in principle by an overwhelming body of opinion of even the executive officers. The only difficulty which is felt by the Local Governments and those who oppose my Bill is the difficulty of the expense and the cost that this reform will involve. The Honourable the Home Member said that I did not refer to the question of cost. If the question of cost is a deterrent factor in introducing this reform, then, I think, the best course will be to shut up the Courts and let the investigating police officer administer justice as well and finish the accused or the offender by one stroke of the pen. Simply go to the place where the offence is committed; let the police officer go there to find out whether the man is guilty or not and punish him there and then. I can assure you that this method of administering justice will save you lot of money. But why does he not advocate that? He is a trained I. C. S. and he has administered justice himself and he knows that this will not pay the administration and ultimately the administration will have to suffer for loss of confidence in the administration of justice. The loss of confidence in the judiciary of the province is a greater calamity than the economic depression which our friend, the Honourable Sir James Grigg, has to cure every year. May I ask the Honourable the Home Member if the cost is the consideration of the whole thing, why so much money is being spent upon us, a mere debating society, who give their views which carry no weight with the executive authority? Do you think that His Majesty's Government in England or the Cabinet here do not know what our powers are? And are we so ignorant as to claim that we are more powerful than is actually the case? We know what our worth is as Members of the Legislature and I can assure him that we are under no delusion, but this House is being run and this cost is being undertaken to know our views. Cost is not the only consideration which prompts you to summon us here from our homes to debate over matters You know the importance of our views. You know what political good it does and it is for that political good that you incur the cost. I can say the same thing about the administration of justice. The political good that the administration of justice will do in the country is of far greater importance than the cost you will have to pay for that administration of justice. My friend said that justice is delayed and a quick justice is the best justice. May I ask him in all humility and may I ask my friends of the European Group if they are prepared to give up the trial by jury because it costs more? A trial by jury certainly costs more than a trial by a single magistrate. Some of the honourable gentlemen who have given their opinions have actually said that the jury is a nuisance. Will they care to give up the system of jury in order to avoid the cost? If they are, then I am also prepared to give up the Sessions Judges. Then, Sir, the question of cost comes again. If the arguments of the Honourable the Home Member are to be respected, it means that in order to avoid the cost they are prepared to sacrifice the judicial principles on the altar of finance. If they are so prepared, why don't they move that section 30 Magistrates should be in all provinces? Some of the honourable gentlemen who have given their opinion have said that they want section 30 Magistrates to be introduced in their provinces. I would like my friend Sir Leslie Hudson one day to come up and introduce a Bill that this par-

ticular section should be amended and the names of the provinces of Madras, Bengal, Bombay and other provinces which are not included in the section should be included.

Sir Leslie Hudson: One of these days.

Sardar Sant Singh: I accept it. Next day I will expect my friend Mr. Morgan to get up and propose amendments of those sections to do away with the system of trial by jury in India. I will then like to see whether both these gentlemen will command the confidence of their voters to get elected to this House. That would be a nice and amusing experiment to make. It is all very well to say at the cost of a single province that you shall not be allowed to progress but that we shall keep our privileges as they are and we won't let you touch them. What I demand is a uniformity of system for the whole of India If they think that the Heaven lies in giving enhanced powers to the Magistrates, let them share that Heaven with us. Why should they permit me to have that Heaven and not allow themselves to enjoy it? Sir, it is the man whom the shoe pinches who feels the pinch and not others. My whole case is this. If any fairness is left in this land, let that fairness be meted out to the principles of this Bill. I claim —and the Honourable the Home Member did not care to reply to this claim—that in the Select Committee a *via media* can be found, and a middle course can be discovered which may lead us to some compromise between the two extremes. At present too many Magistrates are invested with section 30 powers and I want that some sort of restriction should be placed. But the Government is not willing ever to accept that. There will be no cost involved but they are not prepared to do it. However, I think that I have done my duty by placing this Bill before this House for the second time. It was said—and this is the last point to which I would like to refer—that there is no public demand for this reform in the Punjab. I really fail to understand that, on the one hand, the Punjab Government refuses to get the public opinion upon the point and, on the other hand, advances the argument that there is no public demand. I should like to know how these two statements are consistent with each other. Apart from it, an impression is created that the Bills that are passed by the Central Legislature can be amended only by the Central Legislature. Sir, I have been a Member of this Honourable House for the last seven years and from the first day of my membership of this House I have moved the amendment of these sections and did I do so because I wanted to force a reform which was not demanded by the public? The claim of those who never come in contact with the public is ludicrous that they represent the public and not we whose whole day associations are with the members of the public. We are connected with the administration of justice. We meet all sorts of people and we know how justice is administered. We do not do our work with our eyes closed, but with open mind after reading the writings of the learned jurists of the West and daily reading the reports of the High Courts rulings. If we cannot make up our minds whether the reform is necessary, surely nobody else can. In the Punjab a cut motion was moved because one man from the South felt it his duty to bring it to the notice of the Council that there is demand for the removal of section 30 Magistrates. My Honourable friend says that he did not find any support in the Punjab Legislative Council. Of course he did not. Because most probably most of the Members were under the impression that this reform should come from the

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Central Legislature and not from the Provinces at all. There is no wonder now that with the institution of provincial autonomy, the demand will grow and I am sure that Members will take up this question and will fight for this reform.

In conclusion, I will say though I am losing this Bill, yet it does not mean that it will dishearten me at all. I have done my duty. I did my duty in the last Assembly. I have done it in this too, and I hope to do it again when the opportunity comes. (Applause.)

4 P.M.

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

"That the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of sections 30, 34, 34A and 35*), be referred to a Select Committee, consisting of the Honourable the Law Member, the Honourable the Home Member, Mr. Akhil Chandra Datta, Mr. Lalchand Navalrai, Mr. Sham Lal, Sir Muhammad Yakub, Mr. M. Ananthasayanam Ayyangar, Mr. M. Asaf Ali, Dr. F. X. DeSouza and the Mover, with instructions to report before the 31st March, 1937, and that the number of members whose presence shall be necessary to constitute a meeing of the Committee shall be five."

The Assembly divided:

AYES—12.

Abdullah, Mr. H. M.	Mangal Singh, Sardar.
Bajoria, Babu Baijnath.	Morgan, Mr. G.
Datta, Mr. Akhil Chandra.	Muhammad Ahmad Kazmi, Qazi.
Ghulam Bhik Nairang, Syed.	Parma Nand, Bhai.
Joshi, Mr. N. M.	Sant Singh, Sardar.
Lalchand Navalrai, Mr.	Yakub, Sir Muhammad.

NOES—37.

Abdul Hamid, Khan Bahadur Sir.	Mehta, Mr. S. L.
Ahmad Nawaz Khan, Major Nawab Sir.	Menon, Mr. K. R.
Aikman, Mr. A.	Metcalfe, Sir Aubrey.
Anderson, Mr. J. D.	Mitchell, Mr. K. G.
Bajpai, Sir Girja Shankar.	Mukherjee, Rai Bahadur Sir Satya Charan.
Bansidhar, Rai Sahib.	Nagarkar, Mr. C. B.
Bhide, Mr. V. S.	Naydu, Diwan Bahadur B. V. Sri Hari Rao.
Chanda, Mr. A. K.	Noyce, The Honourable Sir Frank.
Chapman-Mortimer, Mr. T.	Parkinson, Mr. J. E.
Craik, The Honourable Sir Henry.	Roy, Mr. S. N.
Dalal, Dr. R. D.	Sale, Mr. J. F.
Ghiasuddin, Mr. M.	Scott, Mr. J. Ramsay.
Griffiths, Mr. P. J.	Sher Muhammad Khan, Captain Sardar Sir.
Hudson, Sir Leslie.	Thorne, Mr. J. A.
James, Mr. F. E.	Tottenham, Mr. G. R. F.
Jawahar Singh, Sardar Bahadur Sardar Sir.	Verma, Rai Sahib Hira Lal.
Lal Chand, Captain Rao Bahadur Chaudhuri.	Witherington, Mr. C. H.
Lalit Chand, Thakur.	Zafrullah Khan, The Honourable Sir Muhammad.
Lloyd, Mr. A. H.	

The motion was negatived.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I beg to move:

"That the Bill further to amend the Indian Arms Act, 1878, be referred to a Select Committee, consisting of the Honourable the Law Member, the Honourable the Home Member, Sardar Sant Singh, Sardar Mangal Singh, Mr. M. S. Aney, Sir Muhammad Yamin Khan, Dr. F. X DeSouza, Dr. N. B. Khare, Mr. Ghanshiam Singh Gupta, Babu Baijnath Bajoria, Bhai Parma Nand 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, though the Sikhs call themselves a minority community, they are a strong body of people belonging to a martial race who have been famous in past Indian history. Everybody knows what a Sikh is. As I was getting up to speak an Honourable friend asked me whether I am a Sikh and whether I should not have left this Bill to be moved by some Sikh Member here. I will therefore explain my position. This Bill refers to exemption being given to the wearing of kirpans. These kirpans are worn by the Sikhs as an emblem of their religion. Therefore they are very zealous about wearing them and keeping them in their possession. Then, besides the Khalsa Sikhs, there are two kinds of Sikhs which I have explained as follows in the last proviso of my Bill:

"Provided that no license shall be required by Sikhs both 'Kesadharis and Sahijdharis' for possessing or carrying Kirpans of any size."

I have explained these two classes of Sikhs as follows in the Statement of Objects and Reasons:

"There are two kinds of Sikhs in India, one who wear hair on the head and keep some emblems, and the other are Sikhs by faith called 'Sahijdharis' who are numerous in Sind."

Both of them have faith in the ten Gurus and in the Granth Saheb; and in Sind almost all Hindus are Sahijdhari Sikhs believing in the dictates, doctrines and precepts of the ten Gurus as well as in the Granth Saheb. I am one of them. The difference between them is only in carrying emblems; for instance, they put on a bangle, they have long hair and some of the Khalsas have a ring for the hair also. The Sahijdharis do not have these emblems but they have as good faith as the Kesadharis have.

The reason for introducing this Bill and asking for reference to Select Committee is given in the Statement of Objects and Reasons. When I introduced this Bill a long time ago, both Kesadharis and Sahijdharis were highly pleased, and they expected that the Kirpans would be exempted from the Arms Act. Then there is another thing which they want. In some provinces Government have exempted the Kirpans while in others they have reduced its size. So that there is no unanimity with regard to the size and that creates a good deal of trouble and inconvenience. The result is that many Sikhs who wear Kirpans of the size which is allowed in their province, as soon as they cross the border and go over to another province where that size is not allowed, they are arrested and prosecuted.

Captain Sardar Sir Sher Muhammad Khan (Nominated Non-Official): Do not all Sindhis wear Kirpans?

Mr. Lalchand Navalrai: They have them but they do not carry them.

Captain Sardar Sir Sher Muhammad Khan: Then what is the use of the Bill?

Mr. Lalchand Navalrai: If it is allowed to be carried they will carry it. The thing is that if in some provinces a Sikh were to go and make a declaration before the District Magistrate that he is a Sikh and believes in the doctrines of Sikhism, he is allowed to carry it. Then, again, the difficulty arises as to the size of the weapon. Therefore I have introduced the Bill and ask the House to see that equal justice is done to all Sikhs and that the exemption to wear kirpan is extended to all Sikhs, Sahijdharis as well as Kesadharis so that they could carry it about from place to place as it is a symbol of worship and has been recognised as such by Government. Once that has been admitted, the point is that both Kesadharis and Sahijdharis should be allowed to wear it without hindrance and, just as they do in the Punjab, be allowed to wear it in other provinces. Sikhs are spread all over India and they have to travel from province to province. In the Punjab the Sikhs are exempted; but if they take the kirpan and go a few miles beyond the border of the Punjab into Sind they are at once arrested. Further, in some provinces six inches is the length allowed for kirpans, and in some nine inches are allowed. If from one such province a Sikh goes to another, he is caught and prosecuted, and there have been actually cases in Sind of this kind. Sikhs have acquired lands in the Barrage colonies and they live with their families there. They have to go to the Punjab and whenever they go there they wear the kirpans, but when they return to Sind they have to get a kirpan of a smaller size. I say that is not justice.

Therefore I submit that this Bill should not be considered to be contentious at all; it only requires uniformity in the wearing of kirpans. In the Punjab, not only kirpans are allowed but even swords were allowed to be carried by some people. My friends from the Punjab will throw more light upon this matter. What my Bill seeks is this:

"In section 5 of the Indian Arms Act, 1878:

(a) after the words 'any arms', occurring in line 2, the words 'except Kirpans' shall be inserted;"

According to the section 5, arms are not exempted: if anybody carried them they are liable to punishment. I am asking that kirpans should be exempted and should be allowed to be carried. I have said further:

"(b) the following proviso shall be added at the end, namely:

'Provided no licence shall be required by Sikhs, both Kesadharis and Sahijdharis for possessing or carrying Kirpans of any size'."

The object of this Bill is to safeguard the interests of Sikhs in observing the dictates of their religion in the matter of possessing or carrying Kirpans, and to make the law in connection therewith uniform in the whole of British India. At present the rules made under the Act, in different provinces on this point, are divergent and conflicting, making it penal in one province to carry or possess this religious symbol of a particular size or form what is recognised as perfectly valid and legitimate in another. A Sikh and his religion are the same in any part of India. The symbol of his religion cannot change with the place, and to enforce such a change is active interference with religion. There have been many instances when a Sikh has been deprived of this mark of his religion and heavily sentenced for observing it, on crossing the boundary of one province into that of another. Nor is differential treatment of the same person in different parts

of his country justified by the local conditions. A Sikh is as good a citizen in one province as in another. Sikhs are spread over the whole of the country and freely move about from one end of it to another, being actively engaged in all walks of life and in all professions and crafts. In these circumstances it is necessary that the amendments proposed by this Bill be made into law. There are two kinds of Sikhs in India, one who wear hair on the head and keep some emblems, and the other are Sikhs by faith called "Sahijdharis" who are numerous in Sind. This Bill is intended to apply to both classes.

At present, I am only asking that the Bill should be referred to Select Committee and that the principle should be recognised, namely, the exemption of the kirpan of a similar size. Government has recognised it as a symbol and exempted it wholly in some places and partly in others. The only question is whether there should be uniformity; and the Select Committee will consider all the rules of the provinces and find out why there should be any difference. It is very necessary that this Bill should therefore go to the Select Committee who could then send the Bill back with a recommendation to the House. The point is so clear that I need not take up the time of the House further. In the beginning Honourable Members were not aware who a Sahijdhari Sikh is but I have now made it clear to the House. There is absolutely no difference between Sahijdhari and Kesadhari Sikhs except in the matter of carrying some symbols with them; and therefore there is no reason why they should not be allowed in other provinces to carry what they are allowed in the Punjab. Sir, I move.

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

"That the Bill further to amend the Indian Arms Act, 1878, be referred to a Select Committee, consisting of the Honourable the Law Member, the Honourable the Home Member, Sardar Sant Singh, Sardar Mangal Singh, Mr. M. S. Aney, Sir Muhammad Yamin Khan, Dr. F. X DeSouza, Dr. N. B. Khare, Mr. Ghanshiam Singh Gupta, Babu Baijnath Bajoria, Bhai Parma Nand 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 Honourable Member has not mentioned here by what date the report of the Select Committee should be made.

Mr. Lalchand Navalrai: By the 31st March, 1937.

Captain Rao Bahadur Chaudhuri Lal Chand (Nominated Non-Official): Sir, I merely want to ask one question from my Honourable friend. Do these Sahijdhari Sikhs vote in Sikh constituencies or in general constituencies?

Mr. Lalchand Navalrai: The point is not whether they can vote in one constituency or in the other, but their religion and their faith are alike.

Captain Rao Bahadur Chaudhuri Lal Chand: What is the exact answer?

Mr. Lalchand Navalrai: There is no Sikh constituency in Sind.

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): Sir, I rise to support this motion. Sir, the object of this Bill is to make the law in respect of the carrying of Kirpans uniform throughout India. At

[Babu Baijnath Bajoria.]

present, as I understand the position, the carrying of Kirpans by Sikhs is allowed in the Punjab, the North-West Frontier Province and Delhi, whereas that privilege is not allowed to them in other provinces except, I think, with a license . . . . .

The Honourable Sir Henry Craik (Home Member): It is not allowed in Bombay except with a license.

Mr. Lalchand Navalrai: I think the length of the Kirpan is prescribed there.

The Honourable Sir Henry Craik: Sikhs must have a license to carry Kirpans which are more than 9" long in Bombay.

Babu Baijnath Bajoria: Well, Sir, carrying of Kirpans is a religious dictate according to the Sikh religion, and every Sikh must carry a kirpan. So in my opinion the restraint that is imposed on the community prohibiting them from carrying kirpans in certain provinces without a license is a direct interference with their religion. Sir, I have always advocated that there should not be any interference with the religion of any community in India, whether they be Hindus, Muslims, or Sikhs, and therefore I have no hesitation in supporting this motion. Sir, a Sikh is a Sikh whether he lives in Bengal or in the Punjab. Now, if a Sikh is allowed to carry kirpan in the Punjab and the North-West Frontier Province, I do not understand why the same privilege will not be allowed to them in other provinces. There is however one question which we have to consider, and that is, have they abused this privilege in the Punjab or in the North-West Frontier Province where they are allowed to carry kirpans without any kind of restrictions? If they had abused that privilege in those provinces, then there would have been some justification to say 'We won't allow you to carry kirpans in other provinces', but as far as I know, this privilege has not been abused. Sir, Sikhs, as we all know, are a very brave and martial race, and they are very loyal too. If carrying of kirpans is not dangerous in one province, I don't see any reason why it should be regarded as dangerous in other provinces. I don't understand why there should be divergent rules in regard to the carrying of kirpans by Sikhs. Supposing a Sikh travels from the Punjab to Calcutta carrying a Kirpan with him, what will he do with his Kirpan after he passes the Delhi station and reaches the United Provinces? Will he be permitted to carry his Kirpan, or he will have to throw it away. It must be very embarrassing indeed for the Sikhs to be placed in this position. Sir, I heartily support this motion.

Sardar Sant Singh (West Punjab: Sikh): Sir, may I request the Honourable the Home Member to let us know what the attitude of the Government is on this Bill?

Mr. President (The Honourable Sir Abdur Rahim): He will do it in his own time.

Sardar Sant Singh: Very well, Sir. It is hardly necessary for me to impress the importance of this question on the Honourable Members of this House, because it has been a burning topic in the Punjab from 1920 right up to this day. The point was raised several times when the Sikh

community had to come in conflict with the administration on this question. As the Honourable the Home Member comes from the Punjab and as he is fully aware of the history of the agitation that has been carried on in the Punjab for getting the Kirpan exempted from the provisions and rules of the Arms Act, I think it will not be necessary for me to go into the history of the question over again. There is no doubt that feeling on this subject is very strong, particularly in my community. During the last 7 years I tabled several times Resolutions, which were very kindly admitted by the Chair, and the point that there should be uniformity of rules for the possession and carrying of Kirpans in all the provinces of India was made, but unfortunately my Resolutions never had any chance in the ballot box. I am very unlucky in the ballot; my Resolutions never get any chance in the ballot box, but I have no complaint to make on that score; it is a chance, to which I am as much a victim as others probably are. However, the importance of the subject can be judged . . . .

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Your Bills come out from the Ballot Box all right?

Sardar Sant Singh: Because there are no other Bills. They always give notice later.

Sir, the importance of this subject can be gauged from the fact that Resolutions on this question had been moved not only by me, but by other Sikh Members of this House as well, and since my friend, Sardar Mangal Singh, came to this House, he has been tabling Resolutions and he has also given notice of a similar Bill to the one sponsored by my friend, Mr. Lalchand Navalrai. As a matter of fact, we do not expect any opposition from the Government on this point, particularly because facilities for the carrying of Kirpans have been given to all communities in the Punjab by a recent notification under rule 3 of the Indian Arms Act; the exemption for keeping a sword has been extended to all communities in the Punjab, in the districts of Mianwali, Dera-Ghazi-Khan, Muzzafarpore, Gurgaon, Hissar, Simla, Kangra, Rohtak, Jullundur, Gujranwalla, Attock, Lyallpur, etc. So far as the question in the Punjab is concerned, it seems to me to be a settled fact that not only the Sikhs but other communities in these districts and probably in most of the districts in the Punjab have been permitted to keep and carry kirpans anywhere they like. The history of the kirpan is that before 1920 the Sikhs were not permitted to carry kirpans of any length. The length was prescribed and beyond that length nobody could keep or carry a kirpan. In 1920 the restriction on length was removed.

The Honourable Sir Henry Craik: Is the Honourable Member speaking of the Punjab now?

Sardar Sant Singh: Yes.

The Honourable Sir Henry Craik: I do not think he is right.

Sardar Sant Singh: I think in 1920 the restriction upon the length of the kirpan was removed. I am speaking from memory, I am sorry I did not bring my papers on this subject with me today.

The Honourable Sir Henry Craik: My recollection is that there was never a statutory restriction on the length of the kirpan.

Sardar Sant Singh: I think it was under the rules.

The Honourable Sir Henry Craik: Not in the Punjab, so far as I remember.

Sardar Sant Singh: I am subject to correction.

The Honourable Sir Henry Craik: So am I.

Sardar Sant Singh: So far as my recollection goes, it was in 1920 that the restriction on the length of the kirpan was removed, and before that and during the War the restriction was to keep a kirpan of the length of nine inches.

The Honourable Sir Henry Craik: I am sorry to interrupt my Honourable friend. I do not think his recollection is correct. My information is that up till 1914 kirpans were arms under the Arms Act and were subject to restrictions as other arms. In 1914 the Punjab Government removed that restriction and since then kirpans have been exempted in the Punjab from the provisions of the Arms Act. So far as I know there has never been any statutory limitation to their length in the Punjab. It had been considered from time to time whether there should be any, but there never has been.

Sardar Sant Singh: I am thankful to the Honourable the Home Member for correcting me on that point. I was speaking from recollection only and I am glad that the wrong impression has been removed. However, then came the struggle in 1920 as to the meaning of the word kirpan. Kirpan was synonymous with the English word sword, but in some cases exception was taken with the result that several cases went up to the High Court and ultimately, probably in 1921, again I am speaking from recollection, the High Court gave the ruling that sword and kirpan were one and the same thing. Since then there has been no trouble except a small one which appeared in 1935, when under section 144 restrictions were laid upon carrying kirpans in the Lahore town. Even then, in order to give a correct idea as to the feeling of my community it will not be out of place to mention that in the Punjab exception was taken to that restriction, and actually people took kirpans in spite of the order under section 144 Cr. P. C. in order to demonstrate their feeling and certain respectable persons were convicted till the rising of the Court. This continued till the period of prohibition under section 144 Cr. P. C. came to an end. This was the feeling, which I hope will be appreciated in its true perspective as regards possession of kirpan and as regards the restriction placed upon its length. Now most of the grievances come from other provinces. The Shiromani Gurdwara Prabandak Committee, a statutory body under the Punjab Gurdwara Act, has been receiving complaints from several provinces as regards the prosecutions launched for possessing kirpans of greater length than nine inches.

The Honourable Sir Henry Craik: What provinces?

Sardar Sant Singh: Probably, the C. P. and Bombay.

The Honourable Sir Henry Craik: I am rather at a disadvantage, but according to my information Bombay is the only province where there is this limitation, possibly Burma too. But Burma will not be part of India in a few weeks.

Sardar Sant Singh: My Honourable friend, Sardar Mangal Singh, says, C. P. as well. My difficulty is I have not brought the papers with me today. I only rely upon my memory; after having studied this case a year ago, I am speaking now from memory—From Bombay the complaint came that the Sikhs were not permitted to carry kirpans beyond the length prescribed. Certain restrictions as to the length of the kirpan are prescribed by that Government. The prosecutions ended in the infliction of nominal fines, but still the restriction is there. This was the reason which led the Shiromani Gurdwara Prabandak Committee to order us to get these restrictions removed from the Statute-book. In certain questions—again I am speaking from memory—which I gave notice of in this House and which were answered by the Honourable the Home Member, the attitude of the Government was made clear that the Government did not want to interfere with the discretion vested in the Local Government. I think I am correct this time.

The Honourable Sir Henry Craik: I think so, but I cannot say.

Sardar Sant Singh: These are the replies received on the floor of the House. The only thing which we want to get removed by the introduction of the present Bill is that those professing the Sikh religion should be allowed to carry kirpans of any length throughout the length and breadth of India. After having conceded the principle that the Sikhs can carry kirpans, I think it is only a very small step to take forward and give us complete exemption. Though the concession to carry kirpan of all lengths is very small when looked at from the point of view of the Government of India, it has very great consequences to my community. In order to avoid a source of conflict which engenders nothing but bitterness between the executive Government and the Sikh community I think the Government should consider the position once more and help us in getting the concession which we have asked for from the Government. My Honourable friend, Captain Chaudhuri Lal Chand put a question to my Honourable friend, Mr. Lalchand Navalrai, as to what constituency, General, Muslim, European, or Christian, the Sahijdhari Sikhs belong.

I think Mr. Lalchand Navalrai did reply to that question but so far as I know there are no separate constituencies for the Sikhs in any other province except that of the Punjab, we are very proud of our Sahijdhari Sikhs in the province of Sind. I have had occasion recently to visit Karachi and I paid a visit to the devotions that were being carried on in a gurdwara at Karachi by the Sahijdhari Sikhs. Though our Sahijdhari brothers do not keep long hair but their devotion and their *bhakti* and their faith in the words of the ten Gurus, to whom we have the privilege of owing allegiance, is even greater than us in the Punjab. Therefore, Sir, as they are believers in the same tenets of religion as we are and worship the same Gurus and claim the same culture which we claim, there is no reason why a distinction should be made between the Sind Sikhs and the Sikhs of other provinces.

Captain Sardar Sir Sher Muhammad Khan: What is the definition of Sikh under the Gurdwara Act?

Sardar Sant Singh: If the new Knight from Jhelum were to confine his remarks to the Military Department alone, he will be doing a service not only to the House, but to himself as well. This smacks of irreverence especially from a Member coming from Jhelum. He knows what the Sikhs are, and we know what the Muhammadans are. We need not enter into the definition of Sikhs. We know that the Arms Act does not require a definition of Sikhs. So, his services in that direction are not required, probably by the Government even. We know what the Sikhs are.

Mr. N. M. Joshi (Nominated Non-Official): We don't know.

Sardar Sant Singh: I quite see the anxiety of Mr. Joshi to know what the Sikhs are, but not from a Punjabi. However, Sir, there is the other side of the question as well. Apart from the religious feeling which we claim entitles us to the exemption that we are requesting the Government of India to make, from a broader point of view too, in these days when arms and ammunitions have developed to a very great extent, kirpan should not be considered in the way in which it used to be in the early sixties and seventies of the last century. Here is a concession which the Government can easily make to avoid a conflict with a sensitive community like Sikhs of the Punjab. Therefore, agreeing as we do with the Government of India as to the principle underlying the Bill, I think there will be no difficulty for the Honourable the Home Member to agree with us. We can find out some way in the Select Committee where the necessary amendments can be made in order to provide uniformity of practice. In the end, before I sit down, I will once more appeal to the Honourable the Home Member who has served mostly in the province of Punjab and has come into close touch with the Sikhs and can understand the Sikh feeling in this matter much better . . . .

The Honourable Sir Henry Craik: The Sikhs have no grievances in the Punjab?

Sardar Sant Singh: That is why I am pleading on behalf of the Sikhs in other provinces. Knowing the Sikhs as you do, I hope you will extend your sympathy to the Sikhs living in other provinces, particularly in Bombay and getting this concession from those Local Governments by issuing uniform rules or by amending the Indian Arms Act as the case may be in order to grant this request. With these words I support the motion for Select Committee.

Mr. President (The Honourable Sir Abdur Rahim): As regards the date of the report of the Select Committee, the Chair understands that there will be no non-official day before the 1st April?

Mr. Lalchand Navalrai: I have seen that myself.

Mr. President (The Honourable Sir Abdur Rahim): Then, leave that out—the portion regarding the date.

Mr. Lalchand Navalrai: Very well.

Sir Muhammad Yakub: Mr. President: My attitude to this Bill is this. As Sardar Sant Singh has pointed out, the Punjab High Court has ruled that a kirpan is a weapon like a sword and I entirely agree with the ruling of the High Court. I think that a kirpan is like a sword. I also agree with Sardar Sant Singh that there should be no distinctions between one community and another, and one province and other. I submit that in provinces where swords are allowed to be carried without any license—and kirpans are included and must be included within the term "swords"—everybody should be allowed to carry a sword or kirpan as he likes; but in those provinces where persons are not allowed to carry swords without license no distinction should be made. We have just been told that before 1914 even in Punjab kirpans were not allowed without a licence. In 1914 which, we know, was the time of the Great War and the Government was in great need of soldiers from the Sikh Community, therefore, probably, I think as a concession to the Sikhs, or in order to persuade the Sikhs to join the Army, this concession was allowed to them and I do not grudge it. What I say is that kirpans should not be treated exclusively from any other arms. If swords are allowed to be carried in any province, then kirpans should also be treated in like manner but kirpans should not be made an exception because of the religious tenet of any particular community. It is very good to say that the Government should not interfere with the religion of the people of this country but we find that at the request of other communities Government has interfered with the religious rights of the people of some communities. For instance, it has been held by numerous High Courts that according to Muslim law Mussalmans are at liberty to do sacrifice in any town, in any city and in any place but still we find that, for reasons of administrative exigencies. Muslims are not allowed to do sacrifice in certain towns and in certain places. Even in Delhi, Muslims cannot perform sacrifices in their own houses. They have to carry the animal to the slaughter house. So this is an interference with religion and all this interference has been made at the representation of one community or the other. Therefore, it is not right to say that, for the sake of one community, there should be one set of rules and for the sake of another community there should be another set of rules. I say that if in any province Government allows swords to be carried without license, then the kirpans should also be included in the definition of swords but if in any province, on account of administrative difficulties, swords are not allowed to be carried without license, there should be no exception for the kirpans. One thing more, Sir. One Honourable Member, who spoke in support of the motion, said—"we have never heard that this power of carrying kirpans was abused". I think, Sir, that this is not right. During the last Shahidgunge agitation in Lahore, and generally in the Punjab, we were told that when there was a communal riot kirpans were freely used by the Sikhs, and, probably, it was for this reason that the Muslim papers and the Muslim public of the Punjab made a claim that if the Sikhs are allowed to carry kirpans in the Punjab without a license, Mussalmans should also be allowed to carry swords without a license in order to defend themselves, and it was probably in pursuance of this demand on the part of the Mussalmans of the Punjab that, under the rules now, Mussalmans in the Punjab are also allowed to carry swords without any license.

The Honourable Sir Henry Craik: That is not quite correct. There is no prohibition. Anyone can carry swords.

5 P.M.

Sir Muhammad Yakub: What I mean to say is that the grievance of the Mussalmans in the Punjab was that while the Sikhs were allowed to carry an arm all the time, Mussalmans were not allowed to carry swords and therefore they fell victims to attacks on the part of the Sikhs during the Shahidgunge riots and it was on account of this that . . . .

Sardar Sant Singh: May I interrupt my Honourable friend? He is wrong. At the time of the Shahidgunge agitation, Mussalmans had already been permitted to carry swords without a license. It was much earlier than that that the permission was granted.

Sir Muhammad Yakub: I stand corrected; probably it may have been on the occasion of some other communal riot in the Punjab, where the grievance was made by the Mussalmans that they had to go armless while the Sikhs were allowed to carry kirpans with them. So what I mean to say is that I do not want to oppose this Bill, nor do I think that it is necessary for me to support it, but what I want to submit is that there must be uniformity of treatment. If kirpans are allowed to be carried without a license, then swords should also be exempted; but if swords are not exempted in any province, then kirpans should also not be exempted, only on the ground that a handful of Sikhs living in Bombay or Burma have a grievance about it. Religious considerations should not interfere in matters like this . . . .

Mr. President (The Honourable Sir Abdur Rahim): The House stands adjourned till eleven o'clock tomorrow morning.

The Assembly then adjourned till Eleven of the Clock on Friday, the 12th February, 1937.

LEGISLATIVE ASSEMBLY.

Friday, 12th February, 1937.

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

QUESTIONS AND ANSWERS.

THIRD CLASS TOURING CARS ON THE EAST INDIAN RAILWAY.

390. ***Mr. Akhil Chandra Dutta** (on behalf of Babu Baijnath Bajoria): (a) Is it a fact that there are only three third class touring cars on the East Indian Railway? If not, what is the number of such cars?

(b) Is it a fact that several times these touring cars could not be supplied as the number was too small to meet the public demand?

(c) Are Government prepared to take steps to increase the number of such touring cars on the East Indian Railway at an early date?

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

(c) The question of constructing additional third class tourist cars is being looked into.

RESERVATION OF INTERMEDIATE AND THIRD CLASS SEATS ON RAILWAYS.

391. ***Mr. Akhil Chandra Dutta** (on behalf of Babu Baijnath Bajoria). (a) Will Government state the names of the stations at which the system of reservation of seats for intermediate and third class passengers is in force?

(b) What has been the income to railways from such reservation fees at different stations since this system was introduced?

(c) Are Government aware that there is a widespread feeling of resentment that the reservation fee of four annas per seat is far too excessive?

(d) Do Government intend to reduce this reservation fee to two annas per seat at an early date? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) So far as Government are aware, the system is in force, in some cases only for third class, at Howrah, Dehra Dun, Hardwar, Rikhikesh and Sealdah.

(b) The only information available is in regard to reservations at Howrah for the months of April and May, 1936, the amount recovered being approximately Rs. 2,900.

(c) No.

(d) This is a matter which Government must leave to Railway Administrations to decide. It is believed that on certain Railways the question has been discussed at meetings of the Advisory Committee.

Mr. Akhil Chandra Dutta: May I know what is the reservation fee for the first and second classes?

The Honourable Sir Muhammad Zafrullah Khan: I could not say definitely without notice. I think it is eight annas.

Mr. Akhil Chandra Dutta: Does not the Honourable Member think that if this is the fee for the first and second classes, then proportionately the reservation fee for the third class is too excessive?

The Honourable Sir Muhammad Zafrullah Khan: No, I do not think the proportion could be worked out on the proportionate fares.

IMPORT OF VEGETABLE OIL AND ITS ADULTERATION WITH GHEE.

392. ***Mr. Akhil Chandra Dutta** (on behalf of Babu Baijnath Bajoria): (a) Will Government lay on the table a statement showing the quantities and value of foreign vegetable oil imported into this country during each of the last five years?

(b) Are Government aware that such imported vegetable oil is sold as *ghee*, or in adulteration with *ghee*?

(c) Are Government aware that such passing off as, or adulteration with, *ghee* is detrimental to human health?

(d) What steps Government have taken to prevent such passing off, or adulteration?

(e) What are the nutritious properties of this vegetable oil as compared with those of *ghee*?

(f) Are Government prepared to take steps to prohibit the import of this vegetable oil in the interest of public health?

Sir Girja Shankar Bajpai: (a) A statement is laid on the table.

(b) to (f). The Honourable Member is referred to the information supplied in connection with Mr. Sri Prakasa's starred question No. 532 on the 22nd September, 1936, and Pandit Govind Ballabh Pant's starred question No. 1285 on the 15th October, 1936.

Statement showing the imports of "vegetable products" (vegetable ghee, vegetable fat, etc.) into British India by sea during the last five years.

Year.	Quantity.	Value.
	Cwts.	Rs.
1931-32	116,849	42,41,637
1932-33	36,659	13,45,725
1933-34	2,649	1,03,168
1934-35	4,772	1,35,924
1935-36	5,144	1,64,873

RESTRICTIONS ON IMPORTS AND EXPORTS OF INDIAN GOODS.

393. *Mr. Akhil Chandra Dutta (on behalf of Babu Baijnath Bajoria): (a) Will Government state in detail the restrictions imposed by various foreign countries against exports of Indian goods to those countries during each of the last three years?

(b) What has been the effect of such restrictions on Indian exports to those countries during the same period?

(c) Have Government imposed any counter restrictions on imports to India from such countries? If so, what are they? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) The Honourable Member is referred to the list of restrictive measures mentioned in the reply given to Mr. T. S. Avinashilingam Chettiar's starred question No. 1003 on the 9th March, 1936, which contains information up to 1935. The list is being brought up to date and will be placed in the Library when ready. The restrictions are of a general nature and are not imposed against India alone.

(b) Such restrictions hamper trade, but it is impossible to give a comprehensive reply in the form of an answer to a question asked on the floor of the House.

(c) The reply to the first portion is in the negative. As regards the second portion, the attention of the Honourable Member is invited to the reply given by me to the supplementary question of Mr. Ananthasayanam Ayyangar arising out of Mr. C. N. Muthuranga Mudaliar's starred question No. 186 during the autumn Session of 1935.

DISASTERS IN COAL MINES IN INDIA.

394. *Mr. Akhil Chandra Dutta (on behalf of Babu Baijnath Bajoria): (a) Will Government give the following details regarding disasters in the coal mines in India during the last three years:

(i) the number of such disasters;

(ii) the names of the collieries where such disasters took place;

(iii) the number of persons (males, females and children, separately) killed and wounded in each of such disasters; and

(iv) which of these collieries were under European management and which under Indian management?

(b) What steps have Government taken to prevent such disasters in future?

The Honourable Sir Frank Noyce: (a) So far as the years 1935 and 1936 are concerned, I would refer the Honourable Member to the replies given by me on the 25th January, 1937, to parts (a) to (c) of Mr. Amarendra Nath Chattopadhyaya's question No. 216. Particulars for 1934 will be found in the report of the Chief Inspector of Mines for that year. Particulars of the number of persons seriously injured in each accident are not readily available, but the following figures give the total number of persons killed and injured during 1934:

	Men.	Women.
Killed	193	16
Injured	630	62

The employment and the presence underground of children (*i.e.*, persons below 15 years of age) are prohibited under the Mines Act.

(b) The greater part of the Coal Mines Regulations is designed with a view to minimising the risk of accidents in collieries, and a large part of the work of the Mines Inspectorate is devoted to this task. So far as recent action is concerned, the Indian Mines Act was amended during the last Delhi Session in order to enable further emergency measures to be taken to ensure safety in coal mines. Three sets of temporary regulations have been issued under the Act as amended. The whole question of safety in coal mines is now under investigation by an expert committee.

REDUCTION OF THE RATE FOR TRANSPORT OF DRY CATTLE ON RAILWAYS.

***Mr. Akhil Chandra Dutta** (on behalf of Babu Baijnath Bajoria): (a) Will Government state which of the Railways have reduced the rate for transport of dry cattle, and to what extent?

(b) Is it a fact that some Railways have refused to make any reduction for this traffic? If so, why?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). I would refer the Honourable Member to the reply I gave to Mr. C. N. Muthuranga Mudaliar's starred question No. 15 and Mr. Ghanshiam Singh Gupta's starred question No. 41 on the 25th January, 1937.

SLAUGHTER OF COWS AND CALVES IN INDIA.

396. ***Mr. Akhil Chandra Dutta** (on behalf of Babu Baijnath Bajoria): (a) Will Government state the numbers of cows and calves slaughtered in India during each of the last three years?

(b) Is it not a fact that a large number of prime and milch cows and calves are slaughtered in India every year?

(c) What steps have Government taken to prevent the indiscriminate slaughter of the cattle wealth of this country?

Sir Girja Shankar Bajpai: (a) It is regretted that the information is not available.

(b) Enquiries recently made in the Presidency Towns do not bear out such a conclusion.

(c) The Animal Husbandry Expert, Imperial Council of Agricultural Research, recently visited the Presidency Towns and studied the problem of the protection and salvage of prime milch cows. The question has also been examined since by the Board of Agriculture and Animal Husbandry and by a Committee of the Advisory Board of the Imperial Council of Agricultural Research. The conclusion of the experts is that the only permanent solution lies in the production of milk outside cities. The Committee's recommendations in this behalf are under consideration.

Mr. Lalchand Navalrai: May I know from the Honourable Member if there are any orders for not slaughtering the prime milch cows, or any fresh orders have been issued after the advent of the new Viceroy?

Sir Girja Shankar Bajpai: I am not aware of any orders having been issued either since the advent of His Excellency the Viceroy or before. The position is as I have explained in answer to the question.

Mr. Lalchand Navalrai: May I know, then, that people are allowed to slaughter these prime milch cows at their own free will without any restriction whatsoever?

Sir Girja Shankar Bajpai: As far as I know, there is no legal restriction on any such act.

Mr. Lalchand Navalrai: Has not the new Viceroy been in favour of not slaughtering these prime milch cows? Have any instructions been given . . . . .

Sir Girja Shankar Bajpai: On a point of order, Sir. I do not think that my Honourable friend can refer to the personal opinion of His Excellency the Viceroy.

Mr. President (The Honourable Sir Abdur Rahim): That is quite so.

EXPORT OF BEEF FROM INDIA.

397. ***Mr. Akhil Chandra Dutta** (on behalf of Babu Baijnath Bajoria): (a) What is the total quantity of beef exported from India during each of the last three years?

(b) Do Government intend to take any steps to prohibit such exports? If not, why not?

Sir Girja Shankar Bajpai: (a) A statement is laid on the table.

(b) The action proposed by the Honourable Member is not necessary.

Statement showing the quantity of beef—dried or otherwise—exported from India during 1934-35, 1935-36 and 1936-37 (upto December, 1936).

Year.	Beef exported.
	Cwts.
1934-35	35,997
1935-36	40,697
1936-37 (upto December, 1936)	16,796

REPORT OF THE OFFICER DEPUTED TO ENGLAND TO STUDY THE PROCESSING AND HANDLING OF MILK IN DAIRY FARMS.

398. ***Mr. Akhil Chandra Dutta** (on behalf of Babu Baijnath Bajoria): (a) Is it a fact that an officer was deputed to England to study the processing and handling of milk in dairy farms in that country?

(b) Has that officer returned to India and submitted his report? If so, has this report been published?

(c) What steps are Government taking on his report?

Sir Girja Shankar Bajpai: (a) An officer, on leave in England, was given a grant by the Imperial Council of Agricultural Research to study the handling and processing of milk and other dairy products at dairy farms, creameries and factories in the United Kingdom and on the Continent.

(b) and (c). The officer has submitted his report, which is an account of the training he received and not of sufficient general interest to justify publication. Government propose to utilise the experience gained by this officer in training and research work at Bangalore.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred questions Nos. 939, 941 and 942 asked by Pandit Lakshmi Kanta Maitra on the 9th October, 1936.

READYMIXED RED OXIDE PAINT PURCHASED BY THE NORTH WESTERN RAILWAY.

Question No. 939.—(a) Yes.

(b) and (d). Cheaper prices have been quoted for certain varieties of readymixed red oxide paints, but those paints differ in composition from that mixed by the North Western Railway and it was decided to adhere to the existing practice until trials had shown whether any change would give more satisfactory results.

(c) Rs. 2-5-0 per gallon, approximately.

(e) and (f). Figures of covering capacities of these paints are not available.

(g) No. The Bombay, Baroda and Central India Railway usually purchase red oxide in the dry condition.

(h) The cost ready for use is approximately Rs. 2-4-0 per gallon.

TESTING OF READYMIXED BLACK PAINT.

Question No. 941.—(a) It is not a ~~fact that,~~ as a general rule, readymixed paints are not tested at the Government Test House, although, with a view to reducing the work of testing *standard* sample, readymixed paints are not tested in cases in which standard samples of corresponding stiff paint have been submitted. The samples reported in test certificate No. 721-C., dated the 5th June, 1930, were not standard samples. There was, therefore, nothing unusual in these samples being tested by the Government Test House.

(b) Samples representing supplies of readymixed paints are analysed to ascertain whether the pigment corresponds with that of the standard samples of stiff paints. Where an item of readymixed paint in Indian Stores Department contracts has no corresponding item of stiff paints, standard samples of the readymixed paints are registered and tested for comparision with supplies.

(c) Presumably "Messrs. Jenson and Nicholson's 3 per cent. carbon black readymixed black paint" refers to the firm's "Paint black special readymixed for underframes and wagon bodies." The composition of the pigment of this paint is similar to that of the firm's "Paint black stiff for underframes and wagon bodies" supplied at Rs. 9-7-0 per cwt. on rate contract basis against I. S. D. Tender No. 0-4/M. for 1932-33.

(d) Yes.

(e) It is not a fact that Jenson and Nicholson's readymixed black paint was purchased because the East Indian Railway was not satisfied with Jenson and Nicholson's stiff or moist black paint. The 50 gallons of readymixed paint were purchased for test purposes.

The figure quoted by the Honourable Member in respect of the area covered by this paint is not considered reliable, as there is some doubt as to whether the wagons on which this paint was applied, were painted only externally or both inside and out.

(f) Three and not four lots of Jenson and Nicholson's readymixed black paint were purchased by the East Indian Railway for test purposes, *viz.*, two lots for covering capacity tests and a third lot for an endurance test.

As regards the first test for a covering capacity the Honourable Member's attention is drawn to the reply to the latter part of part (e) of this question. The results of the 2nd covering capacity test were duly recorded. The results of the endurance test which are now available, as the wagons dealt with are passing through shops, indicate that the paint in question is satisfactory.

The reason why Messrs. Jenson and Nicholson's readymixed paint was purchased before the results of the endurance test were available was because the Government Test House, Alipore, found on examination, that this paint corresponded with the standard sample of stiff black paint for wagons and this firm's stiff black paint had given satisfactory results. Also, the Eastern Bengal Railway reported that after 3 years' trial under everyday service conditions, Jenson and Nicholson's ready mixed black paint had proved satisfactory. No preference has been given to any firm.

(g) Yes. The wagons are inspected as they pass through workshops.

(h) Yes, in the case of standard type wagons.

Refusal by the East Indian Railway to accept Black Paint of a certain Firm.

Question No. 942.—(a) As the test referred to by the Honourable Member, was an endurance test, a detailed record was not kept of the number of gallons used on the 105 wagons painted.

(b) No.

(c) Yes, but prior to the receipt of the letter referred to by the Honourable Member, the Deputy Chief Mechanical Engineer was under the impression that he was being supplied with 20 per cent. lamp black moist paint which he had asked for during 1930.

(d) The Deputy Chief Mechanical Engineer, East Indian Railway, Lillooah, refused to accept Murarka's 3 per cent. stiff black paint as he preferred their special ready-mixed black paint.

(e) The Honourable Member's attention is drawn to the 'Rules for the supply of articles required to be purchased for the Public Service,' promulgated with Industries and Labour Department Resolution No. S.-217, dated 12th December, 1929, a copy of which is available in the Library of the House.

Information promised in reply to unstarred question No. 182 asked by Mr. Amarendra Nath Chattopadhyaya on the 16th October, 1936.

Grant of an Allowance to the Clerks in the City Booking-Offices.

(a) It is presumed that the question refers to local allowances. If so, office staff, such as draftsmen, clerks, typists and stenographers employed at Calcutta, Howrah and Lillooah who draw pay in the scales of pay introduced in 1928 or the revised scales of pay introduced in 1934 draw local allowance at 10 per cent. of their actual pay.

(b) The staff employed in the city booking offices are not office staff and are therefore not entitled to the local allowance in question.

(c) Since the considerations which have led to the grant of a local allowance to office staff at Calcutta, Howrah and Lillooah, do not hold good in the case of the other staff on the East Indian Railway, there seems to be no inequity in the treatment accorded to the latter in this respect.

Information promised in reply to parts (c) and (d) of unstarred question No. 1 asked by Mr. Mohan Lal Saksena on the 25th January, 1937.

FIRST AND INTERMEDIATE CLASS WAITING ROOMS ON THE EAST INDIAN RAILWAY.

(c) The respective number of stations where separate waiting rooms for first and intermediate class passengers exist at present are:

(i) First Class (excluding those for ladies only)	11
(ii) Intermediate Class (excluding those for ladies only) . .	41

(d) The number of stations where no arrangements exist at present for intermediate class passengers excepting third class passenger halls is . 519

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

DATE FOR GENERAL DISCUSSION OF THE RAILWAY BUDGET.

Mr. President (The Honourable Sir Abdur Rahim): The following Message has been received from His Excellency the Viceroy and Governor General:

"With reference to my Message, dated the 30th January, 1937, appointing Friday, the 19th February, for the general discussion in the Legislative Assembly of the statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of Railways, I, Victor Alexander John, Marquess of Linlithgow, hereby direct that the said general discussion shall take place on Thursday, the 18th February, in place of Friday, the 19th February, 1937.

LINLITHGOW,
Viceroy and Governor General."

NEW DELHI;
The 10th February, 1937.

STATEMENT OF BUSINESS.

The Honourable Sir Nripendra Sircar (Leader of the House): Sir, the Assembly will not sit on Monday, the 15th, on account of Basant Panchami. On Tuesday, after the presentation of the Railway Budget, a motion will be moved for the election of Members to the Standing Committee of the Department of Industries and Labour. Thereafter, a motion will be made for the introduction of a Bill to provide for the grading and marking of agricultural produce. No other business will be brought forward on that day. Thursday, the 18th, has been allotted for the general discussion of the Railway Budget, and Wednesday, the 17th, has been left free for study of the Budget papers. On Friday, the 19th, motions will be made for taking into consideration and passing the following Bills:

The Bill to provide for the grading and marking of agricultural produce,

The Indian Boilers (Amendment) Bill as reported by the Select Committee,

The Indian Electricity (Amendment) Bill as reported by the Select Committee,

The Indian Naval Armament (Amendment) Bill, and

The Workmen's Compensation (Amendment) Bill.

Thereafter, the Resolution regarding the emigration of labour to Burma will be discussed.

RESOLUTION *RE* REVISION OF PENSION RULES FOR INFERIOR SERVICES.

Mr. N. M. Joshi (Nominated Non-Official): Sir, I move:

"That this Assembly recommends to the Governor General in Council the urgency and necessity of so revising the new (revised) pension rules applicable to the inferior services recently sanctioned by the Government of India as to secure rates of pension to the members of those services on the lines of the rates sanctioned for the inferior services of the Bombay Government."

Sir, two days ago, my Honourable friend, the Deputy Whip of the Government Party, came to me and asked me whether I proposed to move my Resolution this morning. I thought he was wondering that in view of the fact that the Congressmen and some other non-official Members of this Legislature are not present today, I might not move my Resolution. But, Sir, I decided to move this Resolution even in this thin House even when the Congressmen were absent, and my Honourable friends of the Independent Party were absent and even though the weather today was not very favourable. I decided to move my Resolution, because I felt that in this Resolution I am making a proposal which deserves to be supported not only by the Congressmen and by the Independents and by those who are absent, but by all, not only the non-official Members, but by Members sitting on the Government Benches sitting behind the Honourable the Finance Member. The people about whom I propose to talk this morning are those people who render loyal and even meritorious service to the people who sit behind the Honourable the Finance Member, and I have absolutely no doubt that those people who are sitting on the Government Benches, if given freedom, will not only vote for my Resolution, but even will speak in support of it.

Mr. President, two years ago, during the budget discussion, I moved a token cut on this subject. The same year in the other place, a Resolution was moved, and as a result the Government of India promised to revise the rates of pension and the rules for pension for the subordinate inferior services. The revision was made, but unfortunately the rules framed and the conditions of pensions proposed were so inadequate—I may say very niggardly—that I felt that I am justified today in occupying the time of the House in asking it and asking the Government of India to revise those rules again. Moreover, I felt that at present we have a Finance Member who is not, if I may say so, very conventionally hidebound by red tape, and, I am sure, he will not refuse to revise his decision only on the ground that he had decided the matter only a year ago. I feel that if this House convinces him and if the Honourable Members who are sitting behind him also convince him if not by speech made on the floor of the House but by some other tokens that the cause I am putting before this House is a just one, I have no doubt that he will be ready to revise his decision even though his last decision was taken only a year ago. This

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question has a long history. Originally, the pensions of these subordinate inferior servants were fixed at Rs. 4 per month. Perhaps this low rate of pension was fixed, because the average salaries paid to the men belonging to the inferior service were in those days about Rs. 6, Rs. 7, or Rs. 8. The salaries rose as the cost of living rose year after year. The climax was reached during the war and sometime after the war. The Government of India revised the pension rules as applicable to the subordinate inferior service and some other services also. But the Government of India at that time was either too busy or felt the stringency of money only for revising the pensions of the inferior services and at that time sanctioned only a temporary increase from one rupee to two rupees for the inferior services. Then during the last 15 years, several Members of this Legislature drew the attention of the Government of India to the fact that the pension rules for the average inferior services required a revision very urgently. The Government replied year after year that the matter was under their consideration. For 15 years the Government of India considered this matter and at last in 1935 they were persuaded to take up this question seriously in hand.

I shall not tire the House by giving details of the pension rules for inferior services. But I shall mention only a few facts and compare them with the rules which the Government of India have made for what are known as subordinate superior services. In the first place, the revised rules, made by the present Finance Member, increased the maximum rate of pension from Rs. 5 or Rs. 6 to the number of years of service of an employee divided by eightieth part of the salary of the employee belonging to the inferior service. They also laid down the maximum, namely, that the pension of these services shall not go beyond Rs. 8 generally. There were some classes of people belonging to the inferior services who were allowed an increased pension, a larger pension than Rs. 8, but generally speaking the maximum was Rs. 8. Sir, if you compare this rate of pension given to the subordinate superior services, you will find that an injustice has been done even after the revised pension rules to the subordinate inferior services. In the case of the subordinate superior services the maximum is one-half of the salary. Not only this. I feel when the Honourable the Finance Member began revising the rules and came to the decision that the pension should be raised from Rs. 6 to Rs. 8 a month, he got alarmed and somehow felt that his generosity had begun to overflow and he must stem the tide of that overflow by laying down certain conditions to the disadvantage of the men belonging to the inferior services. He raised the pension rate from Rs. 6 to Rs. 8, but at the same time he raised the qualifying period of service for the maximum pension from 30 years to 40 years, with the result that those persons belonging to the inferior services who took up service after 20 years of age *i.e.*, at the age of 21 or 25 or 30, could not get the full rate of pension. The Government of India also made another rule to the disadvantage of the men belonging to the inferior services by making this revision. Men belonging to these services could continue in service till the age of 65, but the revised rules provide that they could not serve beyond 60. Now, Sir, it is known not only to me but to most of the people sitting on the Government Benches that those who take up inferior services under the Government of India do not necessarily join at the early age of 16 or even at the early age of 20. Many of them are recruited at a higher age; some of them are taken in service at the age of 25.

Now, if you have a rule that a man cannot be entitled to full pension unless he puts in 40 years' service, and if you make a rule that a man cannot remain in service after 60, then the man who enters service after the age of 20 will never become entitled to full pension. It is in these ways that the Finance Member made conditions on account of which what he proposed to give away with his right hand he took away with his left. Sir, in the case of the superior services not only do the Government of India give one-half pension but they give it after 30 years' service. I do not know why in the case of men belonging to the inferior services the Government of India should insist upon 40 years' qualifying service. Then, Sir, the Government of India have made some other rules regarding people who cannot put in the full period of qualifying service. They give some pension called compensation pension; they give also invalidity pension, and they also give sometimes a superannuation pension, for people who put in more than 25 years' service and who retire either on account of the fact that they are discharged due to reduction of establishment or on account of the fact that they become permanently invalid or on account of the fact that they become superannuated, *i.e.*, whose age goes beyond 60. Even in the case of these people the rate of pension is low. In the case of men belonging to the subordinate superior services, the rate of pension is the number of years of service divided by 60th part of the salary but in the case of men belonging to the inferior services the rate provided is the number of years of service divided by 80th part of the salary, which is a much lower rate. Moreover, Sir, the Government of India were not content with making this discrimination against the inferior services. A man, belonging to the subordinate superior service, is entitled to compensation pension or superannuation pension or the invalidity pension after a service of ten years, but a man belonging to the subordinate inferior service can only get either the compensation pension or the invalidity pension or the superannuation pension after 25 years of service. I do not know why this distinction should be made, why a clerk should get an invalidity pension after 10 years' service and why a chuprassi should have to wait for 25 years to get compensation, invalidity and superannuation pensions.

Then, Sir, the Government of India have made rules for people who are not qualified for pensions. These people get some gratuity and not a pension. Even here in the case of gratuity, the Government of India have made a discrimination against people belonging to the inferior services. A man belonging to the subordinate superior service gets gratuity, if he is not entitled to pension, at the rate of one month's pay for every year of service, but a man belonging to the inferior service gets only one-half month's pay for every year of service. Now, Sir, I do not know again why this discrimination should be made against the inferior services. Sir, there are other rules made by the Government of India providing for a little higher pension for duftries, record sorters and record lifters and some other classes of people. The number of such people is extremely small, and, therefore, Government became a little more generous. But even then the Government of India would not give these duftries and record sorters and record lifters half pension. They have raised the pension a little higher than Rs. 8, but not raised it to the maximum of one-half of the monthly salary. I feel, Sir, that the Government of India should revise these pension rules. There is absolutely no reason why any discrimination should be made as regards the qualifying period of service and as regards the rate of pension. One can understand the Government of India making a discrimination or distinction or difference between the salaries paid to the in-

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ferior services and to clerks and other members of the subordinate services. But as regards the rate of pension I cannot understand why any discrimination should be made. Similarly, I cannot understand why any discrimination should be made as regards the service necessary for qualifying for full pension and compensation, invalidity and superannuation pensions. I, therefore, suggest to the Government of India that they should give serious consideration to this matter; they should revise their decision although that decision is a very recent one. It is true that the members of the inferior services are not educated; they cannot agitate as the clerks do. The services to which the clerks belong have got their magazines and papers, they have their organisations and they somehow are capable of defending their interests. But these members of the inferior services are generally uneducated people: they have no political influence. Up to very recently, they had no vote, with the result that their case went by default. I, therefore, hope that the Government of India will give serious consideration and a very generous consideration to the proposal which I have made. I have not made the proposal that all the rules of the subordinate superior services regarding pension should be made applicable to the subordinate inferior services. I am an inveterate moderate, and I believe in compromise. I have, therefore, proposed that the Government of India should, as a first step, adopt the pension rules for subordinate inferior services which are made by the Government of Bombay for the inferior servants in the province of Bombay. These rules provide that after 30 years' service a member belonging to the inferior services should get a pension equal to half of his monthly salary. It might be said that the Government of India is a bigger Government is the central Government and will not like to follow the example of a provincial or subordinate Government. I can understand this feeling of the Government of India if they do not follow the examples of the subordinate provincial Governments in matters which are to the disadvantage of the members of the inferior services. Recently, it came to my knowledge that the Government of India have reduced rent allowance given in Bombay by Rs. 2 a month. I asked a friend of mine in Government service—I am not giving out any official secret . . . .

The Honourable Sir James Grigg (Finance Member): Was he giving out any official secret?

Mr. N. M. Joshi: No. I asked him what was the reason for reducing the rent allowance of the postmen in Bombay. He told me "It is not our fault. The Bombay Government has reduced the rent allowance; therefore, we did it". Now, if the Government of India is going to follow the example of the Bombay Government in reducing rent allowances paid to the employees of the Government of India on the ground that the Bombay Government has reduced the rent allowances, may I ask the Honourable the Finance Member whether he will not revise the pension rules of the inferior services working under the Government of India on the ground that the Bombay Government has increased the rates of pension for the inferior services in Bombay, and on the ground that the Bombay Government gives full maximum pension to its inferior services after thirty years' service? I hope the Government of India will follow the noble example of the Government of Bombay. I would say a word to my colleagues on the non-official benches that this is not a matter in which our party politics has any bearing at all. This is a non-political matter. I would, therefore, ask my colleagues on the right as well as on the left . . . .

Mr. Akhil Chandra Dutta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Where are they? Are they present here?

Mr. N. M. Joshi: Wherever they are, to give fair consideration to the proposal which I am making and support me. May I also make an appeal again to the Members on the benches behind the Honourable the Finance Member? My Honourable friend, Sir Leslie Hudson, asks me what is the number of members of the inferior service. I tried to get information on this subject last Simla Session, from the Honourable the Finance Member, by asking questions; but the Honourable the Finance Member thought it was too great a trouble to find information on this subject. But I can give some information which was given in the Council of State by Sir Alan Parsons, the then Secretary in the Finance Department. He said, in the year 1935, that if the pension rates were increased by one rupee, the Government of India would have to spend about a lakh of rupees per year. The pension rates have been raised by Rs. 2. If the Government of India had not put in other conditions, the maximum required by the Government of India for the revision of rates would have been Rs. 2 lakhs: but in view of the fact that the Government of India raised the period of qualifying service from 30 to 40 years, my estimate is that the expenditure required for the revision made by the Government of India will not come to more than a lakh of rupees. I hope the Honourable the Finance Member, when he makes a speech, will give the necessary information to my Honourable friend, Sir Leslie Hudson. I shall not take up any more time of the House. I shall commend my Resolution for the support of the House on all sides.

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

"That this Assembly recommends to the Governor General in Council the urgency and necessity of so revising the new (revised) pension rules applicable to the inferior services recently sanctioned by the Government of India as to secure rates of pension to the members of those services on the lines of the rates sanctioned for the inferior services of the Bombay Government."

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, one has no alternative but to support this Resolution which has been so ably, so strongly and so pathetically moved by my friend, Mr. Joshi, today. His appeal is not only to the Government of India, but individually to every Member of this House to support this humane Resolution which he has so bravely put before the House . . . .

Mr. N. M. Joshi: Just Resolution.

Mr. Muhammad Azhar Ali: . . . . and he is right when he says that it is a just and most appropriate Resolution. One has to see whether this Resolution has any political side to it or any other side except the economic condition of the poor people of this country. It can be very easily argued that inasmuch as the subordinate services have not much to do with the ruling nation, with the ruling community in this country, therefore, not much thought has been given to this side of the question. Sir, the subordinate services, I am perfectly sure, render far greater and far more useful services to the Government and the country at large than any other class of servants. We often find that peons and men of their status go about from door to door even at late hours in the night to deliver letters and messages to the public. I find that even the inferior servants of the Assembly Office

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go about at night time to deliver papers to the Members of the Assembly, and I do really feel for them, because they are not provided with any sort of conveyance, they have no other amenities provided, there is none to look after their homes and families when these people go about doing their duty, and they can't save much money to educate their children. Even Government have not been kind enough to provide free education to the children of these inferior servants. Under these circumstances, when these people render their life-long services to the Government and to the country, it is the greatest hardship, it is the greatest cruelty that the Government are inflicting by not giving them a helping hand even in their old age after all their service to the Government and the country. Sir, those who are in the higher services are able to accumulate and lay by something for their old age; they have also great chances to make money in other directions, but these poor peons have nothing else to fall back upon after their loyal service, extending over 30, 35 and 40 years, except the small pension. Under these circumstances, we have only to appeal to the Government to consider this matter with the sympathy it deserves and do them a good turn. My friend, Mr. Joshi, has put the matter properly when he said that the Members of the Government, especially those in the higher services, should not sit with folded hands thinking that they are quite comfortable in their homes, because, Sir, the day will come when they will find that the sons of these very people who are so poorly paid going on a strike, and then our officer friends will feel the pinch. Sir, Government ought to take a lesson from the strikes which are going on in the country, they must take a lesson from the agitation that is carried on in the country, and they must take time by the forelock and compensate these poor people, otherwise Government themselves will be the losers in the long run. Sir, I support the motion.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I shall not give any threat to the Treasury Benches that any strikes will be launched or anything serious will be done to them, but I will appeal to their generosity on this matter. I find on the business paper today six Resolutions, and I think this is the only Resolution that will be discussed in the House today. I would, therefore, call this day the poor man's day in the House. I see that the Government often profess solicitude and sympathy for the welfare of the poor people, and today is a day of their trial.

Sir, this Resolution merely requests the Government to put the inferior servants in the Imperial Government on the same level as the inferior servants under the Bombay Government. It cannot be denied for a moment that these inferior servants are overworked, and they are not paid in proportion to the amount of work they do. However, they do not grumble now much on that score, though, of course, they would very much like to have an improvement in their salaries, but what they at present do ask is, for a small increase in their pension so that they may live comfortably after all their hard work for years, after their retirement. This Resolution makes a recommendation that the pension rules of the inferior service people should be improved. Now, Sir, in regard to this question, there are one or two matters which require to be cleared up. My friend, Mr. Joshi, said that these people have to put in 40 years service before they are eligible for full pension, but I should like to know if the information that I got is correct, that they have also got to attain the age of 60 years before . . . . .

Mr. N. M. Joshi: No, they have to put in 40 years; they cannot serve beyond 60.

Mr. Lalchand Navalrai: I know that they cannot serve beyond 60, and the Honourable Member wants that they should serve even after 60, but my information is that there is differential treatment in regard to the ministerial services in the Government of India in that they have to serve for 25 years before they can retire . . . . .

Mr. A. H. Lloyd (Government of India: Nominated Official): They won't have to retire after 25 years. The question is not when they are required to retire; the question is when they will earn their pension.

Mr. Lalchand Navalrai: They have to put in 25 years' service before they retire . . . .

Mr. N. M. Joshi: No, no; they cannot get full pension after 25 years, they must put in 30 years.

Mr. Lalchand Navalrai: I am asking about inferior servants.

Mr. N. M. Joshi: They have to put in 40 years.

Mr. Lalchand Navalrai: The point is that the present rules require revision as they show differential treatment. Their grievance is that they are required to put in 40 years service and not allowed to serve after attaining the age of 60 years, and then their maximum pension is limited to only Rs. 8. On this point again, I would like to know what is the class of inferior servants my friend, Mr. Joshi, was referring to, when he said that they were only paid a maximum of Rs. 8, because I am told that there are inferior servants who get salaries exceeding Rs. 20 or Rs. 30 . . . . .

Mr. N. M. Joshi: May I tell my friend that these inferior servants are spread over most of the Departments, but the largest number of inferior servants are employed by the Postal Department, and many of them like telegraph messengers get salaries more than Rs. 30 or Rs. 40, and in their case the hardship is the greatest.

Mr. Lalchand Navalrai: I also find that the personal pay of these inferior servants is not included in calculating the amount of pension. It is further urged that no invalid pension is available to them. They are not allowed to commute any portion of their pension after retirement. Commutation is a great help to these poor people.

The Honourable Sir James Grigg: Is it a great help to let them deprive themselves of their support in their old age?

Mr. Lalchand Navalrai: But you have it for other services, and why should you differentiate as regards these poor men?

The Honourable Sir James Grigg: Everybody has an inalienable right to dissipate his resources in any way he likes?

Mr. Lalchand Navalrai: On the contrary, these poor people will preserve instead of dissipating it. The point is the Government is required to be a little more liberal and the Honourable the Finance Member to be not so hard with regard to these poor men. Further, every ministerial servant who serves for 30 years and retires at the age of 55 is entitled to full pension. If these people are given the same privileges by the Bombay Government, I do not see why that different treatment should be given in respect of the inferior servants at the centre. Then, these inferior servants have no right to join any provident fund, but they certainly do need some capital at the time of their retirement. They cannot commute as I have already said. I submit, therefore, that these servants should have revised rules which would be of great help to them. There is always one objection which is raised, and that concerns the pocket of the Finance Member. The Honourable the Finance Member wants to keep his pocket very tight, but in the case of these poor men he ought to have some mercy. The reply that will come from the Government Benches if they are going to oppose us . . . . .

Mr. N. M. Joshi: Don't anticipate. It may be good.

Mr. Lalchand Navalrai: It would be only on the ground of financial stringency, or no finances, or even bankruptcy. There is no bankruptcy in the Government of India, nor is there any difficulty with regard to the finances, and, as has been explained by my Honourable friend, Mr. Joshi, the improvement in these rules will cost only a lakh of rupees.

Mr. N. M. Joshi: I did not say that. I said the revision has cost them about a lakh of rupees.

Mr. Lalchand Navalrai: Supposing it costs the Government more, and certainly it will cost them more than what they pay now, I say the question will be, are they misplacing that, or are they giving the money to those men who deserve? If the Government want that there should be any reimbursement in that direction, let there be some cut in the salaries or pensions of the very superior officers or people who get Rs. 7,000 or 8,000 a month. I think some cut may be made there and these people provided with some improvement in the rules. With these words, I support the Resolution most heartily.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): I do not think that there was anything in this Resolution which required heated speeches. My Honourable friend, Mr. Azhar Ali, who came this morning from his sick bed at the expense of his health, delivered the sort of speech for which he would certainly have received loud applause if that had been delivered in the Chandni Chowk, but there was no occasion for making a speech like that in this House. This Resolution is, more or less, a sort of petition. The idea of bringing this Resolution in the House is that you plead the cause of the inferior subordinate servants before the Government in order to secure some more facilities for them in the matter of their pensions. But if we start fighting over this Resolution, if a man, who comes with a petition, starts by giving a slap on the face of the man from whom he wants to get something, I am sure, he will do more harm than good to his own cause.

Mr. Lalchand Navalrai: I hope I have given no slap.

Sir Muhammad Yakub: I do not know. The Honourable Member from Sind yesterday said that Sind was not a savage province. I do not know if the speech which he has delivered this morning would prove whether Sind is a savage province or a civilised province. (Laughter.)

Mr. Lalchand Navalrai: What about Moradabad?

Sir Muhammad Yakub: You get polished vessels, polished things and everything which is nice, from Moradabad.

Mr. Lalchand Navalrai: You get fine vessels from Sind.

Sir Muhammad Yakub: We have got a specimen of it on the floor of this House.

Mr. Lalchand Navalrai: We have got a specimen of Moradabad here.

Sir Muhammad Yakub: I do say that Government have done something to ameliorate the condition of their subordinate servants. It has just been pointed out that the salaries of the postmen were increased from Rs. 10 or Rs. 12 a month up to Rs. 40. In the same way, we have noticed that in other departments also the Government have done a good deal to improve the condition of the subordinate services, but still I do think that the new rules, which have lately been framed, create some invidious distinctions and bring some hardships on the subordinate servants to which we must draw the attention of the Government of India. All these disabilities have been pointed out by my Honourable friend, Mr. Joshi, who has carefully gone through these rules. The great hardships in these rules are that a subordinate employee would be entitled to full pension only after he has served for 40 years. Now, this means that practically these people are deprived of the opportunity of enjoying any pension at all, because the average age of a man in this country, and particularly of a man who lives the hard life of a subordinate official, is less than 60—very few of them live even up to the age of 60; most of them die between the ages of 50 and 55. If a man is required to put in a service of 40 years before he earns full pension, it means—generally it is not expected that a man will enter into service before the age of 20—that a man would retire only at the age of 60, and as soon as he retires he will die the next day or so, and in that way he will not be benefited by the pension. According to the rules, it is said that these subordinate officials will get full pension after they have served for a sufficient period, but the period at which they earn their pension has been put so high that not more than two or three per cent. of them will live to get any pension at all, and that, too, for not more than two or three years.

Mr. Muhammad Azhar Ali: Take care that you do not give a slap lest you should get it back.

Sir Muhammad Yakub: The Honourable gentleman has just come from his bed of illness and he puts in his appearance here after a week or so; he knows nothing and still he tries to pass strictures on other Honourable Members. Has he quoted any rules? Does he know what were the old rules and what are the new rules? It is no use standing in this House and making a spirited speech without knowing anything about the subject matter of the Resolution.

Mr. Lalchand Navalrai: On a point of order. Is it permissible for a Member to say that another Member knows nothing at all, and that, instead of coming here, he should go to Chandni Chowk? He had better go there.

12 NOON.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member said that the Honourable Member (Mr. Azhar Ali) did not study the rules on which he was speaking. The Chair does not think there is anything wrong in that.

Sir Muhammad Yakub: This is a point which deserves a great deal of consideration, and I hope that Government will see that the age at which subordinate employees earn their full pension is reduced to such a reasonable extent that a man can expect to live to draw his pension for a few years. Another hardship is brought about by this rule which says:

"Compensation pension, invalid pension or superannuation pension of the amount set out in Schedule I may be granted if the qualifying service on discharge or retirement is not less than 25 years."

This period of 25 years is too long. Supposing a man becomes invalid or he is seriously injured during the course of his service on account of some accident and he has not completed his service for 25 years, it would be very hard if he is not allowed any pension or anything as compassionate allowance for the service which he has rendered. So, I think that this rule should also be amended, and this period should be brought down to a more reasonable level. I think the ten years, that has been suggested by Mr. Joshi, are quite reasonable. If a man has put in a service of ten years, and after that he is invalided or in any way he becomes incapable of rendering more service, he should get some pension in order to have his livelihood.

Then, the third point, which I would like to place before the House, is that these people cannot commute their pension. As has already been pointed out, if a man retires at the age of 60, it is not expected that he would live long enough to earn the fruits of his labour, and he certainly requires some money when he retires. Therefore, if he is allowed to commute his pension, I think it will be more beneficial for him, and probably he would be able to pass his last days in a comfortable way, instead of giving him a pension which he has no hope of getting even for a few years. These are a few points which need attention, and I hope that the Honourable Members of the Government will give the matter their serious consideration. I hope that this Resolution will receive attention and care in the spirit in which it has been proposed, and that poor servants of Government will receive some amenity, and these rules will be revised in order to give them some ease and facility. With these words, I support the Resolution.

The Honourable Sir James Grigg: The Honourable Member from Sind said that this was "the poor man's day". I have no claim to be a poor man, and it is certainly not my day, because I stand before you and claim that I am the most unfairly treated man in India. Little more than a year ago, we adopted an improvement in the scale of pensions to what we, perhaps somewhat bluntly, call inferior servants. This was in response to a request of Mr. Joshi and a recognition, a partial and very small recognition, of his almost unfailing support of Government. Now, he says that

the improvements are not improvements at all or, if they are, they are inadequate, and that we must adopt the scales applicable to inferior servants in the Bombay Presidency. It has become the custom in this House, more particularly in the last two or three days, to attach names to Honourable Members which are not their own but those of some famous persons whom they are imagined to resemble. For instance, I myself have in the past day or two suffered from being called Hitler.

Sir Muhammad Yakub: A very nice cartoon has appeared in the "Hindustan Times" showing Hitler going with his fixed bayonet.

The Honourable Sir James Grigg: This fashion is obviously capable of almost unlimited extension, and I think we might start with Mr. Joshi, and there is a very good one for him. Incidentally, before I pass away from that subject if it is in order, I should like to repudiate the name attached to me.

Mr. F. E. James (Madras: European): More in sorrow than in anger.

The Honourable Sir James Grigg: Having been ill-treated, I might be allowed to indulge in a little ill-treatment in return and attach to Mr. Joshi the label of Oliver Twist in which mould he is obviously cast. Everybody knows of the characteristic of Oliver Twist—he was always asking for more. Having got a pretty good instalment little more than a year ago, not only does he ask for more now, but he proposes to go on asking for more till the end of time or the end of his life.

Mr. N. M. Joshi: Why not?

Sir Muhammad Yakub: He has been nominated by the Government for this purpose. It is not his fault.

The Honourable Sir James Grigg: After these few mildly flippant preliminary observations, I might address myself to the subject of the Resolution. Mr. Joshi has referred to the analogy of Bombay, ignoring the fact that in Bombay standards of expenditure and the cost of living, I think I am right in saying, are probably higher than in any other part of India. I leave this aspect aside and turn to the real implications of Mr. Oliver Twist's demand. I maintain that this demand is in effect a monstrous infringement of the constitutional freedom of the centre. We have been debating constitutional questions a good deal lately particularly in relation to the rights of Provinces, but I say that this demand is a monstrous infringement of the constitutional freedom of the centre. It is in effect a claim that in all service conditions attaching to the people whom he claims to represent, the Government of India should adopt the highest standard set by the highest province. Apart from the fact that what suits Bombay will not necessarily suit Delhi, and apart from the fact that such a plan has wider implications and would be very expensive, it would clearly, over a wide field, amount to a surrender of our freedom and make us the helpless victims of provincial caprice, extravagance or generosity, call it what you like, according to your political views; and not only that, as the Government of India sets the standard for other Provinces —I mean sets a minimum standard, it does not necessarily set the

[Sir James Grigg.]

maximum standard, otherwise this debate would not have been raised—as the Government of India sets a minimum standard for other Provinces it means that not only do we surrender much freedom by being forced to follow the highest Province but that the other Provinces are also forced to follow that example too. Sir, I feel I must unflinchingly defend the constitutional privileges and prerogatives of my successors; but quite apart from that, I have no hope whatever that Oliver Twist can ever be satisfied.

Mr. N. M. Joshi: Give me something—I shall be satisfied today.

The Honourable Sir James Grigg: After all, we must remember the poem of Browning:

"Leave now for apes and dogs—man has for ever."

Sir, I have not the slightest doubt that Mr. Joshi's satisfaction will not last for more than one day,—let alone for ever.

Mr. N. M. Joshi: One year.

The Honourable Sir James Grigg: As I say, I have no expectation that Oliver Twist is ever going to be satisfied, and, therefore, I must, on both these grounds, oppose the Resolution. I do not mean to say at all that we refuse for ever to reconsider these scales or the conditions; for example one of the points raised has related to the qualifying minimum period of forty years. I think, in course of time, that particular provision is one which we might reconsider. On the other hand, on the commutation point, I am afraid, possibly mistakenly, that I have no sympathy whatever with the point of view put forward, because it seems to me that if you provide a monthly pension for your servants who *ex hypothesi* have not been able to save anything very much for their old age, to allow them to dissipate it in one burst is really quite contrary to the idea of a pension scheme at all, and on that point I have no sympathy whatever with the demand in that respect; and as long as I am here, you can expect that there will be no alteration.

Sir Muhammad Yakub: For two years more.

Mr. F. E. James: And then the Flood. (Laughter.)

The Honourable Sir James Grigg: However, as I say, I have no sympathy on that point. I do not, in the least, maintain that there will not come a time when we ought possibly to reconsider some of the points in the new pension scales, but at the moment—it being a little more than a year old—I think it is too early, before we have seen the working out of the scheme, to undertake any revision; and, in any case to put it at its lowest, I think, since the original Oliver Twist was made to wait a bit, I do not see why the Indian Oliver Twist should not be made to wait a bit. Sir, I oppose the Resolution.

Mr. N. M. Joshi: Mr. President, I shall only say a few words in reply. The reply given by the Honourable the Finance Member is rather difficult

to be accurately described. I do not mind being described as Oliver Twist or by any other name. What I would like the House to remember is,—if Oliver Twist asks for more and more, we should consider whether he deserves to get more and more or not, and if Oliver Twist does deserve to get more, well, let him have it. (*An Honourable Member*: "Hear, hear.") Sir, the Honourable the Finance Member said that in following the example of Bombay, there was some kind of humiliation for the Government of India. He put it in a different way; he said, this infringement on the constitutional rights of the Central Government was such that the Government of India considered it to be a humiliation to submit to that. But I would suggest to the Honourable the Finance Member not to take it in that light. If the Bombay Government is a good Government,—it is subordinate to the Central Government—and the Government of India should have the aspiration to be a little better than this subordinate Government and I, therefore, hope that the Government of India will try to be at least as good as the Bombay Government. He says that the conditions in Bombay are different. Well, Sir, the conditions in Bombay are different from the conditions in Delhi, that is quite obvious, but a large number of employees, belonging to the inferior services of the Government of India, live in Bombay. So for the people who live in Bombay, the conditions *in* Bombay are not different. Let the Honourable Member begin by increasing the pensions for those members of the inferior services who serve in Bombay. I have no doubt, Sir, the next stage will be to increase the pensions in other places. Let him make a beginning. However, Sir, although I may be like Oliver Twist, I am an unrepentant moderate.

Mr. Akhil Chandra Datta: You do not always vote with the Government.

Mr. N. M. Joshi: I am a moderate—I am pleased with a compromise. I am, therefore, quite willing to accept the offer of the Honourable the Finance Member that he would revise at least some of the conditions, some of the rules for pensions provided for the inferior services. He says that the one year is too early, but he knows that he gave me his promise of revising the rules in 1935; that is two years ago, and he took two years' time to revise the rules, but that is not my fault. In March of 1935, he promised to revise the rules. Well, let him promise again now,—it will then take one year more to carry out his promise, I take it that he did make some kind of promise for revising at least the qualifying age limit; and even if that is done immediately, Sir, he will have done some good to the members of the inferior services and my Resolution will have served some purpose. With your permission, Sir, I beg leave of the House to withdraw my Resolution.

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

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 16th February, 1937.

LEGISLATIVE ASSEMBLY.

Tuesday, 16th February, 1937.

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

MEMBER SWORN:

Mr. Frank D'Souza, M.L.A., (Government of India: Nominated Official).

QUESTIONS AND ANSWERS.

PETITION REGARDING CONFISCATION OF A HINDI SINDHI MUSAFERKHANA OF SINDHI EMIGRANTS.

399. ***Mr. M. Asaf Ali:** (a) Is it a fact that one Mahmud Hamza Abro sent to His Excellency the Governor General a petition, dated the 14th March, 1935, inviting the attention of the Government of India to the confiscation of a *Hindi Sindhi Musaferkhana* of Sindhi emigrants, which application was referred to the Foreign Secretary?

(b) What steps has the Foreign Secretary taken to ascertain the true facts of the case, and to redress the complaint of Sindhi Hindus in this respect?

Sir Aubrey Metcalfe: (a) Yes.

(b) The Government have been in constant communication with His Britannic Majesty's Consul, Damascus, on the subject of the Hindi Sindhi Musaferkhana. The enquiries made show that the Sindhi Zawiya was privately founded by certain pious pilgrims who are believed to have been Sindhis. The French Syrian Government's Awkaf Department is now responsible for the administration of the Zawiya and the Waqf has never been entrusted to the British Consulate at any time. The British Consul has however spontaneously interested himself in its welfare and has intervened, not without success, with the French authorities and the Syrian Government to improve the state of the Zawiya as far as possible. The last communication received from him states that during the past year not a single Sindhi pilgrim is registered as having visited Damascus. In view of the apparent cessation of visits by Sindhi pilgrims no further action seems necessary at present.

TICKETLESS TRAVELLERS ON STATE RAILWAYS.

400. ***Sardar Sant Singh** (on behalf of Mr. Amarendra Nath Chattopadhyaya): Will Government be pleased to state the total number of "Ticketless" travellers on different State Railways, and the number of those convicted, and the punishments administered by special magistrates in the shape of fines and imprisonment from 1st April, 1936, to December, 1936.

The Honourable Sir Muhammad Zafrullah Khan: I have called for particulars for 1936 similar to those given for previous years in my reply to Qazi Muhammad Ahmad Kazmi's unstarred question No. 79 on the 15th September, 1936, and will lay a reply on the table when it has been received.

IMPROVEMENTS MADE IN TRAIN SERVICES ON STATE RAILWAYS.

401. ***Sardar Sant Singh** (on behalf of Mr. Amarendra Nath Chattopadhyaya): (a) Will Government be pleased to state the nature of improvements made in train services on State Railways all over India during 1936 and up to January, 1937?

(b) What improvements have been made in the matter of booking and delivery arrangements?

(c) How many canvassers have been appointed for attracting traffic to Railways and at what pay or rate of commission?

(*d*) How many of those canvassers are purely Indians, Anglo-Indians and Europeans?

The Honourable Sir Muhammad Zafrullah Khan: (a) to (d). The information asked for is not available at present. The more important changes made in regard to such matters of administrative detail are generally embodied in the annual reports submitted by Railways to Government. These reports for the year 1936-37 will be submitted by Railways by about August, 1937.

INCOME SECURED BY THE RESERVATION OF THIRD AND INTERMEDIATE CLASS SEATS ON RAILWAYS.

402. ***Sardar Sant Singh** (on behalf of Mr. Amarendra Nath Chattopadhyaya): Will Government state the income secured by Railways by the system of reserved seats in the third and intermediate classes during the period April, 1936, to December, 1936?

The Honourable Sir Muhammad Zafrullah Khan: I would refer the Honourable Member to the reply I gave to Babu Baijnath Bajoria's starred question No. 391 on the 12th February, 1937.

APPOINTMENT OF ACCOUNTANTS ON CERTAIN RAILWAYS ON THE SEPARATION OF AUDIT AND ACCOUNTS SERVICES.

403. ***Maulvi Muhammad Ahsan:** (a) Are Government aware that with the separation of Audit and Accounts Service, the services of the members of the Subordinate Accounts Service were localised?

(b) Are Government aware that, on account of this localisation, when the posts of accountants on the East Indian and the Great Indian Peninsula Railways were being filled up with the unqualified hands by exempting them from examination, hundreds of qualified hands on the North Western Railway and in the Railway Clearing Accounts Office were working in the clerical grade?

(c) Is it a fact that certain clerks were transferred from one railway to another to get accountants' posts?

(d) If the reply to part (c) above be in the affirmative, will Government please state what safeguards they have provided to avoid supersessions in case of such transfers?

Sir Raghavendra Rau: (a) Yes.

(b) Confirmations, on the East Indian and Great Indian Peninsula Railways, were made on local cadres from amongst the eligible men; and no exemptions were given merely to complete the cadres.

(c) No.

(d) Does not arise.

MUSLIM EMPLOYEES OF THE DRAWING BRANCH OF THE OFFICE OF THE DIVISIONAL SUPERINTENDENT, NORTH WESTERN RAILWAY, DELHI.

404. ***Maulvi Muhammad Ahsan:** Will Government please state:

(i) the number of Drawing Branch employees of the office of the Divisional Superintendent, North Western Railway, Delhi, who got promotion to higher grade during the period the present Head Draughtsman has been there;

(ii) the number of the Drawing Branch Muslim employees of that office who were declared unfit for further promotion during his period; and

(iii) the number of Muslim employees of the Drawing Branch of that office who were declared unfit for further promotion before his appointment as Head Draughtsman?

The Honourable Sir Muhammad Zafrullah Khan: (i) Two (both Muslims).

(ii) Three Tracers, grade I, were declared unfit by their Executive Officers.

(iii) No information is available.

POSTING OF UNQUALIFIED ASSISTANT STATION MASTERS AT SUBZIMANDI AND DELHI RAILWAY STATIONS.

405. ***Maulvi Muhammad Ahsan:** (a) Are Government aware that Messrs. Charan Singh and Sen, unqualified hands, are working as assistant station masters at Subzimandi and Delhi stations, respectively?

(b) Are Government aware that Mr. Paul, a most junior man, is officiating as a station master at Delhi main station.

(c) Are Government aware that there are Agent's orders to the effect that unqualified hands should not be posted as assistant station masters at important stations like Subzimandi and Delhi?

(d) If the reply to parts (a) and (b) above be in the affirmative, will Government please state if qualified hands are not available in Delhi Division?

(e) If the reply to part (d) above be in the affirmative, will Government please state why qualified hands are not transferred from other Divisions to this Division?

(f) If the reply to part (d) above be in the negative, will Government please state the special reasons for posting unqualified hands, and also the reasons for giving such concessions to non-Muslims only, while even qualified Muslims are harassed in this Division?

The Honourable Sir Muhammad Zafrullah Khan: (a) Messrs. Shivcharan Singh (not Charan Singh) and David Sen (not Sen) are working as Assistant Station Masters at Subzimandi and Delhi stations, respectively, and both of them are qualified in the duties of an Assistant Station Master.

(b) Mr. Paul officiated as Station Master, Delhi Main, for a short time as he is qualified in Station Master's duties, whereas those of his seniors available at the time were not so qualified.

(c) Unqualified men cannot be employed as Assistant Station Masters at any station.

(d), (e) and (f). In view of the replies to parts (a), (b) and (c) above, these do not arise.

RE-ORGANISATION OF THE CENTRAL PUBLIC WORKS DEPARTMENT.

406. ***Dr. Ziauddin Ahmad:** (a) Are Government contemplating to reorganise the Public Works Department now under the Government of India?

(b) Are they contemplating to appoint a Chief Engineer under the Chief Commissioner of Delhi, who will also be the Secretary of the Public Works Department?

(c) What is the reason for the transfer of responsibility from Government of India to the Chief Commissioner of Delhi?

(d) Will the new arrangement be more economical?

The Honourable Sir Frank Noyce: (a) and (c). One of the Superintending Engineers of the Central Public Works Department at present functions as the Secretary to the Chief Commissioner, Delhi, in the Public Works Department. It is proposed to form an independent circle for Delhi Province for all works falling under the administrative control of the Chief Commissioner and to place it under a Superintending Engineer, responsible to the Chief Commissioner. The arrangement is expected to secure more prompt and expeditious execution of proposals arising out of Mr. Hume's report on the relief of congestion in Delhi, and of other schemes which are already in hand or projected in Delhi Province.

(b) No.

(d) No, but the difference in cost is likely to be insignificant.

SCRAP STEEL SOLD TO A JAPANESE FIRM BY THE NORTH WESTERN RAILWAY.

407. ***Sardar Sant Singh:** (a) Is it a fact that about 8,000 tons of scrap steel (export scrap) was sold to a Japanese firm by the North Western Railway? If so, when?

(b) What was the rate per ton *f.o.r.* Depots on the North Western Railway?

(c) Who was the officer in charge of the Karachi Depot who dealt with deliveries of export scrap under the contract?

(d) Is it a fact that this officer went on leave after the deliveries of export scrap and visited Japan?

The Honourable Sir Muhammad Zafrullah Khan: (a) 6,035 tons of light and heavy export scrap were sold by the North Western Railway to a Japanese firm, Messrs. Mitsui Bussan Kaisha, Limited, Karachi, in March, 1933.

(b) By deducting freight charges at condemned railway material rate from the price realised, the rates per ton *f.o.r.* depôts were as follows:

	Light.	Heavy.
	Rs. A. P.	Rs. A. P.
Moghalpura . . .	6 14 5 per ton	3 14 5 per ton.
Jhelum	5 13 3 „ „	2 13 3 „ „
Shakurbasti . . .	4 8 0 „ „	1 8 0 „ „
Raewind	7 3 1 „ „	4 3 1 „ „
Sukkur	14 4 6 „ „	11 4 6 „ „

(c) Mr. A. R. Sarin.

(d) The answer is in the affirmative.

Sardar Sant Singh: May I know if it is a fact that this gentleman visited Japan and the passage money was paid by the Japanese firm which purchased this iron?

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member had put down that question, but it was disallowed by the Honourable the President.

Sardar Sant Singh: No doubt it has been disallowed; but may I know if it is not a supplementary question worth asking, because the sting of the whole question is this, that this gentleman visited Japan as the guest of this company. May I ask if the Honourable Member will reply to this question?

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

Sardar Sant Singh: The question is whether the gentleman who carried on this sale on behalf of the North Western Railway visited Japan as a guest of the firm which purchased the iron?

Mr. President (The Honourable Sir Abdur Rahim): That was disallowed. The Honourable Member cannot put it.

EMPLOYMENT OF AUSTRALIANS IN INDIA AND INDIANS IN AUSTRALIA.

408. ***Sardar Sant Singh:** (a) Will Government be pleased to state if any Australians are in the services of any of the Provincial Governments or in the service of the Government of India? If so, how many?

(b) Are there any Indians in the services of any of the Provinces in Australia? If so, how many? If not, is it a fact that there are prohibitions for the employment of Indians in Australia?

(c) Are there any Australians practising in medicine or other professions in India? If so, how many?

(d) Is it a fact that no Indian medical man is permitted to practise in Australia? If so, do Government propose to ask the Government of Australia to enter into reciprocity agreement in this matter?

The Honourable Sir Henry Craik: (a) I regret that I have no information on this point.

(b) So far as the Government of India are aware, there is no statutory bar to the appointment of resident Indians to the civil services in Australia but they have no information as to the number of Indians so employed.

(c) Government have no information.

(d) No. Government understand that Indians who possess medical degrees registrable in Great Britain are entitled to practise in Australia. As regards reciprocity, the Medical Council of India is in negotiation with those States of Australia which have medical qualifications of their own.

Sardar Sant Singh: May I know if it is a fact that a Muhammadan gentleman, fully qualified medically, asked the Government of India to let him know if any passport could be issued to go and settle in Australia as a private practitioner, to which the Government of India replied by sending him an extract from the immigration laws of Australia telling him that he could not.

Sir Girja Shankar Bajpai: I do not know whether the Government of India have any information with regard to this particular individual, but the position in Australia is that no one, who was not settled there before 1918, may go and settle there for purposes of practice or anything else.

Sir Muhammad Yakub: Are there any similar laws in India against Australian doctors?

Sir Girja Shankar Bajpai: I do not know whether there are any laws in India as regards Australian doctors as such.

Sir Muhammad Yakub: Australian doctors or any other foreign doctors or from the colonies?

Sir Girja Shankar Bajpai: In so far as practising in India is concerned, that is regulated by the Indian Medical Council. So far as entry into India is concerned, my Honourable friend knows that there is a law empowering the Governor General in Council to make regulations to prevent the entry into India of anybody they like, but actually no regulations have been framed under that Act.

Mr. M. Ghiasuddin: In view of the treatment meted out to Indians in Australia, are Government prepared to make regulations to prevent Australian doctors from entering this country?

Sir Girja Shankar Bajpai: In so far as that is concerned, I do not see that the Government of Australia would have any objection to our making regulations to restrict the entry into India of Australian or any other kind of doctors; but I doubt whether it will be of any practical value, as I am not aware of any Australian Doctor wishing to come and settle down in India for purposes of practice.

Mr. Muhammad Azhar Ali: Do Government propose to inform the Government of Australia that if such treatment is meted out to Indians the Government of India will also have to reciprocate?

Sir Girja Shankar Bajpai: I have already answered that question.

INCOME-TAX DEDUCTED BY THE RESERVE BANK OF INDIA FROM THE DIVIDENDS PAID ON ITS SHARES.

409. ***Sir Muhammad Yamin Khan:** (a) Are Government aware of the fact that Income-tax at the highest rate is deducted by the Reserve Bank from the dividend which it pays on its shares?

(b) Are Government aware that the procedure to be adopted in getting back the sum so deducted causes great hardship to those share-holders whose incomes are not high enough to pay income-tax?

(c) Are Government aware that the Reserve Bank deducted rupees two and a few annas as income-tax out of rupees thirteen and a few annas, which were declared as dividend last time and the poor share-holders living in villages had to spend more than what had been deducted to get it back?

(d) What remedy do Government propose to remove this hardship?

(e) Are Government prepared to order the Reserve Bank to pay full dividend without deducting income-tax and leave the assessment of tax to the Income-tax Officers?

The Honourable Sir James Grigg: (a) Yes, unless a certificate has been obtained under the proviso to sub-section (*3*) of section 18 of the Indian Income-tax Act.

(b), (c) and (d). The hardship referred to can be avoided by having recourse to the benefit of the proviso mentioned in answer to part (a). The Central Board of Revenue has recently prescribed a suitable form of certificate for this purpose.

(e) No.

Sir Muhammad Yakub: Do Government realise how difficult it is for a poor man living in a village in the interior of the country to come, say 40 miles from his village and present himself before the income-tax officer and obtain a certificate? Probably he will have to spend Rs. 20 for getting a remission of two or five rupees. Do Government propose to do anything to relieve this hardship?

Mr. N. M. Joshi: The poor man would have no money to buy a share.

The Honourable Sir James Grigg: That is so: anyhow the position is exactly the same as with Government paper; and I do not see any reason to discriminate between Government paper and Reserve Bank shares. I am always sceptical about men having to walk 20 miles to get tax exemptions.

Mr. Muhammad Azhar Ali: Generally the Indian companies issue certificates about the levy of income-tax; has the Reserve Bank taken any steps to issue such certificates of exemption?

The Honourable Sir James Grigg: The Reserve Bank cannot issue, nor can any other company issue, a certificate of exemption.

IMPORT DUTY ON PLAIN COTTON FENTS FROM THE UNITED KINGDOM.

410. ***Babu Baijnath Bajoria:** (a) Is it not a fact that the import duty on plain cotton piecegoods from the United Kingdom is 20 per cent. *ad valorem* while the import duty on plain cotton fents from the United Kingdom is 25 per cent. *ad valorem*? If so, why?

(b) Is it not a fact that the import duty on fents of other descriptions, *e.g.*, artificial silk, pure silk, etc., from the United Kingdom is much lower than the respective import duty on piece-goods of the same description?

(c) Are Government prepared to take immediate steps to remove the anomaly that exists regarding the import duty on plain cotton fents? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) If by "plain cotton piece-goods" the Honourable Member means "piece-goods other than grey" the position is as stated by him. The rate of import duty on such piece-goods from the United Kingdom was reduced from 25 per cent. *ad valorem* to 20 per cent. *ad valorem* in pursuance of the recommendations of the Special Tariff Board.

(b) The Honourable Member's attention is invited to Items 48, 48 (1), 48 (4), 48 (5), and 49 (1) of the Import Tariff Schedule in the Indian Customs Tariff (Thirteenth Issue), copies of which are in the Library.

(c) No Sir. Government have considered the matter recently and propose to take no action. Enquiries show that the lower price of fents as compared with the price of sound goods allows the fents to be sold more cheaply, even after paying the higher percentage of duty. That the trade in fents from the United Kingdom has not been hampered by the difference in duty is shown by the fact that imports of such goods for the period April to November, 1936-37, rose to 4,408,553 yards from 3,825,409 yards during the same period of the previous year.

PAYMENT OF ACTUARIAL VALUE IN LIEU OF PENSIONS TO THE STAFF OF THE CURRENCY OFFICES TRANSFERRED TO THE RESERVE BANK OF INDIA.

411. ***Mr. Lalchand Navalrai:** Will Government be pleased to state whether it is intended to pay to the pensionable staff of the Currency Offices in India, transferred to the Reserve Bank of India, some actuarial value in lieu of pension? If so, how are the calculations made to get the figures of actuarial value, and when will the amount be communicated to the staff?

Mr. Lalchand Navalrai: Before I put this question, I should like to correct a verbal mistake. In the last but one line, the word "amount" should read "information", so that the question will read:

"If so, how are the calculations made to get the figures of actuarial value, and when will the information be communicated to the staff"?

The Honourable Sir James Grigg: I thank the Honourable Member for the correction, but I do not think it makes any material difference to the answer I am going to give.

Mr. Lalchand Navalrai: It is only a verbal alteration.

The Honourable Sir James Grigg: The answer is:

The information is being collected and will be laid on the table of the House in due course.

Mr. N. M. Joshi: Why is notice given to Government if they are going to reply to a simple question like this, after 10 days, that they are collecting information? You will see from the question, Sir, that there is not much to collect there?

The Honourable Sir James Girgg: That is a matter of judgment.

Mr. President (The Honourable Sir Abdur Rahim): The Chair cannot pronounce any opinion on that.

Sir Muhammad Yakub: May I put questions Nos. 412 and 413 on behalf of Dr. Ziauddin Ahmad?

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member got authorisation letter?

Sir Muhammad Yakub: Not in this particular case; but when Dr. Ziauddin Ahmad had left the station, he gave me general instructions, but not particularly about these questions.

Mr. President (The Honourable Sir Abdur Rahim): As a special case, the Chair will allow the Honourable Member to put these questions.

RESHUFFLING OF PORTFOLIOS IN CERTAIN GOVERNMENT OF INDIA DEPARTMENTS.

412. ***Sir Muhammad Yakub** (on behalf of Dr. Ziauddin Ahmad): (a) Are Government contemplating to reshuffle the portfolios in the Departments of Railway and Commerce, and Industries and Labour?

(b) Are Government contemplating to create a portfolio of communications? If so, what branches of administration will come under this portfolio?

(c) When will the new scheme come into operation?

The Honourable Sir Frank Noyce: I have nothing to add to the reply which I gave to Mr. Satyamurti's starred question No. 1111 on the 11th March, 1936.

REPRESENTATION REGARDING TRADE WITH GERMANY.

413. ***Sir Muhammad Yakub** (on behalf of Dr. Ziauddin Ahmad): (a) Did Government receive any representation from the Federation of Indian Chamber of Commerce on the subject of trade with Germany?

(b) Are Government considering the representation?

(c) What steps do Government want to take to restore our export trade with Germany which has diminished from 26·6 in 1929-30 to 8·7 in 1935-36?

(d) Do Government contemplate opening negotiations with Germany on the basis of clearing house as suggested in the representation?

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

(c) and (d). I would invite the attention of the Honourable Member to the reply given by me to Mr. T. S. Avinashilingam Chettiar's starred question No. 1400 on the 23rd March, 1936. I am unable at the moment to add anything to what was stated in that reply.

STUDENTS ADMITTED IN THE LADY HARDINGE MEDICAL COLLEGE.

414. ***Mr. Muhammad Azhar Ali:** (a) How many students were admitted in the Lady Hardinge Medical College this year?

(b) How many of them were Muslims, and how many were Hindus, Sikhs and Christians?

(c) How many Muslim and Sikh candidates applied for admission, and why were all applications rejected?

Sir Girja Shankar Bajpai: (a) 26 students were admitted for the 1936-37 Session.

(b) 19 Hindus, 2 Muslims, 2 Sikhs and 3 Anglo-Indians and Indian Christians.

(c) A statement is laid on the table, from which it will be seen that all applications were not rejected.

Statement.

The facts about admission of students into the Medical and preliminary Intermediate Science Classes are as follows :

1st Year Medical Class.—Two Muslim students applied for admission and were selected.

One Sikh student applied for admission but was rejected as there were candidates with better qualifications.

1st Year Science Class.—One Muslim student applied and was selected for admission but she did not join.

Three Sikh students applied for admission; two were admitted and the third was rejected as she had not the requisite qualifications.

QUARTERS IN NEW DELHI.

415. ***Maulvi Syed Murtuza Sahib Bahadur:** (a) Will Government be pleased to state whether the orthodox and unorthodox quarters, classes A, B, C and D, in the New Delhi area were primarily constructed for the ministerial establishment of the Government of India?

(b) If so, what criterion is observed in allotting those quarters?

The Honourable Sir Frank Noyce: (a) Yes. The quarters referred to have been constructed primarily for the ministerial establishments of the Government of India as a whole, *i.e.*, for both the migratory and the non-migratory personnel required to reside on duty with the Government of India in New Delhi.

(b) The allotment of the quarters is made strictly in accordance with the Rules on the subject, and no difference is made between the migratory and non-migratory staff in the matter of allotment of quarters. A copy of the Rules has been placed in the Library of the House.

QUARTERS IN NEW DELHI OCCUPIED BY THE STAFF IN THE NON-MIGRATORY OFFICES.

416. ***Maulvi Syed Murtuza Sahib Bahadur:** Is it a fact that a large number of orthodox and unorthodox quarters in New Delhi is occupied by the staff in the non-migratory offices, such as Central Public Works Department, Accountant General, Central Revenues, Auditor General's staff, etc., etc.?

The Honourable Sir Frank Noyce: Yes.

RETENTION OF QUARTERS IN NEW DELHI BY THE NON-MIGRATORY STAFF ON BECOMING ENTITLED TO A HIGHER CLASS OF ACCOMMODATION.

417. ***Maulvi Syed Murtuza Sahib Bahadur:** (a) Will Government be pleased to state whether the non-migratory staff on becoming entitled to a higher class of accommodation are allowed to retain the class already in occupation until such time as they are allotted their own class of quarter?

(b) Is it a fact that the migratory staff is denied this concession, and they are not allotted any quarters until such time as they are allotted a quarter of their own class?

(c) If the reply to the above part be in the affirmative, what is the reason for this differentiation in the case of migratory staff?

(d) Do Government propose to extend the same concession to the migratory staff? If not, why not?

The Honourable Sir Frank Noyce: The attention of the Honourable Member is invited to the reply given on the 20th March, 1933, to parts (c) and (d) of starred question No. 799 by Mr. Maswood Ahmad.

AUCTION OF CONTRACTS OF FOODSTUFFS ON STATE RAILWAYS.

418. ***Mr. Sham Lal:** (a) Has the attention of Government been drawn to a letter appearing in the *Daily Herald*, dated the 7th January, 1937, headed "Catering for Indian Passengers"?

(b) Is it not a fact that the system of calling for tenders for foodstuffs was tried on the East Indian Railway in one of its important Divisions and was subsequently given up as unworkable, as it was found averse to the interests of the travelling public?

(c) Is it not a fact that the system of calling for tenders on the East Indian Railway was replaced by the present system of charging a monthly licence fee from contractors according to the number of salesmen employed by them at each station?

(d) Is it not a fact that many of the petty contractors were replaced by the East Indian Railway by a limited number of contractors? If so, why?

(e) If the answers to parts (b), (c) and (d) be in the affirmative, do Government propose to adopt the same procedure on other State Railways?

(f) Is it a fact that the system of auctioning the shops was tried by the Lahore High Court and given up subsequently in favour of the old system of charging a nominal rent for shops?

(g) If the answer to parts (b) to (f) be in the affirmative, do Government propose to issue instructions to the State Railways to refrain from auctioning contracts of foodstuffs in future in the best interest of the travelling public?

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

(b), (c) and (d). The only information Government have as regards the practice on the East Indian Railway is that given on pages 35 and 36 of the memorandum referring to "Catering contracts on railways" published in the proceedings of the meeting of the Central Advisory Council for Railways held in October, 1936.

(e) and (g). The question of catering contracts has been discussed with the Central Advisory Council for Railways whose views are now under consideration.

(f) Government have no information.

COMPLAINTS AGAINST MESSRS. SPENCER AND COMPANY, EUROPEAN CATERERS OF THE NORTH WESTERN RAILWAY.

419. ***Mr. Sham Lal:** (a) Will Government please state the *total number* of complaints received against Messrs. Spencer & Co., European caterers of the North Western Railway, received during the year 1936?

(b) Will Government please lay on the table copies of the complaints received against Messrs. Spencer & Co., European caterers, during the year 1936?

(c) Will Government please state the action ever taken by Government in regard to any particular complaint received against Messrs. Spencer & Co.?

(d) Will Government please lay on the table the copies of the action taken by them against Messrs. Spencer & Co. in reference to complaints received from time to time?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government have not received any complaints and are not aware whether any have been made to the officers of the Railway Administration.

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

LOCATION OF LIQUOR AND TODDY SHOP NEAR A HINDU TEMPLE IN THE SECUNDERABAD CANTONMENT.

420. ***Mr. Sham Lal:** (a) Will Government be pleased to state whether it is a fact that under Residency Orders Notification No. 85/P, dated the 27th July, 1936, it has been declared that liquor and *toddy* shop will be located in houses Nos. 1908 to 1913 and 1972, in Secunderabad Cantonment and that these houses are needed for this purpose, which is declared to be for public purpose?

(b) Will Government be pleased to state whether it is also a fact that the suggested area is in the middle of the inhabited portion of the Pan Bazaar, Secunderabad Cantonment, and is quite close to the Hindu Temple?

(c) Is it a fact that the public of Secunderabad Cantonment has, in a petition, dated the 27th August, 1936, addressed to the District Magistrate and Collector of Secunderabad, objected to the location of liquor and toddy shop on the site proposed under the Residency Orders and have requested that they be kept at their present site, because it is on one corner of the lane?

(d) What action do Government propose to take to stop the erection of toddy and liquor shop at the proposed site?

Sir Aubrey Metcalfe: The information required is being collected and will be laid on the table in due course.

UNSTARRED QUESTIONS AND ANSWERS.

Improvement of the Hardwar Railway Station.

17. **Mr. Sri Prakasa:** With reference to the reply to starred question No. 663, on the 28th September, 1936, will Government make a statement of the progress made in the improvement of the Hardwar Railway Station in accordance with the proposals detailed in the same?

The Honourable Sir Muhammad Zafrullah Khan: Works already taken in hand:

(a) Widening a small portion of main platform.

(b) Shifting of goods shed to a better site.

(c) Approach roads to station widened and improved.

(d) Regarding pilgrims' pens to facilitate approach to platforms.

(e) Alterations to station building. Existing island platform will remain.

Works still to be approved:

(a) New foot over-bridge.

(b) New waiting rooms on main platform.

(c) Completion of widening of main platform.

(d) Sanitary arrangements and septic installations for all waiting room lavatories and third class latrines.

(e) Provision of a separate island platform for excursion and pilgrims special trains.

Allowing of the Use of Cots by Inferior Servants of the Railway Mail Service.

18. **Mr. N. M. Joshi:** With reference to part (d) of the reply given by Government to my unstarred question No. 219, on the 26th February, 1936, will Government be pleased to state:

(a) whether they have since asked the Director General, Posts and Telegraphs, to consider the suggestion of allowing the use of cots in Rest Houses by inferior servants of the Railway Mail Service, and

(b) what action has the Director General taken in the matter?

The Honourable Sir Frank Noyce: (a) and (b). Orders have been issued by the Director-General sanctioning under certain conditions the supply of cots in Railway Mail Service rest houses for the use of inferior servants from the next financial year.

PAYMENT OF EXTRA DUTY ALLOWANCE TO THE RAILWAY MAIL SERVICE STAFF.

19. **Mr. N. M. Joshi:** Will Government be pleased to state:

(a) whether it is a fact that the method of calculating extra duty allowance in the Railway Mail Service on the basis of curtailment of rest has now been abolished;

(b) whether the allowance is now paid for the actual extra duty rendered and whether the rate of payment is six annas for six hours only;

(c) whether they are aware that six annas for six hours extra duty rendered, is less than the allowance paid by way of a day's salary to an inferior servant;

(d) whether any representation was received by them from the All-India Postal and Railway Mail Service Union on this point, praying *inter alia* for a copy of the orders under which the principle of curtailment of rest was followed in the payment of the extra duty allowance;

(e) whether the supply of the orders was refused to the Union on the ground that they were departmental notes; and

(f) whether they propose to give to the said Union the copy of the orders asked for and revise the present method of payment of the extra duty allowance by reintroducing the principle of curtailment of rest?

The Honourable Sir Frank Noyce: (a) No.

(b) No. The rate of payment is 6 annas for a period exceeding 3 hours upto 6 hours, as laid down by rule.

(c) Government consider the remuneration to be adequate for the curtailment of rest.

(d) and (e). Yes.

(f) The reply to the first part is in the negative and as regards the second part the extra duty allowance is based on the principle of curtailment of rest.

PAYMENT OF OUTSTATION ALLOWANCE TO THE RAILWAY MAIL SERVICE OFFICIALS.

20. **Mr. N. M. Joshi:** Will Government be pleased to state:

(a) whether it is a fact that in regard to the payment of the outstation allowance to the Railway Mail Service officials, the first 12 hours of the journey are ignored from the total period of absence of those officials from their headquarters;

(b) whether in reply to a representation submitted by the All-India Postal and Railway Mail Service Union, Delhi, praying for an enhancement of the present rates as also for the cancellation of the orders regarding the exclusion of the first 12 hours, it has been stated by the Director General, Posts and Telegraphs, that the allowances were sanctioned as a contribution towards the extra cost of arranging for their second and subsequent meals when away from home, the first meal being taken out with them;

(c) whether in England the rates of this kind of allowance are far more liberal than those in India and whether an absence from headquarters of even one hour is valued and compensated for;

(d) whether in reply to a deputation of the Union that waited on the Honourable Member on the 25th February, 1930, this point was discussed and whether it was stated that Government were not prepared to revise the rates just at that time; and

(e) whether they propose to consider the question now and adopt a basis of payment as in England?

The Honourable Sir Frank Noyce: (a) and (b). Yes.

(c) The system in force in England is entirely different from that in India and no comparison can be made between the allowances granted in England and those granted in India.

(d) Yes.

(e) Attention of the Honourable Member is invited to the reply given to part (e) of starred question No. 1386, put by Pandit Lakshmi Kanta Maitra in this House on the 23rd March, 1936. Government are of opinion that the existing rates are adequate for the purpose for which they are intended and are not prepared to enhance them; nor do they propose to attempt to assimilate the payments to those granted in England where the system and conditions are entirely different.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

Mr. President (The Honourable Sir Abdur Rahim): The following Message has been received from His Excellency the Governor General:

"In exercise of the powers conferred by Rule 2 of the Indian Legislative Rules, I, Victor Alexander John, Marquess of Linlithgow, hereby appoint the Honourable Sir Muhammad Zafrullah Khan to perform the functions assigned to the Finance Member under Rule 46 of the said Rules on the occasion of the general discussion appointed for Thursday, the 18th February, 1937, on the statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of Railways.

LINLITHGOW,
Viceroy and Governor General."

NEW DELHI;
The 15th February, 1937.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Sir Muhammad Zafrullah Khan will now present a statement of the Estimated Expenditure and Revenue of the Governor General in Council for the year 1937-38 in respect of Railways.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways): Sir, I rise to present to the House the Railway Budget for 1937-38. Honourable Members are being furnished with the usual Memorandum and documents and, without detaining the House over any preliminary remarks, I shall proceed to place before the House the revised estimates for the current year and the budget estimates for the next year with a brief reference to the financial results of 1935-36. These last are described in detail in the Administration Report issued by the Railway Board last month. The budget estimates for that year allowed for a deficit of under 2 crores, practically all in respect of strategic lines. From about the middle of February, 1935, however, railway receipts began to exhibit a downward tendency as compared with the earnings of the previous year and this tendency persisted almost unchecked till the presentation of last year's budget. The revised estimates presented by me last February put the deficit at just over 4½ crores. The actual result at the close of the year was slightly better; we closed with a deficit of 4 crores, of which 2 crores was attributable to strategic lines.

2. A change in the system of allocation which was introduced with effect from the current year after consultation with, and on the advice of two Committees of this House, the Public Accounts Committee and the Railway Standing Finance Committee, has complicated the task of comparing the current year's results with last year's, and before I proceed to place before the House the revised estimates for 1936-37, it would, perhaps, be desirable to explain briefly how the estimates of the two years have been affected by this change. As Honourable Members are probably aware, the object of the change is to reduce over-capitalisation and to put our allocation of expenditure on works on a sounder and more logical basis. It is somewhat difficult to set out briefly in non-technical language the exact nature of the change. Those Honourable Members who are interested in the technical side of the question will find a detailed explanation of the proposals together with the reasons therefor in the Financial Commissioner's Review of the Appropriation Accounts of Indian Railways for 1934-35. The change consists mainly in providing that capital should generally be charged only with that part of the cost of an asset renewed which represents a definite improvement, that all renewals and replacements should be charged to the Depreciation Fund (including renewals of non-wasting assets which had hitherto been treated as part of working expenses) and that all sums received from the disposal of assets replaced should be credited to the Depreciation Fund. It is expected that, in a normal year, the ultimate result of these changes as compared with the previous rules should be a reduction of capital expenditure by 1½ crores per annum, an increase in the Depreciation Fund expenditure of about 1¼ crores per annum and a reduction in the net revenue of about ¼ crore. For 1936-37, it is expected that the result will be a reduction in capital of ¾ crore, a net increase of about 89 lakhs in expenditure charged to the Depreciation Fund and a reduction in the

net railway revenue of the year of about 36 lakhs. The result for 1937-38 is expected to be very similar. In comparing the figures for 1936-37 and 1937-38 with those of earlier years we would, as a result of these changes, be understating, to an appreciable extent, the actual improvement in our position.

3. With this brief explanation, I shall proceed to give the House our present anticipations of the results of the current year, and here I am glad that I have a more cheerful account to place before the House than I was able to last year. As I have already stated, our actual deficit last year was 4 crores. When I presented the budget for the current year, I anticipated a similar result this year and put the deficit at 3½ crores. Almost immediately after the presentation of the budget our earnings began to improve, and the improvement tended to become steadier and more marked as the year advanced, so that, I think, we would be justified in taking a less gloomy view of the situation than the one that presented itself to us this time last year. The result of the current year's working is now expected to be a small surplus of 15 lakhs. (Applause.) If the change in the system of accounting to which I have referred had not been introduced the surplus would have been over half a crore.

4. Our gross traffic receipts are now estimated at 95 crores, 4⅛ crores more than last year's figures. The corresponding increase in the working expenses is comparatively slight and we expect our total net revenue to be 31 crores. This is 3½ crores better than last year, or nearly 4 crores better, assuming the change in allocation to which I have referred had not been made. Commercial lines by themselves are expected to show at the end of the year a surplus of just over 2 crores. The loss on strategic lines will be 1·89 crores. The result of the year's working will, after meeting our interest charges in full, leave a surplus of 15 lakhs which will be utilised for repaying in part the amount borrowed in previous years from the Depreciation Fund. The actual balance in the Depreciation Fund will, at the end of the year, stand at about 15½ crores. Our total borrowings from the Fund will be reduced to 31⅛ crores; but for these borrowings the actual balance in the Depreciation Fund would have amounted to nearly 47 crores. Of this about 1⅞ crores represents accumulations in respect of the Burma Railways and will be handed over to Burma on the 1st April next on its separation from India.

5. Though our present estimates of traffic receipts in the current year are 4⅛ crores above the receipts of the last year, receipts in respect of passenger traffic are disappointing and our revised estimate of these receipts is 18 lakhs less than the earnings of last year and 60 lakhs less than our budget estimate. The total number of passengers carried in the first seven months of the year is less by ½ per cent. and passenger miles by 2 per cent. as compared with the figures for last year. The average lead per passenger is 34¼ miles or half a mile lower than in the previous year. Different railways made various kinds of efforts to improve earnings on passenger traffic such as the quotation of cheap return fares, the "travel-as-you-please" tickets at reduced rates for limited periods and the special arrangement on the Assam Bengal Railway by which the third class fare for any distance between the southern and the northern sections of the system was made subject to a maximum limit of Rs. 5. Though all these devices were successful in varying degrees, they failed to prevent

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a deterioration in total earnings under this head. It is difficult to avoid the conclusion that unregulated and uneconomic bus competition is on the increase and continues to make serious inroads into Railway earnings.

6. Receipts in respect of goods traffic on the other hand have been very much ahead of anticipations. Better crops and higher prices have combined to give us a considerably increased traffic. The total carried on the first seven months of the year recorded an increase of 1 per cent. in tonnage and 2 per cent. in ton mileage over last year's figures. The total number of wagons loaded on class I railways upto the end of December was 3 per cent. better than in the corresponding period of last year on the broad gauge and 6½ per cent. better on the metre gauge. The total receipts from goods traffic are now expected to show an improvement of over 4 crores (nearly 7 per cent.) as compared with last year and 4¼ crores as compared with the Budget Estimates. Except for coal and manganese, figures for each of the principal commodities show a considerable increase over last year's figures. As regards manganese, I might mention that during the previous year the Bengal Nagpur Railway carried exceptionally heavy traffic. Oil-seeds, which were very disappointing last year, have recovered, and the traffic in this commodity during the first seven months of the year was 31 per cent. better than during the corresponding period in the previous year.

7. During the course of the year, the railways took different steps to increase traffic earnings in respect of goods also and I might mention a few instances for the information of the House. The rebate on coal exported out of India was increased by eight annas per ton as we were satisfied that it would stimulate the export of Indian coal to eastern markets and an immediate result was that Indian coal competed successfully with South African coal for the Ceylon Government Railways and we hope that further effects of this reduction of freight may soon be noticed in the shape of larger exports of Indian coal to Singapore, Hongkong and the Netherlands East Indies. The rebate of 25 per cent. on wheat exported from Karachi to ports west of Aden which was introduced last year was continued during the current year and was extended to ports east of Singapore. The exemption from the surcharge on the coal freight hitherto enjoyed by bunker coal was withdrawn with effect from November last as we were convinced that this would not affect the traffic to Calcutta. The freight rates on Central Provinces coal have been brought upto a level with the scale applicable to Bengal coal for longer distances.

8. With an expected increase of over 4¼ crores in receipts it was only to be expected that our expenditure should also show some increase. Our ordinary working expenses are expected to be 62 lakhs more than last year (of which 8 lakhs is on account of restoration of the cut in pay) and 24 lakhs above the budget estimates. In the accounts, however, owing to the change in allocation already referred to by me the total working expenses will appear at a figure which is ½ crore below the budget estimates and 12 lakhs below the figure for the previous year.

9. As I have said earlier in the course of my speech, our borrowings from the Depreciation Fund will at the end of the year stand at 31½ crores. This, however, will not be the only liability of the Railways under the present arrangement at the end of 1936-37. In addition to the liability

to repay loans from the Depreciation Reserve, which are a first charge on future surpluses, railways have an undischarged liability to general revenues which would come into operation immediately these loans have been repaid. When Railways can begin to earn surpluses, and before they can resume payment of normal contributions, they are expected to repay to general revenues the accumulated arrears of contributions payment of which has been suspended since 1931-32, and which will at the end of 1936-37 amount to 30¾ crores. The Separation Resolution provides that if in any year railway revenues are insufficient to provide a contribution to general revenues of one per cent. on the capital at charge, surplus profits in the next and subsequent years will not be deemed to have accrued for purposes of division unless such deficiency has been made good. Even if we assume that from the next year railways would begin to earn surpluses, existing liabilities will not be completely discharged for many years and meanwhile further liabilities in respect of contributions to general revenues will continue to accumulate. It will thus be impossible for Railways to resume current contributions to general revenues within any reasonable period that can be foreseen. The wisest plan in the circumstances appears to be to write off all these liabilities and to start the next year on the basis of a clean slate so far as these liabilities are concerned. It might be urged that the adoption of this course would result in depleting the Depreciation Fund to an unduly low figure. An objection of this kind would have some theoretical validity but I do not think we would be incurring any undue risk in adopting the course that I have suggested. The actual balance in the Depreciation Fund at the end of 1936-37 is expected to be in the neighbourhood of 14 crores, excluding the share of the Burma Railways, and, so far as we can foresee at present, current contributions to the Fund would be more than sufficient to provide for all our ordinary needs. The opening balance in 1937-38 may be safely regarded as sufficient to provide for all emergencies that we can at present foresee. Another consideration that might be urged is that general revenues should not definitely abandon all claims to the recovery of nearly 31 crores due under the present Convention. A moment's reflection will, however, convince Honourable Members that general revenues are likely to benefit far more under the suggested arrangement than under the present Convention inasmuch as if the Convention is not modified as suggested, general revenues would receive nothing till the Depreciation Fund has been repaid over 31 crores. On the other hand if the financial results of 1937-38 and succeeding years show surpluses, as we expect, general revenues would begin to derive some benefit immediately under the new arrangement. It would be well to remember in this connection that since the date of the separation of railway from general finances in spite of a prolonged period of exceptional depression, general revenues have on the whole received 42 crores from railways, an average of 3 crores per annum, in addition to nearly 26 crores on account of the loss on the working of strategic lines. It is, therefore, proposed to bring before the House for its consideration at an early date a resolution embodying an amendment of the Separation Resolution of September 1924 as outlined above.

10. From the 1st April next the Burma Railways will be separated from the Indian State Railway System and it would facilitate comparison of figures if I were to place before the House figures of the revised estimates of 1936-37 excluding Burma Railways. In the current year our

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total estimates of receipts from Indian Railways is 91¼ crores. Our total working expenses are expected to be 61·18 crores. Including miscellaneous transactions our net revenue from which interest charges will have to be met will be just under 30 crores and thus the surplus in respect of the Indian System of Railways alone would be 42 lakhs. For 1937-38 we have estimated our gross traffic receipts at 90¾ crores and our expenses at 61½ crores. Our total net revenue including miscellaneous receipts is expected to be 29½ crores and interest charges 29¼ crores, the result being a surplus of 15 lakhs. This amount will in accordance with the modification of the Separation Resolution that I have outlined above, be transferred to general revenues.

11. It is possible that Honourable Members may be disposed to regard our estimate of earnings for 1937-38 as somewhat conservative. We consider, however, that there is still need for caution and that there would be no justification for estimating them at a higher figure. Indeed, I would be happy to discover at the end of the year that our estimate had not been a little too optimistic. We expect a small improvement in passenger earnings as a result of the general improvement in the economic situation that has been noticeable for some months. But, having regard to the proportions of competition from the roads, any improvement under this head cannot be very striking. On the other hand we are doubtful whether the present level of goods traffic can be relied upon as a definite index of conditions during the next year. In 1934-35 our earnings were nearly 3½ crores better than in the previous year but this was followed by a period of comparative stagnation and our optimistic forecasts in respect of 1935-36 were proved to have been unjustified. During the current year again we have experienced a steady increase in traffic but it is too early to predict with any confidence that the level attained during the last few months will be maintained. I believe I have gone as far as it would be safe to go in assuming that the total improvement in earnings that has taken place in the current year may be maintained at a slightly lower level on an average during the next year. I think there is at the moment not enough justification for assuming that the level of improvement reached during the last three months will be maintained throughout the next year.

12. We estimate our working expenses for 1937-38 at 48¾ crores or 14 lakhs more than in the current year. The main reason for this increase is that, as a result of the introduction of Provincial Autonomy, it has been decided to give effect to the principle of sub-section (3) of section 187 of the Government of India Act, 1935, which provides that Railways shall pay to Provincial Governments the expenses incurred by the latter in the provision of police required for the maintenance of order on Railway premises. The total cost of this is estimated roughly at 16 lakhs. It has also been found necessary to make a special provision of 8 lakhs for reconditioning of wagons on the East Indian Railway as an alternative to the purchasing of new wagons. The cost of coal is expected to increase by about 6 lakhs on account of the rise in the price of coal. Against these increases we expect certain savings in repairs and maintenance of rolling stock and gratuity payments.

13. If these estimates turn out to be correct, the Depreciation Reserve, which will open with an actual balance of 13¾ crores and will receive a net accretion of 6½ crores as the difference during the course of the year between the contributions to it and the withdrawals from it, will stand at 20¼ crores at the end of the year.

14. The estimates which I have just presented to the House show a net surplus of 15 lakhs both for the current and for the next year, but, apart from the impossibility of forecasting at this date with any approach to accuracy what the results of the year beginning six weeks hence are likely to be, I think it my duty to sound a note of warning. These surpluses are based on the present system of accounting and, I believe, it will be generally agreed that, even after the modification introduced in the current year, the system leads to over-capitalisation, as it allows a debit to capital of expenditure which should, on sound financial principles, be correctly charged to the revenue of the year. The complete proposals of Government, which have received the general approval of the Public Accounts Committee and the Railway Standing Finance Committee, contemplate that revenue should provide about 1¼ crores per annum for expenditure at present charged to capital to cover the cost of minor improvements and additions and of unremunerative works, and in addition about 5 crores for amortisation of capital. It is essential to remember that railways cannot be considered in a completely satisfactory position until they are able to provide at least the former amount. We cannot, therefore, afford by reason of these estimated surpluses to allow any relaxation in our efforts to improve still further the net revenues of our railways by economies in expenditure and increase in our earnings.

15. I now turn to our capital programme for 1937-38. The total programme of works not charged to Revenue will remain at about the same level as in the current year. It is only with regard to wagons that we shall incur larger expenditure. We propose to purchase 2,000 wagons instead of 750 for 1937-38 and this increase appears to be justified by the recent improvement in goods traffic. Our expenditure on rolling stock including the cost of these wagons will be 3½ crores. We are also providing 4¼ crores for track renewals, ¾ crore for bridge works and 2½ crores for other structural works.

16. We have examined a few construction projects in the current year and have come to the conclusion that two lines in Sind are likely to prove remunerative. One is the Sind Right Bank Feeders line from Larkana to Jacobabad and the other from Pithoro to Tando Mitha Khan. If the Standing Finance Committee for Railways approves of these projects and they are ultimately sanctioned, we shall during 1937-38 require about 30 lakhs for these two projects.

17. The total cost of all works included in our programme for 1937-38, if everything works up to schedule and there are no delays of any sort, will be 11½ crores, of which ½ a crore will be met from stores in stock. From past experience, however, we can safely assume that it is very improbable that anything like the full provision will be utilised during the course of the year. Last year we applied a rough and ready standard of a cut of about 10 per cent. on account of non-utilisation and we now find that this was an under-estimate. For 1937-38, therefore we propose to make a larger all-round cut and have provided only 8½ crores under this head.

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18. It will have been noticed from what I have already said that we do not propose to embark upon a large programme of expenditure or development. We do not feel that we would be justified in doing this even though there are signs that we have at least temporarily got away from the worst of the depression. In saying this I do not wish to imply that we are making no preparations for the better times which we all hope are in prospect. We fully realise that, if traffic develops, we must be prepared to deal with it and move forward with the times. But till there are more substantial indications that we are in for a prolonged period of prosperity, it would be wise to move cautiously. Various reasons have been given for the increase in our earnings during the current year. Some people believe that the increase is due mainly to the rise in commodity prices. In a country like India any rise in the prices of staple commodities is bound to enhance the spending capacity of the bulk of the people and Railways in due course would get their share of this additional prosperity. Other people claim that the main reason for the improvement must be sought in the rapid deterioration of the international situation and that, therefore, the improvement is likely to prove to be only temporary and is based on no firm foundation. There are still others, and among them very eminent authorities, who consider that there is a real improvement in trade conditions throughout the world which is likely to continue. The fact that the upward tendency in staple commodity prices began to manifest itself before any serious disturbance of the international situation became a feature of world news appears to lend support to this view. One pleasing feature in the improvement is that the increase has been gradual. A spectacular rise is often followed by a spectacular fall and the gradual character of the improvement that we have experienced leads one to hope that we might at no distant date get back to a steady market at neither too high nor too low a level of prices which will give the producer a reasonable profit. Given such a condition, I feel little doubt that the railways, though they may not be able to set aside large surplus profits each year, will be able to pay their own way and save reasonable sums for the future.

19. As an example of what railways are doing to prepare for the future, I would mention one experiment we intend to try out this hot weather. I refer to our scheme to run an experimental air-conditioned coach on one of our daily mail services. These coaches are now a common feature of American Railway practice where trains run very long distances as they do in India. In fact, in America, there are many trains completely air-conditioned from end to end; our proposal is in the first instance to run one first class coach on each train of a particular service. For this purpose five coaches are now under construction. The total additional cost of the air-conditioning equipment for these five coaches is estimated at Rs. 2,40,000, and it is hoped to recover this by the imposition of a small surcharge on each ticket issued for the additional comfort provided. The main feature of air-conditioning is that the traveller lives and sleeps in the same temperature from the beginning of his journey to the end. The coach is provided with a constant supply of fresh air at an even temperature, no matter what the outside conditions may be. Dust, cinders and other similar discomforts incidental to railway travel in India are eliminated. As I have said, this is only an experiment, and whether it will turn out to be a successful experiment or not only the future can decide.

All we can say at present is that similar experiments in other countries have been successful and have considerably increased the popularity of railway travel generally. If the experiment proves a success, we shall go ahead on a larger scale, and I hope, I am not looking too far into the future when I suggest that it may be possible to run complete air-conditioned trains including third class coaches wherever traffic conditions justify.

20. We have this year been able to set aside a further sum of money for research purposes. Nearly the whole of this has been expended upon an investigation into the stresses to which the track is subjected. The research, which is not yet complete, was rather ambitious but work on the subject which had been initiated in the United States of America had yielded such remarkable results that we were encouraged to make an attempt upon it. The idea was to measure the stresses set up in the rails and the fish-plates which join the rails together. If these could be recorded, we should no longer need to rely upon empirical formulæ, in which, for obvious reasons, it is necessary to incorporate a generous factor of safety; and if, as was suspected, this factor was too liberal, it would become possible to postpone relaying and to use existing track under higher loadings than it had been supposed it was capable of bearing. The measurement of these stresses requires exceedingly delicate and special apparatus, and the apparatus originally purchased for the purpose failed to give reliable results over the higher ranges of speed. It looked at one time as though we would have to abandon the experiment. The perseverance and ingenuity of the officers entrusted with the research, however, enabled them in the end to overcome these difficulties, and the delay entailed in obtaining modifications in their appliances was very usefully employed in devising methods for correcting instrumental errors. They also succeeded in evolving an appliance for recording the actual shape of the wave assumed by the rails under a succession of wheel loads. Measurements have already been recorded in many thousands of photographic exposures, but the investigations are still being actively pursued and it would be premature to attempt final conclusions at this stage. Sufficient has been done, however, to demonstrate beyond reasonable doubt that the formula for the increment of rail stresses due to speed as worked out by the Bridge Sub-Committee in 1925 is open to revision. It has also been shown that, in many cases we can safely substitute, for the extremely costly relaying that would have been considered necessary in the past, a method of strengthening that will result in appreciable savings under this head.

21. Another investigation which is in progress relates to the surface hardening of rails; the heavy stresses to which they are subjected lead to wear and deformation of rails and, if the points and crossings now under trial come up to expectations, their lives will be materially prolonged and we may be able to effect considerable economies in that direction. The hardening process under investigation is a comparatively cheap one.

22. The reclamation of scrap materials has engaged our attention constantly. A series of tests recently conducted indicate that it is possible to utilise for spring plates old tyres that have been re-rolled in the East Indian Railway mills at Jamalpur. As a consequence of this there should be an appreciable saving in expenditure on new materials.

23. Two promising lines of research have only just been determined upon. One relates to an attempt to improve locomotive steam cylinders in the higher speed ranges—a matter that is assuming special importance in these days of competition for traffic. The other relates to research into

[Sir Muhammad Zafrullah Khan.]

certain properties of lubricants about which our knowledge at present is very limited. This will involve an extensive series of laboratory tests in which we have been promised the collaboration of the Industrial Research Bureau of the Indian Stores Department.

24. This cold weather we have had the privilege of a visit from Sir Ralph Wedgwood, Chief General Manager of the London and North-Eastern Railway, together with Mr. W. A. Stanier, Chief Mechanical Engineer of the London Midland and Scottish Railway and Mr. H. Cheadle, Chief Traffic Manager, South African Railways, who have come out to India at the invitation of the Government of India to help us in finding a solution of our financial difficulties. This invitation was issued as a result of a recommendation by Sir Otto Niemeyer, reinforced by a further recommendation from the Public Accounts Committee, that there should be a general overhaul of railway finances, as it was essential, if Provincial Autonomy was to be given a fair chance of success, that steps should be taken to ensure that railways will not, in future, be a burden upon general revenues. Sir Ralph Wedgwood and his colleagues have undertaken an extensive tour of India during which they have had discussions with all the principal railway administrations who have placed their points of view before them. They have taken the opportunity of exchanging views with officers of the various Provincial Governments on the vital problem of road-rail transport. They have also held conversations with the representatives of the principal commercial bodies throughout the country.

25. Having heard all sides, I feel sure that Sir Ralph Wedgwood's committee will be able to give us very valuable advice and assistance. Railways in India have reason to be proud of their achievements in the past but I am quite sure that there is no inclination in any quarter to claim that the system is a perfect one and that there is no room for improvement. Those who are responsible for administering and running the system of railways in India are only too willing to admit mistakes and shortcomings and to accept advice, and I know of no man who is in a better position to give such advice than Sir Ralph Wedgwood assisted by his able colleagues.

26. In conclusion, I would again desire to give expression to my sense of gratitude to the Members of the Railway Board and all those who may in any manner be connected with the administration and working of our system of railways for the loyal co-operation and assistance they have given me during the last two years. I shall also take this opportunity of conveying my thanks in particular to Sir Raghavendra Rau for the admirable way in which he has watched over the finances of the railways for the last five years. (Applause.) I am sure, the House will join with me in offering him our sincere congratulations on the very well deserved honour that His Majesty has been pleased to confer upon him in recognition of his very valuable services. (Applause.)

COMMITTEE ON PETITIONS.

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

(1) Sir Leslie Hudson,

(2) Sardar Sant Singh,

(3) Mr. M. Ghiasuddin, and

(4) Mr. Mathuradas Vissanji.

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

ELECTION OF THE STANDING COMMITTEE FOR THE DEPARTMENT OF INDUSTRIES AND LABOUR.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three non-official Members to serve on the Standing Committee to advise on subjects, other than 'Roads' and 'Posts and Telegraphs', with which the Department of Industries and Labour is concerned."

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

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three non-official Members to serve on the Standing Committee to advise on subjects, other than 'Roads' and 'Posts and Telegraphs', with which the Department of Industries and Labour is concerned."

Mr. N. M. Joshi (Nominated Non-Official): May I ask the Honourable Member what work last year's Committee did during the year, how many meetings it held, and what subjects were discussed by the Committee? I know, Mr. President, that the work of these Committees is considered to be confidential, but, still, the House is entitled to know the number of meetings held and the subjects that were discussed. If the Honourable Member goes a little further and tells us a little more about the working of the Department, we shall be very grateful, but in any case he must give us information regarding the meetings held and the subjects discussed.

The Honourable Sir Frank Noyce: Sir, I am very glad to be able to do so. I may inform my Honourable friend that this Committee met on two occasions—I always endeavour to have a meeting every Session—; it discussed five subjects—the Draft Convention limiting the hours of work in coal mines, the Draft Convention regarding the establishment of an international scheme for the maintenance of rights under invalidity and old age, and widows' and orphans' insurance, the Factories (Amendment) Bill, the Trade Disputes (Amendment) Bill, and the scheme for the development of broadcasting.

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

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three non-official Members to serve on the Standing Committee to advise on subjects, other than 'Roads' and 'Posts and Telegraphs', with which the Department of Industries and Labour is concerned."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I may inform Honourable Members that the election of Members for the Standing Committee for the Department of Industries and Labour will be conducted in accordance with the principle of proportional representation by means of the single transferable vote. The dates for receiving nominations and for holding an election, if necessary, for the Committee will be announced later.

THE AGRICULTURAL PRODUCE (GRADING AND MARKING) BILL.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): Sir, I introduce the Bill to provide for the grading and marking of agricultural produce.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 18th February, 1937.

LEGISLATIVE ASSEMBLY.

Thursday, 18th February 1937.

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

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred questions Nos. 1322 and 1323 asked by Seth Haji Abdoola Haroon on the 15th October, 1936.

EXAMINATION FOR RECRUITMENT OF CLERKS IN THE DELHI GENERAL POST OFFICE.

Question No. 1322.—(a) One.

(b) No.

(c) The Postmaster was given suitable instructions for future guidance.

EXAMINATION FOR RECRUITMENT OF CLERKS IN THE DELHI GENERAL POST OFFICE.

Question No. 1323.—(a) Yes, but the paper was copied by a single candidate.

(b) Yes.

(c) (i) Mr. Jagdish Ram.

(ii) Mr. Balbir Singh.

(iii) Mr. Shanti Prakash Dusajh. It is, however, not a fact that the Postmaster Delhi admitted the candidate to the examination.

(d) Yes, but the candidate was not turned out of the examination hall; he was not admitted to the examination at all.

(e) No.

(f) No. The Postmaster's orderly peon was induced by Mr. Balbir Singh, the candidate who copied the paper, to show him the book from which the English piece for dictation was to be set, and both confessed their guilt in writing during the enquiry held into the matter.

(g) Government see no need for any independent investigation. The real offenders, having confessed their guilt, have already been suitably dealt with and in view of the facts before them, Government do not consider that any further enquiry is called for.

Information promised in reply to part (a) of Dr. Ziauddin Ahmad's starred questions Nos. 228 and 232 on the 25th January, 1937.

COLLISION AT BARHAN STATION ON THE EAST INDIAN RAILWAY.

Question No. 228.—(a) One Station Master, two Assistant Station Masters six pointsmen, two porters, one waterman, one sweeper.

The Station Master and the two Assistant Station Masters are qualified in the duties of an Assistant Station Master; two of them have also passed in block working and one in goods accounts.

The six pointsmen have all passed in the duties of a pointsman. The remainder do not need any special qualification for their work.

PUTTING OF LUGGAGE VANS BEHIND PASSENGER CARRIAGES IN PARCEL EXPRESS.

Question No. 232.—(a) Yes, as with the normal layout of yards at stations, it is more convenient for luggage vans to be attached or detached, as may be required, from the rear than from the front. Attachment of luggage vans in the rear also enables shunting to be performed while the engine is watering at stations, and further facilitates the handling of parcels and luggage by the guard who travels in the rear brakevan.

Information promised in reply to Mr. Lalchand Navalrai's starred question No. 312 on the 26th January, 1937.

CATERING IN REFRESHMENT ROOMS AND DINING CARS ON THE NORTH WESTERN RAILWAY.

(a) to (d). The Agent, North Western Railway, states that the present contractors began their work on the North Western Railway over 14 years' ago and that no record is now available from which the information asked for in parts (b), (c) and (d) of the question could be given. No applications have been called for since then.

(e) Messrs. Spencer and Company, which is a European firm. The contract has not been given for any fixed period, but is terminable on six months' notice given by either party. In the opinion of the North Western Railway Administration, the firm was considered to be the most reliable and best equipped to give the public a good service.

Information promised in reply to starred question No. 358, asked by Qazi Muhammad Ahmad Kazmi on the 3rd February, 1937.

PROVISION OF LATRINE FITTED COACHES ON NIGHT TRAINS ON THE SHAHDARA SAHARANPUR LIGHT RAILWAY.

The percentage of lower class carriages fitted with latrines on night trains on the Shahdara (Delhi) Saharanpur Light Railway has been increased from 30 to 80.

THE RAILWAY BUDGET—GENERAL DISCUSSION.

Mr. President (The Honourable Sir Abdur Rahim): Before the general discussion of the railway budget begins, I have to fix a time limit for the speeches. The usual practice has been to fix a quarter of an hour for each speech, but the discretion is left to the Chair to relax that rule in special cases. If that is the desire of the House, we shall go on according to the usual practice, and it will depend on the number of speakers whether the time limit will be strictly enforced today or not. I have no doubt every speaker will have ample opportunity to express his views on the budget. I may also remind the House that, in the discussion of the general budget, the speeches will have to deal with the budget as a whole and any question of principle that is involved in it. Now, there will be the general discussion of the budget.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Mr. President, although the time limit for the general discussion of the budget is usually 15 minutes, you will kindly take into consideration the fact that there are very few Members in the House who are expected to take part in the debate.

Mr. President (The Honourable Sir Abdur Rahim): I have suggested that.

Sir Muhammad Yakub: Taking this fact into consideration, I hope you will give a little more time to any speaker who wants to speak for more than 15 minutes.

Lieut Colonel Sir Henry Gidney (Nominated Non-Official): Sir, as I listened to the speech of the Honourable Member—it seemed colourless from the point of view of detailed facts and figures—I could see that his tongue was, in a large measure, tied, as are ours, waiting for the judgment and advice of the Wedgwood Committee Report. The pity of it is that this Report will not be out, I hear, till about April—too late—and for this reason one hesitates to offer any criticisms or advice on problems on which the Wedgwood Committee are sure to report.

Before I deal with the chief topic of my speech, I desire to congratulate the Honourable Member on the able way in which he has been able to balance his budget for the year under review and to show a small surplus. At the same time, one cannot withhold a large measure of credit to his Financial wizard, Sir Raghavendra Rau, for the clever way in which he has, and intends doing, by a complete change in the system of allocation, re-adjusted his various liabilities. Anyhow, Sir, it is very pleasing to this House, as no doubt it must be to the Railway Board, to feel that the Railway administration in India has, at long last, turned the corner of their troubles. But one is seriously tempted to ask, since the Honourable Member, with his financial jugglery, has been able to turn a deficit into a credit budget, what need was there for bringing out the Wedgwood Committee? Surely, if the Railway Board has been able, after many years of failure, to, at least, balance its budget, there was no need for specialistic advice, such as the Wedgwood Committee. I take it, the Railway Board claims to possess experts in charge of its various departments. It certainly has an expert Financial Commissioner, and other Members of the Board are reckoned as specialists, but, evidently, they are only superficialists, otherwise why the need to bring out, at such great cost, the Wedgwood Committee? I have nothing to say against the personnel of this Committee, who, one and all, are well recognised railway experts and whose report this House is anxiously and with great confidence awaiting, but does the Railway Board, after all these years, consider itself so incompetent as to need another Committee to show them how to manage the railways in India?

I now come to the chief topic of my speech. I feel, Sir, that no apology is needed from me for referring again to the precarious present and future position of the Anglo-Indian community employed on railways. This House will remember the speeches I delivered last year on this subject, on the 26th February and the 18th March, 1936, as also the Honourable Member's reply to my speech of the 18th March. In those speeches, I referred in great detail to the terrible re-action the new scales of pay were having on Anglo-Indian railway employees, and, despite what the Honourable Member said that officials had suffered more than subordinates under these scales of pay, I proved beyond doubt that it was the Anglo-Indian community alone, of all communities employed on railways, who had suffered so much by these new scales and which amounted to an all round reduction of from 50 to 60 per cent. in initial salaries

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and 40 to 60 per cent. in the maximum salaries—and I again challenge official contradiction that the Anglo-Indian community is the hardest hit by these new scales of pay. And, yet, it is from this community alone that Government demand compulsory enlistment in the Auxiliary Force as a pre-requisite to railway employment, and it is to this community that Government always look for loyalty and help when they are in trouble as has recently been evidenced in the Bengal Nagpur Railway strike which the Anglo-Indian community helped to stop, and certainly saved the situation. Sir, the solution of the economic problem of the Anglo-Indian community has baffled me ever since I entered this Honourable Assembly, more so, since the acceptance by the Government of India of its policy of "no discrimination" and "standardization of wages" on Railways and Posts and Telegraphs. This House is aware of the lonely furrow I have for years ploughed on the floor of this Honourable House, and, I am sure, every one has seen how each year has found Anglo-Indian railway employees being deprived of what was once, not long ago, their well earned privileged position on railways. The wake of Indianisation was threatened with *ex*-Anglo-Indianisation till the Government Despatch of September, 1928, in which the community was advised to rely for its future economic protection on the acceptance of the position of "Statutory Indians" as defined in the Indian Councils Act, 1870—Victoria XXXIII, Chapter III. Then came the Government of India, Home Department, Resolution of 4th July, 1934, which was the outcome of the community's efforts at the three Round Table Conferences and the Joint Parliamentary Committee and we were lulled into a sense of "psudo" security, but I felt that the revised scales of pay which the Railway Board introduced in the latter part of 1934 would eventually defeat the very purpose underlying and stressed in this Resolution, namely, the avoidance of the dislocation of the economic structure of the community which had become welded into these two services in particular. It was for this reason, Sir, and for this reason alone that I, as leader of the Anglo-Indian community, felt it imperative to make an eleventh hour effort and went to England in 1935 to secure statutory safeguards, in order to protect the community from "annihilation". In all my endeavours, I had always in mind the Government of India Despatch on "Proposals for Indian Constitutional Reform" of September, 1930, to the Secretary of State for India, in which the Government of India categorically and unreservedly placed the responsibility for the protection of the future interests of the Anglo-Indian community employed on railway services on the British Parliament. Let me quote *verbatim* from this despatch. Clause 192, pages 168 and 169, state:

"192. Purposes for which Parliament *must retain control.*

The purposes in which Parliament *must*, we think, continue to be interested so far as the railways are concerned fall under the heads of Defence, Finance, the Services and the Anglo-Indian community.

The Anglo-Indian community.

The Anglo-Indian community has in the past rendered very important services to the railways and still holds a large number of posts in particular branches of railway work. The economic life of the community is indeed to a large extent dependent on the opportunities of employment which the railways offer, and its members are gravely apprehensive of what may occur, if and when any change

takes place in the present system of administration and control. In view of the history of the community, a special obligation, we think, rests upon Parliament, before relaxing its own control, to ensure, as far as may be practicable, that the interests of the Anglo-Indian community are protected."

I desire to draw the Honourable Member's special attention to this admission of inability on the part of the Government of India any longer to protect the community and its surrender of this power to the Houses of Parliament. Now, what did this mean? It clearly meant that the Government of India, to whom I am deeply grateful, had tried their utmost to protect the community, but found that political pressure had become so strong as to render them impotent to do so any longer, and, in the year 1930, on the testimony of our services on railways given us by the Simon Commission, it frankly admitted its inability to protect the community, and, in doing so, admitted our past services and the vital necessity of having us employed on railways. It also asked the British Parliament to take upon itself the responsibility of protecting the future of the Anglo-Indian community on railways. Sir, if ever there was a clear abdication of power and authority—and the Railway Board must be associated with this—if ever there was a clear admission of our value as railway servants and if ever there was a clear demand on Parliament to do what the Government of India found themselves unable to do in the year 1930, this Despatch more than expresses and demonstrates. The three Round Table Conferences and the Joint Parliamentary Committee had ever before them the future of the Anglo-Indian community in the Central Services of the Government of India. One has only to read the recommendations of the Services Sub-Committee of the First Round Table Conference and the Report of the Joint Parliamentary Committee to realise the fact that both Houses of Parliament gave very close and considered attention to our economic problem. The outcome of this was that the Government of India issued its Resolution of the 4th July, 1934, giving to the Anglo-Indian community certain reserved percentage on Railways, Posts and Telegraphs and Customs. During my visit to London in 1935, the relative amendments to the Government of India Act, 1935, which were moved and accepted, as a result of my appeal to both Houses of Parliament, were, therefore, acts done by Parliament in the direct fulfilment and discharge of the very responsibility which the Government of India themselves felt compelled, in this Despatch, to place on the shoulders of Parliament. These amendments are to be found in section 242 (2) and (3) of the Government of India Act, 1935. They face one as undeniable evidence of the wishes, the expression, the intentions, and indeed, the order of the Houses of Parliament, and is a correct interpretation of the intention of Parliament which was asked from them by the Government of India as being necessary for the protection of the economic problem of the Anglo-Indian community, especially those employed on railways, and, as such, I beg respectfully to submit that no Government that had surrendered its power by appealing to Parliament as the Government of India so definitely did in their Despatch of November, 1930, and the Government of India, after the passage of the Government of India Act of 1935 cannot refuse to have "due regard" to that section of the Act, without exposing themselves to a serious dereliction of duty. I repeat, this obligation can,

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under no circumstances, be ignored, overlooked, or evaded by the Government of India or by any Honourable Member as is being done today. Sir, this is the tragic position in which the community finds itself placed today and which it is asked to face in its future, *i.e.*, to be statutorily protected and yet given starvation wages which cannot keep body and soul together much less maintain a physical fitness as required for the Auxiliary Force.

Sir, nineteen months have elapsed since the Government of India Act was passed, and the community is not only distressed, but surprised to find that, today, it is where it was prior to the incorporation of the said amendments in the Act of Parliament. The provisions made in the Act appear to have made no difference whatever as far as the community is concerned. All that we have before us today are the statements made by the Honourable Member for Commerce and Railways on the floor of the Legislative Assembly on the 26th February and 18th March, 1936. The trend of these statements was to the effect that, at least in the opinion of this particular Member of the Governor General's Council, though section 242 is of statutory value and must be obeyed, the relative section of the Government of India Act, 1935, did not require of the Government of India to give any special consideration to the Anglo-Indian community, as apart from the other communities of India, particularly in the matter of "remuneration".

The Honourable Member has admitted on the floor of this House that the Government of India are today giving effect to certain parts of section 242, in particular the "specific appointments" and "the numerical percentages" held by the community in these specific appointments. I repeat he has admitted that this is being operated today and I thank him very much for doing so. He has not waited for the new Statutory Railway Board to put this part of section 242 into operation. I ask him if he considered it justifiable, necessary and in compliance with section 242 to operate these parts of the section and has exhibited "due regard" in this respect, why is it that he flounders in the sea of difficulty and refuses to give equal regard, as far as remunerations of these specific posts are concerned? If the words of the section—and I particularly refer to the word "remuneration" of the posts to which the Anglo-Indian community is to be recruited—were not intended to be effective and to be put into operation for the material benefit of the community, which alone is mentioned in this manner in the Act of Parliament, I ask in the name of justice and in the name of common sense, what was the purpose of the Houses of Parliament unanimously passing these amendments and entering them in the Statute-Book of the Government of India Act, 1935? Surely it stands to reason and it must be obvious to the Honourable Member that these sections were passed, and special mention was made of the Anglo-Indian community alone of all the other communities in India (all of whom are recruited to these services) for a specific and exclusively significant purpose? Does the Honourable Member suggest that it was meant to be only ornamental or of academic importance to the Anglo-Indian community, or a pious expression of opinion of Parliament to be ignored or interpreted at the will and pleasure of any Honourable Member? If this were so, I venture to state on the floor of this House that it belies the vehement and enthusiastic denial of Lord Eustace Percy who, speaking on behalf of the British Government in the House of Commons on the 30th July, in reply to Lord Wolmer's

request for an official opinion on the value of section 242 and which Sir Austin Chamberlain said had been losely described in the House of Lords (Lord Zetland) as being of "declaratory value" only, said:

"To say that all that has no statutory effect and that it is purely a facade would be absurd."

It must, therefore, be quite clear that some definite action was and is, today, definitely demanded of the Government of India in regard, not only to the specific appointments and numerical percentages which have been put into operation, but also in due regard to the remuneration of all the posts to which Anglo-Indians are recruited under paragraph 9 (1) and (2) of the Government of India Home Department Resolution of 4th July, 1934, otherwise this Home Department Resolution is of no material value whatever to the Anglo-Indian community. Sir, in making this statement I shall be prepared to accept the view that it is not the intention of the words "due regard to the remuneration of the posts" to give to Anglo-Indians *exactly the same* salaries as they were receiving years ago; but I do contend that some reasonable advancement, or to use the words of section 242, "due regard" and not "disregard" is clearly indicated—indeed demanded on the revised scales of pay. It certainly did not mean that we should be starved and that our remuneration should be 50 to 60 per cent. less than the old scales. Sir, the Honourable Member, in his reply to my speech on the 18th March, 1936, said that he was "not willing to accept the proposition that the pay of members of any particular community should be regulated by reference to what they choose to regard as their standard of living", though this is being practised today in almost every Department of the Government of India. That a great difference does exist between the standards of living of an Anglo-Indian subordinate and an Indian subordinate, I am sure, not even the Honourable Member would deny, and yet, he threw out my demand for "due regard" being paid to the remuneration of the posts which are held by the community on railways. In other words, as regards "remuneration" he refused to pay any regard to the Statutory order implicit in section 242 of the Government of India Act and which section would otherwise never have found a place in the Act. The Honourable Member further said that "the obligation contained in section 242 is being fully recognised in general terms even now", but he refuses to operate that part of the section which refers to remuneration. He also stated in his interpretation of this section that it did not imply, to use his own words:

"That is in deciding and fixing these percentages they might consider what is the pay of these posts, not that they can play about with the remuneration for such posts and say 'for them the pay shall be a certain amount and for others the pay shall be a different one'."

Sir, this is not only a complete evasion of my demand, but a direct negation of section 242. This cannot remain as such, for the Government of India cannot play about with any section in an Act, passed by the Houses of Parliament, nor can any Honourable Member of Government, in placing his own interpretation, operate a part and not the whole of section 242 as is being done today. The Honourable Member, however, admitted that to ask Anglo-Indians to enter the Loco and Traffic services at the bottom of new scales of pay was a distinct hardship and would, in time, seriously affect recruitment of not only Anglo-Indians, but the better class Indians, and speaking personally, he felt that it might, to some extent, meet this difficulty by direct recruitment of Anglo-Indians and Europeans

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to certain intermediate grades, but subject to the proviso that a similar concession be given to all communities, a concession which will be made on exactly the same principles on which recruitment is made to the lowest grades and he added:

"I think—(again without committing Government to it)—that it is very probable that that is the meaning of the Federal Authority being asked to pay 'due regard' to the remuneration of the posts to which recruitment is being made and for which percentages are being reserved",

and, in offering this solution to me, said: he hoped that I would recognise—to use his own words:

"There was no desire on the part of the Government to evade any of the obligations which are set forth in sub-section 2, section 242, of the Government of India Act."

Sir, if this is the solatium offered to the community as the Honourable Member's interpretation of section 242 in regard to "remuneration", I respectfully refuse to accept it. It is no solatium at all. It is a clear evasion of a crystal clear duty that the Honourable Member must carry out, even though it may be against his principles or conviction. This specific section of the statute Act cannot be evaded, because the remaining words "shall have due regard" implies an injunction to him and the Government of India to pay attention to whatever follows. The Honourable Member then concluded by saying that he agreed with me in my interpretation of the expression as to be found in section 242—"shall have due regard to" and added "the Federal Railway Authority must have due regard to these matters" and again—to use his own words he said:

"I think I have made the position clear, although the question is under examination even with regard to initial scales of pay."

Sir, the Honourable Member did not make the position clear to me, in fact, the situation is more cloudy today after a year's waiting for some relief than it was on the day when the Honourable Member made his speech. I am aware, Sir, that this matter is under the examination of the Government of India. I am also aware that various Departments have been called upon for their opinion, and I have no doubt that the Honourable Member has submitted his own opinion on this matter. I am not in the secrets of the Government, and so I am not aware of what the Honourable Member has said, but I have no reason to think that he has changed his mind since the 18th of March. Now, Sir, I respectfully call upon the Honourable Member to be good enough to state on the floor of this House what, if any, decision he has arrived at on this matter and whether or not he is prepared to operate, *in its entirety*, section 242 with due regard to the "remuneration" of posts held by the Anglo-Indian community in the railway services? The Honourable Member can, of course, decline to give me this information; but if he does, the community on the railways will then know exactly where they stand and will be able to take whatever action they think necessary for their future relation with the railway services. Let me, however, ask the Honourable Member to remember that, in his policy of "no discrimination" and "standardization of wages on railways", he is offering not only the Anglo-Indian community, but all other communities employed on railway services, a common grievance which is bound, sooner or later, to result in a common action and I need hardly stress what this may mean to the Railway administration in India.

It may be said, that section 242 is faulty in wording and construction. Even admitting this, I ask, can the Honourable Member deny on the floor of this House that, with all its faults, it is a Statutory direction and it clearly enjoins the Government of India that due regard must be paid to our past associations on the Railways and Posts and Telegraphs in specific connection (among other matters) with our "remuneration"? Moreover, none will deny that this section must have some specific value and purport attached to it, be it declaratory, mandatory or Statutory, otherwise why did the Houses of Parliament pass it and incorporate it in the Government of India Act, 1935, which none can deny is a Statutory enactment which the Government of India cannot evade or refuse to operate correctly. And, yet, Sir, this is exactly what one is witnessing today. A Member of the Governor General's Council, because he does not agree with the principle underlying section 242, puts his own interpretation to it and offers direct recruitment in intermediate grades as a Sop to Cerberus, instead of giving "due regard" to the remunerations of the posts the community occupies in railways. He also, though he admits it has a Statutory value, refuses to place or operate any value, declaratory, statutory, or mandatory, on this section as far as our remuneration is concerned, and, therefore, contravenes this section of the Act. I submit, Sir, that this behest of the British Parliament cannot be ignored on any ground whatever, except by the annulment of the relative section of the Government of India Act, 1935, and this the Government of India are powerless to do.

Sir, this is my complaint against the Government of India. My request to the Honourable Member, therefore, is to let me know on the floor of this House after a year's consideration, the views he holds on the matter today and what he intends doing in response to my demand.

I have, in my previous representations, referred to some of the grounds put forward by the Honourable Member in charge of Commerce and Railways in support of his contention, and I have categorically refuted them with counter arguments. It is, therefore, unnecessary for me again to refer to them in detail. The first of these was the policy of "no discrimination" to which the Government of India are said to be committed. I have quoted many instances including our conscription into the Auxiliary Force, where discrimination has been shown even by the existing Government. Foremost among such instances is the high grants-in-aid allowed by Provincial Governments and the Government of India for the education of the Anglo-Indian community. In any event, it must be realised—indeed it cannot be denied, nor ignored—that a higher authority, the British Parliament, by a section in the Government of India Act, having pledged itself to a policy of discrimination in favour of the Anglo-Indian community, this plea of the Government of India of refusal on the ground of no discrimination and standardisation of wages cannot hold water any longer.

The second of the objections raised is that there has been no fall in Anglo-Indian recruitment even on the revised scales of pay. I have not got statistics to satisfy myself in this regard, but I would again point out that this is entirely due to the undeniable fact that the parents of the young recruits are, in the majority of cases, today, in receipt of the old higher scales of pay and are financially in a position to supplement the meagre incomes of their sons and so enable them to exist. Within 10 or 15 years time, the very opposite position will obtain, *i.e.*, 90 per cent. of parents will, themselves, be on the new starvation scales of wages and be quite unable to maintain their sons, and we will be forcibly drawn out of railway

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service. Moreover, I submit the problem of unemployment among the educated youth of India (including Anglo-Indians) is, today, so acute that even if Government offered these appointments on a lower salary than they are offering today, say at Rs. 20, instead of at Rs. 30, there may be a sufficient supply of recruits to meet the demand. The suggestion, therefore, that the fixation of the initial pay of these posts must be regulated by the principle of supply and demand is monstrously inhuman, because it amounts to trafficking at cheap market rates on the poverty of the youth of India. Even so, I am informed that, although the North Western Railway advertised in December, 1935, for 50 posts of Station Masters and 30 Commercial Group students, of which three of the former and one of the latter were definitely reserved for Anglo-Indians, no candidates of the community offered for recruitment. Again, young men of the Anglo-Indian community, who, today, join these appointments, frequently resign them shortly afterwards. In the Allahabad Division of the East Indian Railway, I believe, out of the eleven boys who were recently recruited as firemen, ten either resigned or left their appointments soon afterwards, and I have no doubt there are many such instances in other parts of India. In short, history is repeating itself, and the community is being driven out of such service.

A similar position, I am informed, obtains particularly in the Bombay and Bengal Circles of the Posts and Telegraphs Departments, as far as the Anglo-Indian recruitment to the various branches of this Department is concerned.

To any one who is familiar with the conditions of living of the Anglo-Indian community in India, it must be apparent that the revised scales of pay are, in truth, starvation wages for its members. Even a body of people (the British Parliament) seven thousand miles away realised this and took the unique and unprecedented step of statutorily protecting the economic structure—in particular the remuneration of the Anglo-Indian community by specially and significantly referring to the form which such protection should take. My greatest surprise is that a Government which is on the spot, and with its full knowledge of our difficulties, should be so recalcitrant in giving effect to the intentions of Parliament, so clearly expressed in section 242 (2) and (3) of the Government of India Act, 1935.

In any case, I would point out that, if there is any doubt regarding the intention of any section of the Government of India Act, 1935, none but the Houses of Parliament can clarify such doubt. I feel I owe it to my community personally to obtain an authoritative declaration on this matter from the British Parliament, but, before doing so, I shall be grateful for a clear statement from the Honourable Member.

In conclusion, I am constrained to state that, if an Act of Parliament can be so easily misinterpreted by the Government of India, as at present constituted, I tremble to think of the future of the community or of any minority community, when a further instalment of responsibility, as envisaged in the Government of India Act, 1935, is placed in the hands of Federal Ministers and Legislatures.

Sir, having dealt with my chief topic, I shall now conclude with a few general observations, and resume my seat. . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already spoken for half an hour.

Lieut.-Colonel Sir Henry Gidney: I will not say much. If the Government of India want honestly to economise and obtain money, they can do it without depriving railway subordinates of adequate wages and privileges. This House knows that the Railway Board has recently been withdrawing the privileges and reducing the pay of their subordinates. I again warn the Honourable Member in his desire to balance the budget to cry a halt in his headlong rush for economy at all costs at the expense of the railway subordinates. Let me tell him he has gone too far already. Let me advise him, in all humility, to retrace his steps, otherwise he will be faced with an unified opposition of such magnitude that the Government of India and the Railway Board will be impotent to combat it.

When I heard the Honourable Member refer to his experiment of the air conditioning of five first class carriages at a cost of 2½ lakhs, my soul rebelled within itself to think that here we have a Department that is squandering money on luxuries, while thousands of its staff are hungering for a proper meal. Does he know—and I say it on the floor of the House that many Anglo-Indian "Cleaners" on small pittances of Rs. 10, Rs. 12 or Rs. 15 on the railways in Calcutta have to depend on the public soup kitchens for their bread and butter? Let us have in place of this financial extravagance more of the human touch, without which no railway can properly function and prosper. Let us see more evidence on the part of the administration to give a decent wage for a decent day's work and not waste their money in cooling their first class passengers. There are many other ways in which honest economy can be effected. Let me mention a few in conclusion. Come to some practical agreement with the various motor services that are competing with railways; abolish your Divisional system which has been a source of enormous and useless expenditure on the part of the Railway Board and return to the District system which is working so successfully and at less cost in most Company-managed Railways; stop recruitment of your officials from England and promote your worthy subordinates, as obtains in all English railways, so that they can rise to the highest official appointment on Indian railways; make use of your Lower Gazetted Officers and promote them freely into the Junior Scale; have the courage to acknowledge that the separation of audit from accounts has been a failure and an expensive experiment. Instead of depriving your subordinates of their hard earned privileges, apply this deprivation more to your officials who, with their higher salaries, can more easily afford to pay for these privileges; reduce the number of saloons for officials and the number of officers' Rest Houses. Exercise a more careful control on all new constructions and do not allow so much money to fall into the hands of contractors. Make a start to manufacture your own locomotives and wagons in this country and so give relief to the thousands who are, today, drowning in the sea of unemployment owing to retrenchment on railways; improve the time tables of your trains so as to secure connections at junctions, utilise the large amount of surplus land which railways possess today and which is lying fallow; amalgamate your railways. The British Railway Act of 1921 amalgamated 27 constituent companies and 91 subsidiary companies into four groups. We, in India, should do the same and enter into a pact with the motor services and purchase most of the stores through the Stores Department of the Government of India. To effect your economies at the expense of your subordinates is dishonest economy and let me warn the Honourable Member that, unless this is stopped, he is riding for a serious fall. Railway employees of all communities are, today, up in arms against this deprivation of privileges

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which, by their long usage, are rightly claimed by them as "vested interests". Let me quote a few: increase in house rent, reduction in passes, reduction in leave rules, alteration of overtime, deprivation of allowances, juggling with new scales of pay on employees who were in railway employ before 1931, reduction in educational grants, etc. These are but a few instances which are rendering employment on railways a drudgery. Today the cry of all railway communities enlisted on the new scales of pay is "Give us this day our daily bread"; but the railways are giving us stones instead, and these subordinates stand today in a worse position than criminals in jail: the criminal has a few hours well regulated labour extracted from him, but he has clean habitation, clean clothes and good and sufficient food. What is given to the railway subordinates on the new scales? Stones. Does the Railway Board call this the human touch? It is not the human touch: it is the inhuman touch. It is not "regard" it is utter "disregard".

Mr. President (The Honourable Sir Abdur Rahim): The Chair must ask the Honourable Member to conclude his speech. He has much exceeded his time limit.

Sir Muhammad Yakub: Mr. President, I will not start by following the example set by my Honourable friend, the gallant Colonel, Sir Henry Gidney. I will not utilise this opportunity for bewailing the lot of the Muslim youth and trying to bring forward before the House a discussion on the representation of different communities in the services Not because my community has got no grievances in this respect, not because the Muslim youth is not in need of railway service more than any member of the community to which my friend, the gallant Colonel belongs; but because I think that, during the last five or six years, we, in this House, have done all that was possible to be obtained in order to safeguard the interests of the minority communities. Parliament have issued instructions in this direction and the Government of India have also issued their distinct communiqués and instructions in order to regulate the proportion of the different minority communities; and I think we should now allow Government a little time to act upon these rules which have been issued a year ago. Let us wait and see what is the result of these instructions, and then there will be time to criticise, if any criticism is required, on the action of the Government in this respect.

Then, again, new reforms are now coming in the country and the power will soon be passing from the hands of the British bureaucrat into the hands of the people of our own country; and it behoves us that we should start with a clean slate without having any distrust or misgivings as regards the people of our own country. Let us see how the power, which is going to be vested in the people of our country, is to be utilised, and let us see how the majority community does justice to the minority communities, and then we will see what can be done.

The railway administration in India touches the bulk of the population of the country. India is a vast country where it takes five or six days, by the fastest train, to travel from one end of the country to the other, and, therefore, the interest which is shown by the people of the country in railway affairs is not to be wondered at.

Sir, the budget which the Honourable the Railway Member placed before the House, the other day, shows that there has been improvement in the income throughout the year. During the last two years, since Sir Muhammad Zafrullah Khan took over the portfolio of the Railways, there has been a steady increase in the income of the Railways, and, in addition, he has been able to effect several other improvements in the railway system. Sir, the Honourable Sir Muhammad Zafrullah Khan is not an expert railway man, nor does he even belong to the cadre of the I. C. S. which is considered to be the master of all trades and all branches of the administration in this country. He came directly from public life, and, during the two years he has held the portfolio of Commerce and Railways, he has fully justified his appointment, and has proved, beyond all doubt, in what way a man who comes directly from public life can handle even a difficult portfolio with success and to the advantage to the country. Sir, I wish to take this opportunity to congratulate him on his achievement, and also the members of his staff, particularly his Financial Commissioner, Sir Raghavendra Rao, and here I also join others in offering the Financial Commissioner for Railways my congratulations on the distinction which has been conferred on him recently.

But, Sir, the railway budget discloses that the income of the railways is not yet sufficient to make full contribution to the general budget of the country, and, if, within the next two or three years, the Railways are unable to pay the full quota of their contribution to the general budget of India, I think a very serious position will be reached. Today India stands more in need of financial improvement and stability than it did at any other time. We know that democracy itself is a very costly machinery, and with the reforms that will soon be coming in the Centre as well, I think the expenditure of the Government of India will increase, for which provision will have to be made in the budget of the Government of India. So far as taxation is concerned, we know very well that the last straw has been laid on the camel's back, and there is no more room for further taxation. Therefore, the finances of the Government of India can only be improved by devising means to improve the income of the railways, trade and commerce of the country. The railway budget is, therefore, of very great importance to the House, and we have got to scrutinise each and every item to find out where extravagance is practised, or where there is room for economy or for retrenchment.

An objectionable feature of the railway budget has, for a long time, been the high rate of the depreciation fund. Attention has several times been drawn to this point that the rate fixed for the apportionment of the depreciation fund is very high. I am glad that the Honourable the Railway Member has decided to write-off the so-called debt from the depreciation fund, and I hope that the scale or rate of allocating the depreciation fund will also be reviewed and re-examined, and the amount of the depreciation fund will be fixed at a reasonably low rate.

Sir, the process of retrenchment which was started several years ago still continues, and many low paid members of the Indian staff are axed every year, even at the expense of efficiency, but the real vulnerable points have not been touched, and we find that huge wastage on overhead charges is still going on, and the accumulation of highest paid officers still continues. In this connection, I would also refer to the point, which was

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mentioned by my friend, Colonel Gidney, namely, the system of administration by Divisional Superintendents. It has been proved beyond all doubt that the present system is extremely expensive, and it has proved a complete failure. The officers are heaped up one upon the other, and the public finds it very difficult to approach the railway officers in order to place their grievances before them. In this connection, Sir, with your permission, I would like to read a few lines from the *Railway Times* of January, the 23rd, 1937. It says this at page 2:

"We have always stoutly held that the retrenchment and demotion of the lowly paid clerical staff and manual workers is an inhuman measure in the face of the steady increase in the number of officers in recent years. The case is well worth the closest examination of the Wedgwood Committee. To take the case of the N. W. Railway alone we find that it was in the last quarter of 1925 that several of the old districts were abolished, and in their stead seven divisions created, namely Rawalpindi, Lahore, Ferozepore, Delhi, Multan, Karachi, and Quetta. At the head of each division we have today a Divisional Superintendent, an official representing one of the four branches of the service,—Loco., Traffic, Carriage and Engineering. Then follow a string of his lieutenants under the various designations of D. R. O., A. R. O., A. T. O., D. P. O., and A. P. O., from the different branches of the service."

Sir, all the letters of the alphabet in the English language are finished in mentioning the abbreviations of these highly paid officials who do nothing but sign huge files. (Laughter.)

Now, I shall continue to read the rest:

"Whereas, before the introduction of this new scheme, each district was both efficiently and economically run with but three experienced officers of the same branch, under the control of an Agent."

I hope, Sir, the Honourable the Railway Member will pay his serious attention to this fact and the Railways will soon go back to the older, cheaper and the more convenient and efficient system of management through the district officers.

Sir, the difficult situation created by the rail-road competition has been recognised by everybody in this country. Even the Honourable the Railway Member laid stress upon its seriousness in his budget speech, but the causes which have diverted the traffic from the rail towards the road have not been fully scrutinised and remedied. My Honourable friend, Sir Henry Gidney, has mentioned some of them. For instance, as he has mentioned, the time tables are prepared without taking into consideration the convenience of the passengers. For example, I find that, between Moradabad and Aligarh, there is no train between 6 A.M. and 6 P.M. Again on branch lines particularly, there are no mail or express trains, and the train service is so slow that it takes double the time in going by train which is taken up by travelling in a motor car. For instance, Moradabad, my own home, is only 100 miles from Delhi, and, by all the three trains which run between Moradabad and Delhi, it takes 5½ hours to reach Moradabad from Delhi, while, if we travel in a motor car or a bus, the same distance could be covered within three hours. The result is that the bulk of the traffic from Moradabad, Amroha, Gurmukhteswar, Hapur and Gajroula, is all diverted from the railways to the road. Even if one fast express train is run, at a convenient time, between Moradabad and Delhi, I have no doubt that a good deal of the traffic, which is diverted to the road, will again return to the railways. Then, the railways do not care for the conveniences of the passengers. I am giving a very small example. For

years we had a through bogie, first and second class, between Delhi and Lucknow *via* Moradabad. This has recently been, I understand, discontinued. The result is that if a passenger wants to go from Delhi to Lucknow *via* Moradabad, he will have to get down at about 11 at night at Moradabad and will have to wait until 2 A.M., in order to catch the next train for Lucknow. This is very inconvenient, and I hope that the railway authorities will pay attention to the matter and this grievance will be removed. Road traffic cannot be stopped by leaving the roads to the mercy of inefficient and corrupt local bodies. On the other hand, if the treatment of the passengers by the lower railway staff is improved and the corruption in goods traffic is stopped, and the business man is not harassed too much while loading and unloading his goods, I think a good deal of traffic will be regained and the receipts under the head of goods traffic would be much larger than they have been up to this time.

Another point worthy of consideration by the Government of India is what I may call the extreme decentralisation or extreme autonomy. What I meant is that the orders which are passed by the Divisional Superintendents or by any other Divisional Officer are never scrutinised, revised or interfered with, either by the Railway Agents or by the Members of the Railway Board. The fact is, the real man who bosses the whole show is not the Divisional Superintendent, but the Superintendent of the office of the Divisional Superintendent or the head of the office of these different branches. The orders which are passed by him are final orders, and the grievances of the public or the railway staff are not looked into and remedied by the Agents or by the Members of the Railway Board. The Agents have themselves become so autonomous and so independent that they do not care a bit for the orders which are issued by the Railway Board, and, in the same way, the Divisional Superintendents have no regard or care for the orders which are passed by the Agents. It is high time that this bogey of the man on the spot were abolished, and both the Agents and the Members of the Railway Board paid more attention to questions of detail and personal grievances. The grievances of the low paid railway officials are not looked into by the Agents and by the Members of the Railway Board, with the result that there is a good deal of dissatisfaction and resentment among these officials, and their security of service which is so necessary for loyalty and efficiency of work is lost.

I am glad that the construction programmes, which were in abeyance for several years, have now been taken in hand. I do not grudge that Sind should be the first to benefit by the construction of new railways, but I hope that other lines, and particularly the two railway lines in Rohilkund, of which a survey was made some years ago, will also be taken in hand.

Recently, an anomaly has been introduced by the railways which is causing the greatest resentment to the travelling public, and it is this. Up to this time, the Indian refreshment rooms, like the European refreshment rooms, were given to people without charging any licence fee. Of course, the contractors of the European refreshment rooms had many more concessions and facilities than those of the Indian refreshment rooms; the contractors of the European refreshment rooms were given crockery, cutlery and other things free, and, even for the breakage, they got, I understand, 25 per cent. from the railways, while the contractors of the Indian refreshment rooms have no such concessions and no such facilities. But recently the railways have started giving contracts of the Indian refreshment rooms to contractors on a system of auction, that is, to the

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highest bidder. They want to make money in this way. The concomitant result will be that the price of the food which is supplied to Indian passengers will be very much increased. I am told that the contract of the Hindu Refreshment Room at Delhi Station has been given on Rs. 7,000 per year, although the income derived by the contractor of this refreshment room was calculated to be between Rs. 2,000 and Rs. 3,000 a year.

Mr. N. M. Joshi (Nominated Non-Official): It is exploitation.

Sir Muhammad Yakub: What will be the result? The result is he will have not only to make up the Rs. 7,000 which he has given to the railway, but he will also earn his profit, and, for this purpose, the price of the food supplied to the Indian passenger will become exorbitant, and, as a result, more traffic will be diverted from the railway to the road. I do not suggest that the invidious distinction between the European and Indian refreshment room contractors should be removed by adopting a system of giving contracts of European refreshment rooms as well and thus placing them on an equality; what I mean to say is that this method of taxing the food of the passengers is highly objectionable, and that it must immediately be stopped.

I have now almost finished what I had to say about the railway budget, but I cannot conclude my general remarks without reiterating the feelings of resentment and disappointment of the Indians in not appointing any Indian on the Railway Inquiry Committee. I carefully heard the explanation which was given by the Honourable the Railway Member, the other day, when this point was under discussion during the Demand for Supplementary Grants, but even his forceful advocacy and eloquence could not convince me of the justice of the action which they have taken. I may assume, for the sake of argument, that an Indian expert would not have been so efficient as the European experts are, but there is no reason why Indians should be deprived of an opportunity of getting training in the matter of this expert inquiry. If one or two Indian gentlemen had been appointed on this Commission, they would have gained experience and become experts themselves, and, in future, India would have benefited by their knowledge and experience. Now, these people have come from outside. They will conduct an inquiry, and will make a report, good, bad or indifferent, and so much money has been wasted for nothing. If some Indian members had been associated with this Committee, in future, if not at present, we would have gained considerably by their experience and by their knowledge. I hope, Sir, that this will be the last time when a blunder of this kind has been made, and, I am sure, that in future no important Committee, or even an unimportant Committee, will be appointed in which the Indian community will be ignored and only foreigners will be appointed.

12 NOON.

Lastly, I cannot close without expressing my feelings of disgust and without entering my strong protest on the appointment of an expert from South Africa on this Railway Inquiry Committee. As I said the other day, the treatment meted out by the South African Government towards the Indians is so shameful and insulting that no self-respecting Indian can ever associate himself with the appointment of any man from South

Africa, howsoever efficient and expert he may be, on any Committee in India. It is insulting to our self-respect, and I enter a strong protest upon this appointment. With these words, I close my remarks.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, after successive years of chronic deficit, we have this year a surplus budget. Better crops and higher prices have given us better earnings, with the result that there is a surplus, although it is a nominal figure of 15 lakhs. Any way, it is not a deficit budget. But, the budget before us is after all an orthodox budget of the most stereotyped character. It is something like the balance sheet of a public company, showing the profits and losses of the year. But the railway system in India is a national asset in which the taxpayers of India have invested about 800 crores of rupees. Therefore, it is not to be looked upon as a mere money making business. It is something more. It has a higher and a nobler duty to perform, and that is that it should encourage the Indian industries and agriculture through the medium of freights and fares Our charge against the railway system is—it is an old grievance—that there are lower rates imposed for traffic to and from the ports than for internal traffic.

Mr. N. M. Joshi: It is quite the reverse. They charge more for internal traffic than the traffic to and from the ports.

Mr. Akhil Chandra Datta: That is precisely what I am submitting. In other words, the policy is calculated to encourage the export of raw materials and to encourage the import of manufactured foreign goods. That is the gravamen of the charge which has been made for a long time. In August, 1935, that was the charge that was brought against the railways by the Public Accounts Committee. This is what they said:

"The Committee desired that the Railway Department should examine and send a note to the Committee to show whether there is any basis for the allegation generally made that the rates of freight at present charged operate in such a way as to help the export of raw materials and the import of foreign manufactured goods to the detriment of Indian industries".

What is the answer? We have now got the answer from the Railway Board. It appears at page 50 of the Report of the Public Accounts Committee of 1934-35. I have gone through it carefully. The Railway Board admits that that was the position some time before. There is the clearest admission that that was the policy some years ago, but it is said that times have changed and the policy has also been altered. They say that conditions have materially altered within the last quarter of a century, and the policy has also been altered. But they have been constrained to admit that there are still special rates quoted for traffic to and from the ports. Their answer to the special rates is this: Oh, it is not deliberately done. There is no intention of serving British or foreign interests, but it is the inevitable result of certain circumstances, and their explanation is that, in some cases, the special rates for traffic to and from the ports are due to competition with shipping companies, and, in some other cases, it is due to the anxiety of the railway company to encourage some industries and save them from competition, but they say this. Their justification, to use the words of the Railway Board, is that if railways are not permitted to quote special rates, then they would inevitably lose the traffic within competitive areas or else be forced to lose revenue on traffic in areas where there was no competition. In other words, in

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plain English, the answer is that if we do not have the special rates for ports, the result will be a loss of revenue in those areas where there is no competition. Speaking for myself, I do not think that is an explanation which can be accepted. You can sustain an annual loss of about two crores of rupees on strategic lines, but you are not prepared to concede even the port rates for internal traffic.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Do you mean that the rates from a port and to a port should not be favourable?

Mr. N. M. Joshi: "Should not be *more* favourable?"

Mr. Muhammad Nauman: Do you mean that the export trade should not be encouraged and no facilities should be offered by railways?

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member wishes to address any question, he must rise in his seat.

Mr. Akhil Chandra Datta: These are complicated questions. We can discuss only the general policy.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways): I have not been able to follow exactly what the Honourable Member wishes to stress. Does he want that the present rates of freight to and from the ports should be raised, or should be lowered, in comparison with the rates applicable to internal traffic?

Mr. Akhil Chandra Datta: I say, in the first place, the rates to and from the ports should not be lower than the rates on internal traffic.

The Honourable Sir Muhammad Zafrullah Khan: But the Honourable Member started by saying that they should not be higher—when he was interrupted by Mr. Joshi.

Mr. Akhil Chandra Datta: That must have been a slip. I mean that the policy of encouraging the export of raw materials and the import of foreign goods should be abandoned. That is my plea. As I understand it, the charge is not wholly repudiated. As regards the past policy, it is admitted; as regards the policy at present, half the charge is admitted, and, then, it is said that there is good reason for it.

The Honourable Sir Muhammad Zafrullah Khan: Perhaps the Honourable Member will excuse another interruption. Surely he has no objection to lower rates of freight *to* the ports? Does he object to lower rates of freight *from* the ports only? Am I right? Surely the Honourable Member does not want to discourage exports?

Mr. Akhil Chandra Datta: As I have said, there must be, from the very nature of things, exceptions to the general rule. I am now speaking of the general policy. Speaking generally, I do contend that the rates *should not* be such as to encourage the export of raw materials.

The Honourable Sir Muhammad Zafrullah Khan: "Should not"?

Mr. Akhil Chandra Datta: Speaking generally, I say that. Now, in support of my contention, I shall give some figures. So far as the rates on cotton are concerned, I find some figures given by the Railway Board themselves, and those figures support my case. For instance, cotton rates from Navsari to Howrah, a distance of 1,168 miles, are Rs. 2-1-9 per maund, whereas from that place to Cawnpore, a distance of only 831 miles, the rate per maund is Rs. 2-8-2. Then, again, from Broach to Howrah, a distance of 1,191 miles, the rate is Rs. 2-4-7 per maund, whereas from the same place to Cawnpore (a distance of 761 miles), the rate is Rs. 2-5-4. And, therefore, it is said in this report of the Railway Board to the Public Accounts Committee:

"It will be seen that, although the distance to Cawnpore is 337 miles less than to Howrah and from Broach to Cawnpore 430 miles less, yet the freight rates to Cawnpore are 0-6-5 pies more from Navsari and nine pies more from Broach than they are to Howrah."

I have other figures as to cotton from other places for instance, from Surat to Calcutta and from Surat to Cawnpore. From Surat to Calcutta, a distance of 1,155 miles, the rate per maund is Rs. 2-2-8, whereas from Surat to Cawnpore, a distance of 825 miles, the rate is higher, *viz.*, Rs. 2-7-2, Again, from Balasar to Calcutta, a distance of 1,192 miles, the rate per maund is Rs. 2-4-8, whereas from that place to Cawnpore, although the distance is very much less, *viz.*, 870 miles, the rate is higher, *viz.*, Rs. 2-9-5. It is very interesting to find that from Bombay to Cawnpore the rate is Rs. 2-3-9 per maund, and from Cawnpore to Bombay, by the same line and for the same distance, the rate is Rs. 1-7-11 per maund. This preposterous disparity was pointed out by Mr. Gavin Jones, the representative of the United Provinces Chamber of Commerce in the United Provinces Council. I may also mention this that the Bombay spinner gets his cotton from Lyallpur at Rs. 3-13-4 per maund, *i.e.*, at a cheaper rate than the rate at which the Cawnpore spinner gets his cotton from the same place. That is about cotton. I shall illustrate my point by reference to the rate on wheat. There, again, the freight policy encourages export through ports and obstructs the internal distribution and free movement from places of production to the various markets within the country. Now, Sir, as regards wheat, I find that the rates quoted from the Punjab to Calcutta are lower than the rates quoted from the Punjab to Cawnpore or to Lucknow. The same remark applies to another port, *viz.*, Karachi. That was the position before. Recently, that situation has been aggravated by the reduction of about 10 to 32 per cent from the 1st May, 1933, over the East Indian Railway for traffic from certain North Western Railway stations to Calcutta, so as to make it Re. 1-4-0. The same thing has happened with the reduction of about 10 per cent from the 1st May, 1933, over the East Indian Railway from stations in the United Provinces to Calcutta. There has also been a reduction varying from 20 per cent to 40 per cent from December, 1933, over the Bombay, Baroda and Central India Railway from North Western Railway stations to Bombay. The North Western Railway have notified a rebate of 25 per cent of the railway freight charges on wheat carried to Karachi for export. This is about wheat.

Now, I come to other articles, for instance, piecegoods. I have got here some figures which have been collected and lent to me by a kind

[Mr. Akhil Chandra Datta.]

friend. We find that the memorandum, submitted by the Upper India Chamber of Commerce to the Railway Inquiry Committee, states:

"Piecegoods the value of which is more than twice of that of raw cotton are carried 663 miles from Cawnpore to Howrah at the rate of Rs. 1-1-0 per maund, while the cotton from which the same piecegoods might have been made is carried from Khandwa to Cawnpore for approximately the same distance at more than twice the rate, that is, Rs. 2-4-9, a fact which destroys the whole basis of the rating structure."

Then, Sir, I shall give the rates of hides, an article in which my friend, Mr. Muhammad Nauman, is interested. I find that the freight of a full wagon carrying hides from Muzaffarpur to Cawnpore with a minimum weight of 270 maunds for 398 miles is Rs. 251 odd, whereas from Cawnpore to Howrah the freight of a full wagon for a distance of 663 miles is Rs. 264 odd.

Mr. President (The Honourable Sir Abdur Rahim): The Chair hopes the Honourable Member will remember that the general discussion is confined to a discussion of the general features of the budget and the principles involved in it. The Chair takes it that the Honourable Member is giving these figures by way of illustration, but this should not be carried too far.

Mr. Akhil Chandra Datta: I shall not give any more figures, Sir. I wanted to give these figures only to show that the policy of the railway system with regard to industry is as I have stated. Instead of multiplying the figures, I might say generally that an examination of the freight rates with regard to hides, the chemical industry, wheat and other commodities, reveals the same story, namely, the consistent policy of the encouragement of export of raw materials and the encouragement of the imported goods from abroad. We find that this view is supported by an American writer who is expected to take a detached and dispassionate view in these matters. In a book called "The Development of Capitalist Enterprise in India" by Daniel H. Buchanan, it is said on page 185:

"As in other aspects of Indian administration, the motives of imperialism, both economic and political, have been mingled with those of sound government and even philanthropy. Commercial considerations have had much weight and the strongest criticism which can be offered is that there was no definite aim, as in Germany and Japan, of internal industrial development. As in other matters of general policy, the commercial interests of the United Kingdom tended somewhat to blind officials to the real needs of India."

Again, on another page, he goes on to say:

"The only ground for complaint is upon the assumption, which is quite natural, that Indian manufacturers had a right to favour from the national railways. This, in any systematic way, they surely have not received. Partly because of their unwillingness to wait and partly because of their concern for British interests, railway authorities have paid little attention to Indian industrialisation."

Coming nearer home, we find that the Bombay Chamber of Commerce have made the following remark in their memorandum which they submitted to the Railway Inquiry Committee:

"Railway freights at present appear designed to facilitate the transport of cotton for export rather than to further an increased consumption in the interior."

May I call the attention of the House to the words "at present". The case of the Bombay Chamber of Commerce is that, even at the present day, the railway freight is designed to facilitate the transport of cotton for export rather than for an increased consumption in the interior. Similarly, we find that the Upper India Chamber of Commerce has also submitted a memorandum to the Railway Inquiry Committee in which they say:

"When the railway rating system, as now in use, was built up, India would seem to have been looked upon as essentially an importing and exporting country and this view still seems to be governing the rating system. India is, however, fast developing into a manufacturing country of importance and this change has naturally brought about a change in the direction of the movement or transport of her raw materials, as well as of the manufactured goods. The railway rating structure, therefore, requires very careful investigation with a view to bringing it in the line with present day conditions."

I need hardly point out that this Chamber is a European Chamber. Need I point out that this Chamber repudiates in most unmistakable language the theory of the Railway Board that the old policy has now been reversed:

Lastly, Sir, I have got a very interesting opinion on this point which absolutely supports my contention from no other person than the Agent of the B. N. Railway, I mean Mr. V. E. D. Jarrard, who spoke about this time last year before the Railway Conference. This is what he said:

"In recent years trading conditions all over the world have changed. There has been no difficulty regarding production but no adequate system of distribution has yet been devised and it is the method and cost of distribution by railways of production throughout India which the commercial people question. We have to realise and visualise the vast change in Indian trading conditions brought about by the protectionist policy of the Government of India which in itself, to my mind, justifies a complete review of the railway freight rating policy. India is bent on developing its own industries and the success or otherwise of this development of internal trade largely depends on an adequate scheme of distribution among a population with restricted purchasing power."

The Honourable Sir Muhammad Zafrullah Khan: I hope Mr. Jarrard's exposition of the position satisfies the Honourable Member.

Mr. Akhil Chandra Datta: We want a complete review of the railway rates policy. He condemns the present policy, and he says that, in view of the altered condition, the railway freight policy should be entirely reviewed. I am asking for that review.

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member is reinforcing what Mr. Jarrard has said.

Mr. Akhil Chandra Datta: If I am able to understand the plain English of Mr. Jarrard, I find that he endorses my view absolutely without any reservation whatsoever.

The Honourable Sir Muhammad Zafrullah Khan: I am very glad to find such complete accord between Mr. Jarrard and the Honourable Member on this matter.

Mr. Akhil Chandra Datta: I do not know what he means by complete review. That is quite a different matter. He says that we have to realise and visualise the vast changes in Indian trading conditions brought about by the protectionist policy. He says that the railway rate policy also should be altered accordingly. I certainly agree with Mr. Jarrard

[Mr. Akhil Chandra Datta.]

in his denunciation of the present railway policy. I hope that the Honourable the Railway Member will accept this. We find that this complaint was made even before the Industrial Commission. They say:

"The governing principle which, we think, should be followed in railway rating, so far as it affects industries, is that internal traffic should be rated as nearly as possible on an equality with traffic of the same class and over similar distances to and from the ports."

That was the recommendation of the Indian Industrial Commission. This was endorsed by the Indian Fiscal Commission in 1922. I shall be glad to hear from the Honourable the Railway Member whether any effect has been given, either wholly or partially, to this recommendation of the Industrial Commission and the Indian Fiscal Commission. Sir, we have got one portfolio for these two Departments, Railway and Commerce, one Member for these two Departments. It appears to me from the policy that has been followed that the Member for Railways is a Member for Indian railways, but the Member for Commerce is not a Member for Indian commerce, but for British or foreign commerce. This is the point I wanted to stress.

With regard to other matters in the budget, we find that a very cheerful account is given. The Honourable Member says:

"As an example of what railways are doing to prepare for the future, I would mention one experiment we intend to try out this hot weather. I refer to our scheme to run an experimental air conditioned coach on one of our daily mail services. . . . . our proposal is in the first instance to run one first class coach on each train of a particular service."

I have got sometimes the habit of travelling first class, and, therefore, I am glad about this experiment. But may I seriously ask the Honourable the Railway Member whether it is a matter worth mentioning when speaking of the future of Indian railways? After all, how many people does it affect? Five coaches have been ordered at a cost of 2½ lakhs.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already taken half an hour. He must conclude now.

Mr. Akhil Chandra Datta: I shall conclude presently. This is merely increasing the amenities of the first class passengers. It would have been very appropriate not to make mention at all about this, but to do this without the knowledge of the people of this country who will certainly not welcome this expensive luxury.

Sir Leslie Hudson (Bombay: European): In rising to take part in the general discussion on the railway budget, I do so under two difficulties; in the first place, the Honourable Member has forestalled a good deal of criticism by presenting us with a balanced budget, and, in the second place, many of the more general points of criticism which we might otherwise have found it convenient to raise today must be postponed, because they relate to those very matters in respect of which the Wedgwood Committee of Inquiry is about to report. I have no desire today to press the Government to discuss matters relating to the administration and organisation of the railways which they would, for obvious reasons, prefer to discuss after they have received the recommendations of the Wedgwood Committee and not before. In the same sense, the European Group prefer to see what the Wedgwood Committee has to say before they proceed further

with the expression of any views on general policy which they may hold. Honourable Members who raise matters relating to the larger issues of railway policy will not, therefore, at this stage, expect me to follow them in discussing those matters.

Sir, no one will question the fact that the budget which the Railway Member presented two days ago is the most cheerful we have had for a number of years. It is a budget which encourages us to hope that it presages a return to those better conditions which have been so long postponed, and we are reinforced in that hope by the knowledge that the figures which have been given to us are based on the new system of accounting recently introduced and that had it not been for this reform in the accounts the actual improvement, so far as the figures go, would have been even better than it is. I should like, therefore, to congratulate the Honourable Member on the fact that his second budget is so much more satisfactory than his first inasmuch as he has succeeded in converting a prospective deficit of Rs. 3½ crores for the current year into an estimated surplus of Rs. 15 lakhs. While this unexpected change in the results for the current year at first sight gives grounds for a more optimistic forecast for next year, we agree that there is no justification, as things are today, for exaggerating the importance of the improvement that has taken place during the past three or four months in the financial position of the railways. To take one item alone in which there must have been a considerable improvement in the railway revenues during the past year, I refer to the export of wheat from Karachi which for the first time for several years has reached very considerable figures. That export, as is well-known, is due entirely to the world market rate for wheat and it cannot be looked upon as a certainty or even a probability that a continuance of that export may be expected. So far as we are concerned, therefore, we commend the caution which the Railway Member has shown in his estimates for next year, and we agree entirely with his sentiment that the railways cannot by reason of an estimated surplus relax in any way their efforts to improve their financial position still further by economies in expenditure and increases in earnings.

The House will perhaps remember that when I spoke in railway budget discussions last year I referred to the question of over-capitalisation and expressed the anxiety we felt on that matter and the importance we attached to an expert enquiry into the position before it deteriorated further. Since that time the Wedgwood Committee has been appointed and we shall shortly have the benefit of the advice it may have to offer. In the meantime, we have taken note of the Honourable Member's proposals in regard to the Depreciation Fund. We are a little doubtful of what the Honourable Member means when he says that the object of these proposals is to "reduce over-capitalisation", but we agree that they will have the effect of checking over-capitalisation and to that extent they go part of the way to meet the points we pressed a year ago and to demonstrate the validity of the criticism we then made.

Before I turn to the other matters, I should like to make a brief reference to the proposal mentioned in the budget speech to write off the liabilities of the railways in respect of their accumulated arrears of contributions to the general revenues and to cancel the borrowings from the Depreciation Fund to meet deficits. In that connection we notice that the Financial Commissioner has a Resolution on the paper which will

[Sir Leslie Hudson.]

come before us for discussion later on, and while I do not wish to anticipate any discussion that may take place at a later stage, I cannot refrain from reminding the House that a year ago we pressed for a thorough revision of the present Separation Convention for the very reasons that the Honourable Member now puts forward, namely, that the railways cannot resume current contributions to General Revenues within any reasonable period that can be foreseen. If the House cares to look up the debates last year, it will see that the words used by the Honourable Member the other day in this connection are almost identical with those I used then. Perhaps the House will forgive me if I do a thing I don't much care about doing and that is quoting extracts from my own speeches. This is what I said last year:

"If we look at the matter with the eyes of realists, I think we shall have to agree that the expectation that the railways will be able to make any substantial contributions to the Central Revenues is not likely to be realised for a great many years, or, at any rate, within any measurable distance of time. If that principle is accepted, steps should be taken to place the relationship between Railway and Government finances on a basis more closely related to the facts as they are today."

The Honourable Member's budget speech this year shows that he realises the necessity for making adjustments to meet the position to which I drew attention last year, and seeing that the relationship between the Railway and the Government finance is governed by the Separation Convention, what we should now like to know is why only the accumulated arrears of contributions are being dealt with instead of tackling the bigger problem of revising the Convention. I hope the Honourable Member when he replies will see his way clear to explain the reason for the limited Resolution which the Financial Commissioner has put on the paper.

Well, Sir, I propose to leave that matter there for the moment. I come now to another aspect of the railway problem and one which has a very close bearing upon the revenue position, namely, publicity. I do not know what other Honourable Members think about the present publicity efforts of the railways, but we are inclined to feel that there is a great deal of room for improvement in this direction and that the railways are by no means taking the fullest advantage of all the possibilities for popularising railway travel and attracting new sources of revenue. If I may say so, it would not perhaps be a bad thing if the Members of this House received automatically a copy of the Report of the Railway Board and in the same sense it may be a good plan to publish an abridged edition of that report in the form of an attractive broachure for the information of the public. I mention that because, as some Honourable Members may know, the London Passenger Transport Board recently issued for the price of a shilling an attractively devised report of its activities which became a bestseller in England. I believe I am right in saying that the Railways in the United Kingdom regard their Publicity Departments as the most important link in the organisation. It is the Publicity Departments which keep in touch with the public, and it is largely a consequence of their efforts or lack of effort whether the railway mindedness of the public increases or diminishes. The Honourable Member had to inform us two days ago that the railway receipts from passenger traffic were Rs. 60 lakhs less than had been anticipated. Well, Sir, that seems to me to indicate that there is urgent need for a little more enterprise and imagination in the Publicity Departments of Indian Railways. If the Honourable Member's problems are to be solved, the railways will not only have

to retain their present passenger traffic but they will have to attract fresh custom and one of the best methods of inducing the public to use the railways is by improved publicity and advertising. It is a good old adage: "It pays to advertise".

There is another matter which in some ways is equally as important as railway publicity and that is the facilities the railways offer to the business community. The Honourable Member will get all the encouragement we can give him in his efforts to improve and expand the co-operation between the commercial departments and the business community. There are numerous small ways in which the service provided by the commercial departments can be improved. Honourable Members will perhaps be familiar with instances where the arrival of goods at their destination is not notified to the consignee with the result that demurrage is often incurred. The use of the railways for the conveyance of parcels is not likely to be encouraged if payment of demurrage is demanded because the consignee is ignorant and kept in ignorance of the time of arrival of his parcel. There are also cases where when parcels despatched freight paid are re-weighed at their destination where, whether owing to discrepancy in the machines used for weighment or some other reason, they are found to have been incorrectly weighed at the despatching station and carriage or freightage on the excess is demanded. The public ought not to be made to suffer in such cases, for the mistakes, whether *bonâ fide* or not of railway servants. These are perhaps small matters, but they are matters in which the railway service to the public breaks down, and while they would cost very little to put right, they would go a long way towards increasing the popularity of the railways.

There is one other matter to which I wish to refer before I resume my seat. The House has listened today to the speech of my Honourable friend, Sir Henry Gidney. He referred in particular to the status and pay of the Anglo-Indian employees on the railways in the light of the decision of Parliament as expressed in section 242 of the Government of India Act. He reminded the House that he raised this matter a year ago, and I will take it from my Honourable friend that he would not have referred to it again this year, if he had received some assurance that effect would be given to what is clearly the mandate contained in the section of the Act which he mentioned. The members of the European Group, who considered this matter at their meeting yesterday morning, have asked me to add that they are disturbed by the position as stated by Sir Henry Gidney, and they hope that the Honourable Member, when he replies, will be able to remove their present apprehensions.

Other points which have occurred to us are the cost of the Railway Rates Advisory Committee which, in the case of last year amounted to Rs. 80,000 for the consideration of four items only which seems on the face of it to be rather out of proportion.

The cost of the conduct of Railway Audit and Accounts also seems high, but this is probably a matter which will be dealt with in the Wedgwood Committee Report, and I do not propose to discuss this at length today. Before I sit down, I should like to add my tribute of congratulation to my Honourable friend, Sir Raghavendra Rau. All of us in this House who have had the pleasure and helpful assistance that he has so freely given us during the past five years were very glad to see the distinction that has been conferred upon him.

Mr. Muhammad Nauman: Sir, I congratulate the Honourable Member for Railways for having, at last, presented a surplus budget for the railways this time. The prolonged deficit for many years was creating a feeling in the country that the railways would probably continue to be a burden on the general revenues for all time to come. I pointed out last year that the depression had ended for all practical purposes in 1934-35,—that was the feeling in commercial circles. But the Honourable the Commerce Member did not appreciate my forecast then and merely said that my optimism was not evidenced in his Department. I am glad that my statement has proved to be true and that the improvement in economic conditions has resulted in bigger revenues and relieved the deficit which had been a chronic factor in the railway budget for many years.

I must thank the Honourable Member for his detailed and lucid statement, and, although I propose to criticise some of his measures, I fully appreciate the difficulties of his Department under circumstances. I think the idea of change "in providing that capital should generally be charged only with that part of the cost of an asset renewed which represents a definite improvement, that all renewals and replacements should be charged to the *depreciation fund* (including renewals of non-wasting assets, which had hitherto been treated as part of the working expenses), and that all sums received from the disposal of assets replaced should be credited to the depreciation fund", is probably well founded and will make accounting more in order and more businesslike.

The Honourable Sir Zafrullah Khan has stated that commercial lines are expected to show a surplus of just over Rs. 2 crores; but he did not make mention of any efforts which were made by the railways to improve conditions of traffic except in coal and wheat, where he has stated that appreciable encouragement and facilities have been afforded. I must confess to a feeling of surprise at the neglect of other commodities. Last year and the year before, I definitely stated the deplorable conditions of hides and skins trade and the apathy of railways in this connection. I said that, owing to the exorbitant rates, the trade itself had deteriorated. World depression, commencing from 1929-30, made such serious changes in the level of prices for all commodities originating in every country that all Governments and railways did something to improve conditions; but the skin and hides trade of this country received no attention from the railways up till now. The Government of India gave some relief to the skins trade by taking off the five per cent. duty in 1935 and thereby saved the trade from any serious ruin; but the railways, in spite of all representations, have taken no notice of the serious situation which has arisen out of the high and disproportionate rates. May I ask the Honourable Member, through you, Sir, if he and his Board and the different Agents of the railways have ever done anything for this trade? Did they ever start any inquiry on the lines which I have been suggesting for two years? Besides me, the different Chambers of Commerce also have made suggestions at different times but with no results. Did they ever consult commercial bodies in this country in regard to this matter as other matters of rate and tariffs? Here I have to give a short reply to the advice which our Deputy President has just now given to the railways in his speech. He thinks that the encouragement of the export and import trade by the railways should not be allowed and to this I seriously object. I may be wrong according to Mr. Datta, our Deputy President, but the concensus of

opinion on this side is that the export and import trade should certainly be encouraged for the economic development of any country by every possible means; and what Mr. Akhil Chandra Datta has suggested appears to me to be absolutely out of the way and is detrimental to the general prosperity of this land which mostly depends on the export of her such raw materials which she cannot consume for her own industry and her own use.

Sardar Sant Singh (West Punjab: Sikh): At the expense of your own industries?

Mr. Muhammad Nauman: There is no question of that. If you have got an industry, you develop it, but if you cannot consume them fully, you have to send them out. As for cotton, if you cannot use all your cotton, do you mean to say you should change over the land to the production of wheat and let cotton growers get one-fourth of the value of the yield in value?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better address the Chair.

Mr. Muhammad Nauman: With your permission, Sir, I just want to say this that the idea of railway rates not being favourable from port to port is an absolutely erroneous one if he wants the economic uplift in this country. What do we mean by trade and commerce? Exchange of a certain commodity with an individual or a country or a province is termed trade and commerce, and this is necessary. If trade and commerce does not exist the commodities will not move and no country in the world can remain solvent with such stagnant condition. Of course, you can stress on the system of exchange or barter and on the question of trade balance; but you cannot say that we will not export outside and sell our goods and we will not buy other's goods. You have to sell your surplus stock and buy your requirements. The theory of no export and no import would have been good in Asoka's time, but not now in the twentieth century. . . .

Sardar Sant Singh: You want to send raw hides and get Batta's shoe?

Mr. Muhammad Nauman: No. If certain people think they do not want to send their surplus stock of raw hides, they are mistaken. They have to do it, otherwise those hides will perish for no value return. They cannot manufacture the entire stock of shoes this country requires. The Railway administration here is carried on in a spirit of bureaucracy and not in a spirit of business, and this apathy towards trade is also one of the results. Last year, I gave enough data for inquiry into the matter of the skins and hides trade, but not a word of reply has come yet. I stressed the fact that Madras, being one of the chief centres for the tanning industry, required hides from different parts of India. Here, again, I would draw the attention of my friend, Mr. Akhil Chandra Datta, through you, Sir, to the fact that Madras is a large trading centre for hides and skins. We cannot send goods to Madras except from Calcutta, and Calcutta being an emporium for the hides and skins market, it is absolutely essential that the rates should be comparatively cheaper so as to make the leather tanned in Madras more paying and less expensive. . . .

Mr. Akhil Chandra Dutta: You have entirely misunderstood me.

Mr. Muhammad Nauman: I have not. Sir, from Calcutta the steamship companies carry goods to Madras at comparatively cheaper rates, and this fact has not evidently been taken into consideration by the Railway Member as yet. Madras, being a huge industrial centre for hides and skins, imports huge quantities of hides and skins from Calcutta, and the steamship companies carry them at reduced rates, while the railways have failed to give any concession even in their own interest. In 1936 I also said that in spite of the fact that the value of hides and skins per piece and by weight had decreased on an average of about 200 per cent. Since 1918-19, the freight continues to be the same as in 1918-19. Everything was brought to pre-war level rates, but railways constantly neglected to do anything for reducing the freight on skins and hides. The exorbitant rate of freight between Cawnpore, Allahabad, Lucknow and Calcutta for small consignments has practically finished the trade between the cities in the United Provinces and Calcutta. Of course, I need hardly point out that this is a distinct loss to the trade of skins at Calcutta, because export to foreign countries is not possible. It makes the commodities expensive in the initial stage. Madras finished goods become more expensive by this exorbitant freight rate on hides and skins. In short, the inequitable adjustment of freight rates for hides and skins and for some other raw commodities has been one of the chief factors for the deterioration of the trade of this country. I hold the railways solely responsible for this deterioration and neglect. Lastly, I may suggest in this connection that the freight on skins and hides should be reduced to the extent of at least seventy-five per cent. of the present rate, and opinions should be invited from the Muslim Chamber of Commerce, Calcutta, the Skins and Hides Merchants Association, Calcutta, the Bengal Chamber of Commerce, and such other allied bodies in Cawnpore and other places as well. Sir, this is a trade in which the Muslims are predominantly interested, and I appeal to the Honourable the Railway Member, not merely in the name of my whole community, but also in my capacity as a representative of Muslims, and as one closely connected with trade and commerce of my country, to investigate into the matter and see whether the hides and skins trade can be relieved of the burden at the earliest possible moment. It has been made easier now with a "surplus budget".

1 P.M.

Now, Sir, we come to the question of passenger traffic. The Honourable the Railway Member has stated that the passenger traffic has not come up to the mark and he is rather disappointed, but there are so many factors which he has not taken into account. Even the attitude of the railway staff has not changed in the least. The more we talk of courtesies in the railway staff, the less we find it in them. During company-management, a few years ago, the railway staff used to be dealt with more seriously for discourtesies shown to passengers, but now an irrelevant explanation is enough reply for any complaint from a passenger. Every merchant in Calcutta, and probably in other places as well, has to pay a fixed *bakshish* to the booking babu and the staff at the time of loading and unloading at both ends of stations, and no effort is made to check this evil practice as yet.

Mr. N. M. Joshi: Why do you give them *bakshish?*

Mr. Muhammad Nauman: I shall explain it presently. Merchants are blamed for payment of *bakshish*, but the amount of inconvenience that will arise by resentment is not easily realised, and no attempt is made to check

this abominable practice. Normally 50 per cent. of the staff of the railways indulge in all sorts of bribery and corruption,—and, at whose cost? At the cost of the general public, both ignorant and educated. Every effort is being made to penalise the "ticketless passenger", and even legislation is suggested on lines which probably do not exist in other civilised countries of the world, but no effort is made to remove corruption in the railway staff. I have been asked sometimes for a suggestion by the railway authorities, and I think the simplest and most urgent measure for checking the evil is to start dismissing every railway servant against whom there is a reasonable complaint from a respectable person. . . .

Mr. N. M. Joshi: Who are respectable?

Mr. Muhammad Nauman: Respectable are those who think themselves to be respectable and are respected by others. I know, Sir, that even berth reservation clerks require a *bakshish* of eight annas to reserve a berth for a passenger, otherwise they put fictitious labels and say that all compartments were booked before hand. This has happened with some of my friends in Patna, and, on one occasion, I myself had that experience. It was reported to the authorities, but I do not know as yet if any action has ever been taken against the man concerned. This is one of the relevant factors which has contributed to the depression of the railway revenues, so far as the passenger traffic is concerned.

Then, the Honourable the Railway Member said that the receipts from passenger traffic have been disappointing, and he further stated that different railways had devised different means for improving the earnings of the railways, but they have not met with considerable success. There are many factors which require a thorough investigation before any appreciable results can be expected. Sir, comfort of the third class passengers has been the crust of the railway debate for many years. Improved third class coaches were shown to Members of the Railway Advisory Committee, but whether they are running or not, and where they are running is not yet known to us. We do not know on what lines these improved third class coaches are used and how they have been welcomed by the travelling public.

Here we come to the question of the rail-road competition. Lorry services are sometimes more conveniently timed, although it must be admitted, in all fairness, they are less efficient. The public get the conveyances at short intervals, and they also get a little more courtesy from the bus drivers and conductors of the lorries. As the lorry service is run on business lines, it is to the interest of owners to see that their business is paying them, and this they cannot do without the goodwill of the public, and therefore, those in charge of the lorries are always very courteous and obliging to the passengers, whereas the railway servants think that they are members of a bureaucratic organisation, whether the train service is paying or not, whether the passengers do get comfort or not, they will get their salaries all right at the end of the month, and, therefore, they are not at all careful to be even a little courteous to the travelling public. Again, local timings of trains are sometimes so absurd that it compels people to use motor service. I know, in Patna side, the local train service for about three months or more was so inconvenient that the litigant public sometimes found it impossible to return the same day even from such courts as Barh and Behar, which lie at a comfortable distance of only

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about 50 miles. The public of Patna made serious complaints to the authorities concerned, and the press of the province was full of articles, but no notice of any kind was taken by the authorities till such times when they themselves discovered their mistake after some experience of loss in local income.

Another small factor which may also be mentioned is the question of price of the time table. The price of the time table has been increased from two annas to six annas. Of course, the enhanced price of the time table is justified by the fact that they contain some additional information, but how many people, I ask, require this additional information of rules and tariffs? The expenses on time tables, in my opinion, should be treated as expenditure incurred on advertisement, and they should be so cheap that they may be available at a reasonable price to the travelling public. I think the price should be fixed at about half an anna (six pies). I did bring this matter to the notice of the authorities of the E. I. Railway, but I have not so far found any change made in the price of the same. Moreover, time tables are prepared without consulting the public of the area or without consulting their convenience. You have the lorries which require no time tables and the timings are on everybody's lips in the locality. Cheapness of fare is also one of the factors, although not so very important, but I think this has to be seriously investigated by an enquiry into the local conditions. Of course, it is never fashionable or even comfortable for the higher or the middle class public to travel in lorries, but they do so only in such circumstances when the railways cannot meet the demands of regulated timings. Cheaper return tickets for short distances should be introduced, which, I think, will be popular. Shuttle trains are sometimes very convenient, but efforts should be made to arrange timings in a way that it would give shorter intervals between two trains and specially places where lorry passenger service is being run. Rail-road competition is a subject by itself, and I will not take the time of the House in discussing all the aspects of this competition here, but will do so on my cut motion which I have given particularly to discuss this part. I may simply say that "uneconomic bus competition" is not the only factor in the deterioration of passenger traffic as the Honourable Member thinks, but is one of the many factors, and, of course, important, but bus service, not being efficient and comfortable as yet, can be easily overcome if serious effort is at all made by the railways. The Honourable Member has said in his speech:

"Better corps and higher prices have combined to give us a considerably increased traffic."

This is just all right, but he has failed to point out how he and his Board have contributed towards this improvement. Did the railways make any serious effort to encourage the moving of commercial commodities? They have just moved, because the world factors were in favour. Crop in America failed. Australian wheat had suffered, and demand in Europe increased probably for reasons of "international situation", and the Indian peasantry could make use of the circumstances and export of commodities increased. The rebate on coal and wheat are the only two instances where effort has been made to support commerce, but what percentage of income do these commodities form? If an average of ten years is to be taken, not more than 15 per cent. in value of traffic freight. Oilseeds have improved by 31 per cent. or about, and why? Has any part, worth the name, been

played by the railways in this improvement? In London and other parts of the world, the Board of Trade is always consulted and special meetings are arranged for discussing the fixing of tariff rates. And what have we here? A regulated order of the railways, so called "Statute-book", which either you obey or cry in wilderness.

Now, we come to discuss the question of expenses, which the Honourable Member is very happy in stating:

"In the accounts, however, owing to the change in allocation, already referred to by me, the total working expenses will appear at a figure which is ½ crore below the budget estimate. . . . . "

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has exceeded his time limit already.

Mr. Muhammad Nauman: I will finish in two minutes, Sir. My Honourable friend, Sir Muhammad Yakub, has already said that the working expenses are too high and the administration is top heavy, that there are two many *Burra Sahibs*, too many fat salaries which are mostly sinecures. I wanted to see an Agent, and for that purpose I had to inform his Secretary, then to the Deputy Secretary, and so on, and I was able to see the Agent after about 15 minutes, as if I was seeking for an interview with His Excellency the Governor or the Viceroy.

An Honourable Member: Were you a Member of the Assembly then?

Mr. Muhammad Nauman: This was only about two or three months ago. Of course, I was a Member of the Assembly.

Mr. N. M. Joshi: You must thank your stars that you were not made to wait for half an hour.

Mr. President (The Honourable Sir Abdur Rahim): The Chair would ask the Honourable Member to conclude his speech now.

Mr. Muhammad Nauman: I do appreciate the idea of air conditioned coaches as an experiment which the Honourable Member has promised to introduce very seen, and they will be appreciated by the general public too

Finally, I beg to enter my protest against the elimination of Indians on the personnel of the Wedgwood Committee, and I endorse my Honourable friend, Sir Muhammad Yakub's opinion that we feel very much insulted when a South African expert has been taken in preference to any Indian. This is a Committee of such people who are ignorant of Indian conditions, and their report will be equally a book of theories in this country. With these few words, I resume my seat, Sir.

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

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

Mr. N. M. Joshi: Mr. Deputy President, I would like to follow the example of several Honourable Members that spoke this morning in offering my congratulations to the Honourable the Railway Member for his good luck in being able to balance his budget. I would very much like to

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congratulate him upon the soundness of his policy, instead of congratulating him upon his good luck. Unfortunately I cannot do so, for I feel that the policy which the Honourable the Railway Member is following is not a sound one. I would like to examine the policy which he has been following in administering the Indian railways. I would have very much liked to deal with this question by quoting figures. But I would like to bring to the notice of the Honourable the Railway Member that, in spite of my desire to study some of the statistics regarding railway administration, having got this Red Volume only this morning, I am unable to do so. I hope, Sir, the Honourable Member will give some attention to the publication of these reports a little more in time than he has been able to do this year. I shall now examine the present policy of the Honourable Member in administering our railways. I may also incidentally state what, in my humble judgment, is the sound policy which we should follow in administering the Indian railways.

For a proper understanding of the subject, I may be permitted to state what was the origin of the Indian railways. The Indian railways were not started to provide transport facilities for the Indian people. The origin of the Indian railways lies in the desire of the British people to find lucrative investment for their capital. That was the origin of the railways. While starting the railways and finding lucrative investment for their capital, they also desired that, if the railways were built in India, there would be a great market for some of their manufactured goods and there will be ample scope for the employment of the British people in this country. I admit that, whatever may have been the origin of the Indian railways, the present policy of the Government of India is to treat the Indian railways as an Indian public utility service. It is true that they also state that, although the Indian railways are a public utility service, still they ought to conduct the Indian railways on what they call commercial lines. Although this is the present policy of the Government of India, I am sorry to say that the traces of the old policy involved in the origin of the Indian railways still persist in the administration by the Government of India of the Indian railways. While dealing with the several aspects of the policy, I shall show what those traces of the origin are in the administration of the Indian railways. Admitting for a moment that the policy, which the Government of India have enunciated in treating the Indian railways as a public utility service to be conducted on commercial lines is a sound one, I feel that even that is not done by the Government of India in a proper manner. If the Indian railways are a public utility service, it is necessary, in order that the fullest advantage should be given to the people of the country of that public utility, that these public utility services should be under public control. Unfortunately our railways in India were built originally by some companies. Most of the capital belongs to the Indian people. Still, even now the management continues to be in the hands of some companies. The Legislature and the Indian people have expressed a desire that, as soon as the present contracts of the companies will be terminated, these railway lines should be taken over by the State under its own management. The Honourable Member for Railways has not done that, and, during this year, in spite of the Resolution of the Legislature, when the contracts of the two railway lines could be terminated, the Honourable the Railway Member failed to take over those lines under State control. Taking for granted that all the lines are brought under State control, under the present constitution,

the Indian railways cannot give us the fullest benefit of a public utility service so long as the Government of India are not responsible to the Legislature and to the Indian people. You will remember, Mr. Deputy President, that sometime ago the Indian Legislature passed a Resolution recommending to the Government of India that instead of importing locomotives from abroad, we should manufacture locomotives in this country. The Honourable Member, not being responsible to the Legislature and to the Indian people, told the Legislature very plainly that he was not going to give effect to that recommendation. Mr. Deputy President, when the Honourable Member and the Government of India are not responsible to the Legislature, the Indian people cannot get the fullest advantage of the public utility service which is being conducted in the name of the Indian people. Sir, if a public utility is to serve its fullest object, not only should its administration be in the interests of those people for whom the public utility has been started, but that public utility should serve the interests of the country in other ways also. There is nothing wrong in our expecting the Indian railways to help in the establishment of other subsidiary industries the help of which the Indian railways require. At present, on account of the traces of the old policy, the Government of India import not less than six crores rupees worth of railway stores from abroad. It is true that they purchase stores worth nine crores of rupees locally also, but, at the same time, if the Government of India followed the policy of getting all the stores in India, and if they had tried that during the last seventy-five years, I am quite sure that India could have produced all those stores by this time. Then, Sir, not only could India have got a good transport service, but this transport service would have helped in the establishment of several other industries in this country. I, therefore, feel that in this respect the people of this country do not get the fullest benefit from this public utility service.

Then, I would like to examine the policy that the Government of India have been following in providing a transport service for the people of this country. I shall first take the goods traffic. Some Members and you, Sir, particularly, drew attention this morning to the fact that the Government of India pay greater attention to the transport of imported and exported goods than to the development of the internal trade of this country. Sir, it is not our intention that the railways should not carry goods which are imported into this country, nor is it our intention to say that the railways should not give facilities to those goods which we export, but what we do insist upon is this. After all, the import and export trade of the country can only be smaller in extent than the internal trade of the country. We, therefore, want the Government of India to pay much greater attention to the development of the internal communications and of the internal trade than they do at present. That is, Sir, our demand. Unfortunately, the Government of India, on account of the traces of the origin of the railways, still persist in paying greater attention to the import and the export trade than to the internal trade of this country. I admit, Mr. Deputy President, that recently the Government of India have given facilities to some organised industries, such as the coal industry, to wheat, to the steel industry, etc., but organised industries do not fill the whole bulk of the country's trade,—which is much larger than that provided for by the organised industries alone. What we, therefore, want the Government of India to do is to pay greater attention to the development of the internal trade, and not only of the organised industries, but even of the unorganised industries

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as well. We produce goods in towns which are not big organised industries. We produce goods in villages which certainly are not organised industries, but if these goods are carried from village to town and from one town to another, the country will benefit, and the railways will benefit too if they pay attention to carrying this trade. I, therefore, feel that the Government of India should follow the policy of paying sufficient and adequate attention to the development of the internal communications of this country and to the development of the internal trade. Mr. Deputy President, if you compare the prices of some articles—not articles of big import and export, but articles in which trade is going on within the country—you will find that there is sometimes a great difference between the price of the article where it is produced and the price of that very article in a place not very distant. We want that anything produced at any place in this country should be carried to other parts of the country, and if the communications are good and cheap, there cannot be any great difference between the prices at the place of origin of that article and the prices prevailing at the places where the articles are consumed. I feel, therefore, that the Government of India should pay attention to this aspect of the policy.

Sir, a complaint has been made of the competition between rail and road. Mr. Deputy President, I am not one of those who believe in unrestricted competition between the different means of communication, but I believe in this that this country has not even today sufficient means of communication and transport, and there is enough scope in this country for both the railways and the buses and even the bullock-carts. (Hear, hear.) I feel, Sir, that if there is a proper co-ordination between roads and the railways and other means of transportation, and if the Government of India give proper attention to communications between villages and villages and villages and towns, there would be enough scope both for the railways, the buses and sometimes even for the bullock-carts. (Hear, hear.) I would, therefore, like the Government of India, instead of merely reviling the bus conductors, to make efforts to co-ordinate the different means of transportation, so that not only will there not be profitless and wreckless competition between these two means of transport, but the country will gain by having sufficient means of communication between all parts.

Mr. Deputy President, I shall now turn to the other object of Indian railways, *viz.*, to provide a cheap and a comfortable means of transport for the people of this country. In this matter also, there are the traces of the old policy. The Indian railways at one time were considered to be intended for the transport for the British people in this country, and attention was paid to the needs of that community. If the first class travel was made comfortable—the class by which the Britishers in this country travelled—then the Government of India were satisfied. It is true that recently many Indians, Indians who are wealthy and who have got political influence have begun to travel by first class and second class, and, therefore, the Government of India are quite willing to give them the benefit which they used to give only to the Britishers. Sir, the first and the second classes are intended for the Britishers as well as wealthy Indians

The Honourable Sir Muhammad Zafrullah Khan: Also for Members of the Legislature.

Mr. N. M. Joshi: I shall show, Sir, that while they give disproportionate attention to the needs of and to the provision of all sorts of facilities for,

the first and the second class passengers, they utterly neglect the third class passengers. Mr. Deputy President, in 1935-36, the Indian Railways got Rs. 26 crores from third class traffic and they got two crores of rupees from the first and second class traffic. The report for 1935-36 also states that the Indian railways carried 45 lakhs of first and second class passengers. At the same time, they carried 49 crores of third class passengers. Now, Sir, if you take the proportion of the money which the Indian railways receive from the third class passengers and the money which they receive from the first and second class passengers, you will find that the Government of India receive from third class 13 times the amount which they receive from the first and second class passengers. The number of third class passengers is 100 times the number of passengers carried by the first and the second classes. If the facilities given by the Indian railways for the third class passengers are to be compared with the facilities given to the first and second class passengers, there must be some reasonable proportion between those facilities. I shall not deal with this subject at great length, because I shall have another opportunity of dealing with this subject later on, but I ask you to picture to yourself a railway station, say, in a town like Poona or Bombay, and ask yourself how much space is given for the waiting room of the third class passengers and ask yourself whether the space given for the third class passengers is at least 13 times as large as the space given for the waiting rooms of the first and second class passengers, if not 100 times which is their due. I want to ask the Railway Member why the third class passengers should not insist upon 13 times space being given to them for their waiting rooms.

Then, Sir, take the refreshment rooms at a railway station. I ask you, Mr. Deputy President, whether in your experience you have found any place where the third class passengers have been given 13 times as large a place for their refreshment rooms as the first and the second class people have got, leaving aside the proportion of 100 times for the present? This is the policy of the Government of India. They neglect the third class passengers which give them the largest amount of money and they waste their money in giving facilities to people who do not give them sufficient amount of money. Take any other aspect of railway travel, and you will find that the third class passengers are neglected. Take, for instance, trains. The fastest train which runs between Bombay and Delhi is the Frontier Mail, and not a single third class carriage is attached to that train.

An Honourable Member: There is accommodation for servants in the third class.

Mr. N. M. Joshi: If you are a servant of a wealthy Indian or a wealthy European, you can travel by the fastest train, but if you are an independent man, you cannot travel by the Frontier Mail.

Then, we have a train, called the Deccan Queen, which runs between Poona and Bombay.

An Honourable Member: It is cancelled now.

Mr. N. M. Joshi: It is cancelled, because the Railway administration insisted that no third class passengers should travel by that train. They ran the train for several years at a loss. At last they could not bear the loss and cancelled it. I am quite sure that if the railways of this country had been run on commercial lines, any Agent having little brains would have thought that this train would have paid its way if it had been reserved for third class passengers. But the railways cannot do that. The

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Indian railways are not intended primarily for the third class passengers; they are primarily intended for the first and the second class passengers. A train will rather be cancelled than allowed to carry third class passengers. That is the policy of the Government of India. Is there any wonder that the Government are unable to fulfil the terms of the convention which they once adopted? And now we are asked to be content to write off the money which is due to the Indian tax-payer, because the Indian railways cannot pay.

I shall now speak only a few words about the policy of the Government of India in the matter of the administration of the Indian railways. I stated that when the Indian railways were started, it was a means of providing employment for the middle classes in Great Britain. Well, Sir, times have changed, and the Government of India have also changed their policy. It is true that now it is not only the Britishers who get the higher employments and who are paid quite well for doing their work in those appointments but some Indians also get the fat jobs. But the fact remains that even after a policy of Indianisation of 12 years, the number of the Britishers in the service of the Indian railways has not gone down very much. The proportion has gone down, I admit, but still the number of the British people, who are employed on the Indian railways can be counted by thousands. My complaint is not that not only Britishers are employed, but we have to pay them more, the British Parliament has decided that if you bring people from Great Britain, whatever may be their worth, you must pay them more. The Indian may do as good a work as the Britisher does, but the Britisher must be paid more. May I ask you whether this is a commercial policy? Will any commercial undertaking employ men from abroad whose work can be done by people in the country and pay them more? Sir, the Indian railways are not run even on commercial lines. As regards the policy of the Indian railways in the matter of the treatment of their employees, what do we find? The Indian railways not only give employment to some Britishers, but the community to which my Honourable friend, Colonel Sir Henry Gidney, belongs has almost a monopoly of Indian railways. Let me assure my Honourable friend, Colonel Sir Henry Gidney, that I do not grudge them employment on the Indian railways. The Anglo-Indians are as good as Indians as we are, and they have a right for employment on the Indian railways. But I ask my Honourable friend, Colonel Sir Henry Gidney, whether he thinks that there will be any Indian who will tolerate racial discrimination on the Indian railways, simply because Parliament, in its wisdom, thought it proper to make that discrimination? I am sorry that my friend, Colonel Sir Henry Gidney, whose advocacy of his community I admire, but about the wisdom of which I have grave doubts, has failed to take note of one thing. I want to ask him whether he is going to insist upon racial discrimination in the matter of the treatment given to his community in this country?

Lieut.-Colonel Sir Henry Gidney: All I want is a living wage. I ask for nothing more in the operation of section 242.

Mr. N. M. Joshi: If he is asking for a racial discrimination on the ground that the Parliament has sanctioned it, there will be no Indian who will agree to that policy. If he wants proper wages for the members of his community, he has every right to ask them. Let him join us in asking for better treatment of the railway employees, and, I am quite sure, along with the other railway employees, his community will benefit.

Lieut.-Colonel Sir Henry Gidney: Why don't you demand a higher wage? Join me in this demand and refuse to accept the new scales.

Mr. N. M. Joshi: I am prepared to ask for a higher wage for all; I am not prepared to ask for a higher wage for one community only, on the ground that the Parliament has sanctioned higher wages for his community. I would like to say also one more word to my Honourable friend, Colonel Sir Henry Gidney. He said that the Government of India should take into consideration the loyalty of his community. He made an appeal to the Government of India on a very wrong issue. If the Anglo-Indian employees of the Indian railways are going to prosper on Indian railways, let me assure my Honourable friend that they can only do so if they co-operate with the other sections of the railway employees.

Lieut.-Colonel Sir Henry Gidney: Then you co-operate with me.

Mr. N. M. Joshi: I am quite prepared to co-operate with the Honourable Member. The Indian employees are quite willing to co-operate with the Anglo-Indian employees. They can both prosper by co-operation, and not by one community blacklegging, as we call it in our trade unions, the other community.

3 P.M.

Mr. Deputy President, I do not wish to speak on this question very long but, Sir, in the matter of treatment of the employees on the Indian railways, there is one point which I would like to refer. I mentioned that the Government of India did not acquire those Company-managed railways the contracts of which could be terminated last year. The Honourable the Railway Member recently may have seen the disadvantage of keeping the Indian railways under Company-management. There was recently a strike on the Bengal Nagpur Railway, and let me take this opportunity of thanking very sincerely the Honourable Member in charge of Railways and the Honourable Member in charge of the Department of Industries and Labour for helping us in the settlement of that strike. But, Sir, I am quite sure, these two Members of the Government of India must have felt in their heart of hearts that if this Bengal Nagpur Railway had been a State Railway, the dispute could have been settled much earlier. I, therefore, want them to consider this aspect of the question when they begin to take decision on the question of acquiring Company-managed railways for management under the State.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member has spoken for more than 30 minutes.

Mr. N. M. Joshi: I shall not take much longer time, but, Sir, I wish to say that the policy which the Government of India are following in the treatment of their employees is a wrong one. They try to give facilities and concessions to those people who have already got quite sufficient. The higher servants are paid more than they ought to be. Not only are they paid more, but they are given additional benefits more than the other people. Take the pass rules. The officers who have got enough money to travel with their own money are given much larger number of passes than the poor subordinates. Now, why should there be any discrimination in this. The higher officers are paid provident fund, but take the lowest paid man. He cannot join the provident fund. An officer getting two thousand rupees can easily save money for his future. Therefore, a provident fund is a luxury to him, but a man who is paid Rs. 10 cannot join a provident

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fund which should be a great boon to him. He cannot join it, because he is paid less. I feel that the policy of the Government of India is a wrong one. The whole policy of the Government of India is to favour the wealthy and the middle classes at the expense of the poor people of this country. There was a complaint by one of the Members, who is not here just now, about the subordinate railway servants taking bribes. I do not approve of bribes. I detest taking bribes, but if the railway subordinate takes bribes, who is to blame—the Government of India which favour one class at the cost of another. The Government of India favour first and second class passengers at the cost of the third class passenger. They favour the higher paid employees at the cost of the lower paid employees. If that is not corruption, may I ask, what is? I am quite prepared to admit that, as a result of that corruption, favouring one class at the expense of another, money does not pass into the hands of the Honourable Member. But it is true that the money passes into the pockets of the people, whom he favours, from the pockets of the class which he does not favour. May I ask you, who teaches the subordinate employees taking bribes—the Government of India which follow the policy of favouritism which, in other words, is a policy of corruption. I, therefore, feel that if the Government of India want to uproot bribery and corruption, they must stop the policy of favouring one class at the expense of another. I hope the Government of India will change their policy. I do not wish to take up any more time. I thank you very much for not only giving me my allotted quota of time, but even a little more.

Mr. M. Ghiasuddin (Punjab: Landholders): Mr. Deputy President, I must congratulate the Honourable the Railway Member for presenting us with a surplus budget. This relief to the taxpayers has come at a moment when the limit had almost been reached, and the public and this House had given up the hope that never the time would come when the railways would not remain a burden to the general revenues. India is not the only country which is faced with a deficit railway budget, but since this rail-road competition has come in, it is the position in several countries. It is one of the inevitable results of the development of other ways of communication. The competition of road and air has played havoc with the finances of many railways in all parts of the world, but, all the same, as my Honourable friend, Mr. Joshi, has pointed out, roads can be made allies of the railways. At present, roads are considered the arch enemies of the railways and a sort of nightmare to the Department of the Honourable the Railway Member; but, I submit, with a little more foresight and imagination, these very lorries and road buses can be turned into feeders for the railway traffic. If the railways operate their own buses and start traffic between the towns which are not exactly on the railway lines but on the metalled roads, and issue direct tickets from those towns to other places which are not connected by the railways but are on the metalled roads, and if there is a direct rail-road co-ordinated service, my submission is that these buses will be of use to the railways and the finances of the railways will improve on that account.

Sir, a point has been made by a good many speakers, who spoke before me, that a great deal of traffic was diverted from the railways to roads on account of corruption among the railway employees. We are told fantastic stories about station masters who earn more money than the Honourable the Railway Member himself. I do not know how far

those stories are true, but I would request the authorities to go into this matter fully and see whether or not there is any justification for those stories. A little *bukshish* is, of course,—I do not say permissible,—but prevalent, in every part of the world and in all railways. If you tip a fellow half a crown in England, probably in his stiff-necked English way he will be thankful; and on the French railways a much bemedalled and heavily moustached railway conductor or guard will be so thankful for a ten franc note that you will probably have the embarrassing thought that he was going to kiss you! And no wonder that a rupee to a reservation clerk here is equally welcome. But, as regards other corruption, I think the railway authorities should go into that matter more thoroughly.

There is another public complaint which I would respectfully bring to the notice of the Railway Member, and that is the nuisance of level crossings. A good many accidents take place there, and great delay is caused to the motoring public at these level crossings. Just now, while coming from Lahore to Delhi, I was stopped three times on my way by the same train, because a car would go faster than a railway train, and, by the time you reach the next level crossing, it is closed to all of us for the same train to pass. A good many accidents also happen at those crossings. So it would be better if some money were spent and a gradual improvement made in that direction. There should be bridges or subways to do away with the nuisance of level crossings. There are other accidents also prevalent on the railways, and I say with great regret that the rate of mortality in these railway accidents is very much on the increase. This can be diminished if steel coaches were built instead of these wooden coaches which at present are in use, because, if there is a collision, these steel coaches will be able to stand the shock much better, and, therefore, will be much safer than the wooden coaches.

Sir, our railway revenues can be increased a good deal if our railways were properly advertised. In these days, one sees a good many railway posters, but all in the wrong place. For one thing these posters are written all in English and are posted at wayside stations. And, then, you see the beautiful scenery of Kashmir, and underneath it is written, "Visit India". Of course, if a person has come as far as a wayside station in the heart of India, what is the use of inviting him to visit India? That shows how money is being wasted in advertisements. I am not against advertisements, and nobody should be, because a great deal of business is done through advertisements. But this is the wrong way of advertising, and I think our railways should be advertised in a more proper fashion.

Sir, a good many Honourable Members have spoken about the top-heavy administration of our railways. Of course, that is true. The whole administration of India is top-heavy, and I am sorry to say that our Indian railways are no exception to this general rule. But there is one more way in which money is wasted, and that is the over-profiteering by our railway contractors. This over-profiteering by the contractors is prevalent everywhere, and the railways are no exception in this respect. I think the authorities should show a little more stringency when giving contracts, and the supervision should be done in a better and more efficient way.

Sir, there are some railway tracks which are so obsolete that the sooner they are done away with, the better, and these railway tracks are a burden to the general revenues. One railway to which I should like to draw the attention of the Railway Member is the Kalka Simla Railway

[Mr. M. Ghiasuddin.]

under his very nose. That railway has been running at a loss; and no wonder, because it is so uncomfortable, so slow and so smoky (if I may use the word), that unless it is electrified nobody would like to travel in it, now that motors are available. And the worst feature about this railway is that, when the weather is damp, the smoke gets into the carriages, and it never gets out during the whole of 56 miles of journey; and if no improvement is possible the sooner this railway is done away with, the better.

Another point relates to the woes of the third class passengers; during the period of office of the Honourable the Railway Member, who takes pride in travelling third class himself, if the Honourable Member would only take the trouble of visiting any station during the hot weather and see how women and children are packed almost to suffocation in those carriages, I am sure, his heart would melt, and, instead of spending money on first and second class carriages for which ice fans and other things are also provided, he would see that more trains are started with third class accommodation and thus relieve the congestion in those trains. Sir, the sheds and waiting rooms for third class passengers are like infernos, because they have roofs of tin only in most places, and it looks as if they are specially made to accumulate as much heat as they can during the hot weather. Sir, I congratulate the Honourable the Railway Member on his promise that new air conditioned coaches would be started, but I wish the experiment had been made with third class coaches, instead of first and second class ones, because those are the people who require them most.

As for the Wedgwood Committee, I also join the chorus of protest against the exclusion of an Indian Member from that Committee. The very fact that Indians are excluded from that Committee is very demoralising at a time when we are demanding Indianisation in every branch of Government service; it is really demoralising to have a committee set up and Indians excluded from it. Our people would have at least gained some working experience sitting by, and coming into contact with, those experts, and also got the knowledge of the working of the railways.

In the end, I congratulate Sir Raghavendra Rau on his Knighthood which he thoroughly deserved as a recognition of the services he has rendered to the finances of the railways. I am sure, the whole House will join me in congratulating him.

Raja Sir Vasudeva Raja (Madras: Landholders): Sir, it is satisfactory and is a matter for gratification that the Railway Member has been able to show, after all, a surplus budget this year. The finances of the Railways have been causing considerable anxiety during the past few years, and it is, therefore, encouraging to know that it has turned the corner, and things look bright for the future.

There are just one or two things which I should like to bring to the notice of the Government while I speak on this budget. It does not, I regret to note, provide for any substantial new constructions during this year. The Government are probably afraid of launching into new big schemes for one reason or another. But I think the caution is not justified at the present moment. Money is cheap and can be got for less than three per cent., labour also is cheap and so also are materials. If there was any time that was most propitious for taking up new schemes it

is now. In the past, when new schemes were undertaken, money was dear, and labour and material were costly, and that was why the lines undertaken at such a time proved to be less remunerative. But it will not be so at a time like this when money can be borrowed at a very low rate. In my opinion, this is just the time when the previous losses can be made good by taking up the construction of new lines which would be remunerative and absolutely necessary. If you look at the Railway Map of India, anybody can see how well Northern India is supplied with railway systems and how much gap there is in South India. If railway lines cannot be undertaken on a large scale, at least those that are absolutely necessary should be taken up and should not be postponed. The opening of a first class harbour in Cochin makes it imperative to have certain railway extensions there to meet the growing demands of railway communication consequent on the extensive traffic. Not only that, the harbour itself may suffer in its income but for a few more lines of extension. The Harbour Expert and Administrative Officer, Mr. Bristow, has been expressing vehemently that a short connection between Trichur and Pollachi, and a rail from Mettupalayam to Mysore are indispensable . . . .

The Honourable Sir Muhammad Zafrullah Khan: There is a railway already from Chamrajnagar to Mysore. You do not want another one?

Raja Sir Vasudeva Rajah: A railway to Nanjengode. In his words:

"Both of these connections are now imperatively necessary to the success of the Cochin Harbour. Indeed it was questionable whether the scheme should ever have been started without having first a clear agreement on the subject."

He further says that the urgency of taking up the question is proved beyond doubt and he hoped that serious and favourable consideration would be given to it. In the light of such an expert opinion coming from Mr. Bristow to whom great credit is due for his far sight and ability in bringing the Harbour to a successful completion, I urge that the construction of these small lines should not be further put off. The policy of not undertaking them now must be characterised as "Penny wise and pound foolish". I do hope that the Railway Member will give me an assuring reply in this matter. I know he has himself seen the harbour and has studied the question in all its aspects. As such I am surprised that he has not included them in this year's budget. From what I know, both the Cochin and Mysore Governments are also keen to get these extensions.

Another point, I would mention, is the omission in his speech to any reference to the third class passengers. Does it mean that everything has been done for the comfort of the third class passengers? Last year, we heard a lot about a new type of third class coaches, and some Members of the Assembly were even shown those coaches at the New Delhi Railway Station, and, since then, nothing has been heard of, and the model still remains a model. More urgent than the further comforts to be provided for the first class passengers such as air-conditioning arrangement, I think, is the provision of more comfort and accommodation to the third class passengers from whom the bulk of revenue is obtained. I hope this matter also will engage the serious attention of the Honourable the Railway Member.

[Raja Sir Vasudeva Rajah.]

It is noticeable from the budget that more economy is maintained in the working expenses of the railways in the past years without affecting the efficiency in any way. In view of the satisfactory feature of the finances of the railways as evidenced by the budget, the tribute paid to the ability and efficiency of Sir Raghavendra Rau by the Railway Member is perfectly justified, and I have pleasure in endorsing the same.

Dr. F. X. DeSouza (Nominated Non-Official): Mr. Deputy President, this is the first budget after a lapse of six years which has been presented to the House as a surplus budget. An estimated deficit of Rs. 3·44 crores has been suddenly converted into a surplus budget of 15 lakhs. While due credit is to be given to the Honourable the Railway Member and his able assistant, Sir Raghavendra Rau, the Financial Commissioner, whom I take this opportunity of congratulating on the distinction that has been conferred upon him, he being the first person from my part of the world who has been knighted,—I say while due credit is to be given to these gentlemen for the favourable results that have been achieved, I think they would be the first to admit that these results have been just as much due to luck as to good management. Until the beginning of January last, the prospects were very gloomy. Suddenly there was a spurt in goods traffic. There was a rise of as much as four crores caused by the transport of food grains, of cotton and of oilseeds.

While the Honourable the Railway Member in his opening speech naturally expressed satisfaction at the favourable results achieved, it was quite clear from the tone of his speech that there was not much jubilation in his satisfaction. He realised that in these favourable results there was no indication of permanent prosperity having come back to the country. He felt that these favourable results were due to rumours of sudden warfare. I understand from persons competent to judge that the spurt appeared suddenly and has abated as suddenly. What contributed to the somewhat subdued tone in which the Honourable the Railway Member expressed his jubilation was the fact that the passenger traffic showed no improvement at all. On the contrary, there was a lag of as much as Rs. 60 lakhs in the passenger traffic, and I think we all know that it is the passenger traffic which is the barometer of a country's prosperity. Now, Sir, what are the reasons which have contributed to this lag in the passenger traffic? Whenever the question of passenger traffic is mentioned, the Railway Administration trot out two bogeys, and they are the ticketless traveller and the motor competition. Now, talking about these two bogeys, the Honourable the Chief Commissioner for Railways, speaking in the other House, the other day, said:

"In the debates in the Legislature and the correspondence in the press where the subject has been the ticketless traveller or road competition, there has been a tendency to shelve both these problems on the ground that the loss from ticketless traveller and motor competition were mere excuses put forward by the Railways to hide their own inefficiency."

It is a case which reminds me of the old adage. *Qui s'excuse s'accuse.* As to the loss incurred by railways on account of ticketless travel, speaking on the Railway (Amendment) Bill, the other day, I showed that the alleged loss of 50 lakhs of rupees was a mere myth, that it was a mere figment of the railway imagination; at the outside the loss could be computed at nothing higher than Rs. 30,000 per year. I do not for a moment

deny that some loss has been caused to the railways by competition from motor buses, but no figures have been put forward, no statistics have been placed before the House to compute the loss except the bare statement made by the Honourable the Railway Member who, I think, in the course of last year's debate, said that the loss amounted to three crores of rupees. But I shall presently show that, in spite of this competition, there are indirect benefits resulting to the country, from which the railways also will eventually benefit, and in order to show what they are, I shall put before the House certain pertinent considerations.

You, Sir, this morning elaborated the point that the general policy in respect of freights and rates adopted by the railways has been dictated by the consideration that they were more concerned with the export trade of raw materials and less with the import trade of manufactured articles. You complained, and justly complained. . . . .

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

The Honourable the Depuy President complained and justly complained this morning that the requirements of the internal trade of the country were neglected, and that the communications for carrying on the internal trade were also neglected by the policy adopted by the railway authorities. This aspect of the case has also received support from the strong advocacy this afternoon of my Honourable friend, Mr. Joshi. This indifference to the internal trade of the country, this indifference to the agriculture of this country, has contributed to the success of the motor competition on the roads. It is the failure of the railways to accommodate their policy of construction, to adjust their policy of freight and rates, to keep pace with the growing economic changing needs of the country that has made the competition with the motor bus such a serious factor.

Sir, it is said that in spite of this competition, this House should support the railway authorities in their policy of keeping the motor bus under State control, because the State have sunk 800 crores of this country's money in railways which is a national asset, and it is asked why should this bus competition be allowed to jeopardise the return from this investment? Sir, I ask this question: Are you going to cut off access to markets by the rural masses? Are you going to stop their communication with the nearest market, simply because the bond-holders or shareholders of these 800 crores of money may get their pound of flesh in the shape of dividends? There can only be one answer to this question. If you say that the bond-holders are bound to get their pound of flesh,—all right, give them their pound of flesh, but let the general taxpayer, including the capitalist and the manufacturer, pay his share. Why should the rural masses alone be made to bear the burden of this iniquitous demand? Sir, I protest most strongly against any policy or against any attempt to crush the internal trade of the country that is proposed to be taken by the railway authorities . . . . .

The Honourable Sir Muhammad Zafrullah Khan: What is the Honourable Member referring to as the measure intended to be taken by the railways?

Dr. F. X. DeSouza: I shall explain it presently, Sir. In this connection, I consider that the observation made, the other day, by the Honourable the Finance Member, in the course of the debate on the Road

[Dr. F. X. DeSouza.]

Resolution, has a very sinister import. In the debate on roads, the Honourable the Finance Member said that 800 crores of the country's money was at stake, and he would not allow the Provincial Governments to develop any roads which would come into competition with the railways, so as to affect the earnings of the railways. It is this attitude to which I take the strongest exception.

Sir, it is not denied that motor transport indirectly may benefit, and probably will benefit, the railways in the long run. The Honourable Sir Guthrie Russell, speaking the other day in the Council of State, said that motor transport may create its own traffic, and the resulting increase in the trade may be of great benefit to the railways. Now, speaking on the subject of competition between the rail and the road, which has arisen in many a country, I would refer to a volume which has just been published by the International Chamber of Commerce, and this volume is called "The Road and Rail in Forty Countries", and, in this volume, it has been shown in what manner in these different countries this conflict between the road and rail has been attempted to be solved. You should improve your finances by the provision of increased amenities to railway passengers, by reduction of freights and by other means of persuasion, and not by means of compulsory legislation as is proposed to be done in this country.

May I know how much more time I have? I do not want to exceed my time limit.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member may go on.

Dr. F. X. DeSouza: Let me come to the third class passenger, and here Mr. Joshi will forgive me if he thinks that I am intruding on his province.

Mr. N. M. Joshi: The more the better.

Dr. F. X. DeSouza: In opening the meeting of the Indian Railway Conference Association, His Excellency the Governor General said:

"It is the duty of all railway administrations to ascertain what the public want and to do their utmost to provide it, more especially now that other forms of transport are rising up in competition. The services both for passenger and freight must be speeded up and passenger amenities must be improved especially those provided for the humblest class of traveller who forms the bulk of India's travelling public."

How does the Honourable the Railway Member propose to implement this promise held out by His Excellency the Governor General? By shelving the new design for third class carriage, and by promising the third class passenger, possibly on Greek Kalends, an air conditioned carriage! Air conditioned carriage indeed! He wants elbow room to sit. Give him better facilities for feeding, give him more lavatories where he can ease himself during long journeys. But really this promise of air conditioned carriage, is adding insult to injury. In my long journeys, I could not help noticing the very large number of first class carriages and some second class carriages which go perfectly empty while the third class passengers are packed like sardines. It used to be said in England in the olden days—I do not know whether it is done even now or not—that only Princes and fools travel first. (Laughter.) But in this country it is only

the highly paid Government official that travels first. The Indian gentry, however wealthy they might be, travel only second. Now, I ask, what is the need of having three classes in a railway train in this country?

An Honourable Member: There are four classes.

Dr. F. X. DeSouza: Yes, four classes. Why not have only two as they have in England or on the continent? Why not have only first class and third class, and let those who really want extra comfort have an air conditioned carriage like that promised by the Honourable the Railway Member and pay for it. As for the present second class carriages, it has become almost as bad as the third class.

The Honourable Sir Muhammad Zafrullah Khan: By parity of reasoning, the third class is as good as the present second class. (Laughter.)

Dr. F. X. DeSouza: The other day, I saw a friend of mine travelling second class from Bombay to Delhi, and I found that in his compartment there were eight passengers.

The Honourable Sir Muhammad Zafrullah Khan: Were you travelling first?

Dr. F. X. DeSouza: Yes. I was travelling at Government expense, but I do not always travel . . . . .

The Honourable Sir Muhammad Zafrullah Khan: I am not in the least objecting. I was thinking of what they say in England. (Laughter.)

Dr. F. X. DeSouza: There were eight persons travelling in that compartment, and my friend was the only ticket holder, and the rest were passholders, and, among the passholders, there was a cinema troupe and they carried with them their paraphernalia—their cooking utensils, their fowls, and it was really most disgusting. In second class, a respectable man who has paid the fare is compelled to travel in those conditions! I ask my Honourable friend to protect the second class passengers in future from this sort of molestation.

The Honourable Sir Muhammad Zafrullah Khan: That has been restricted a good deal.

Dr. F. X. DeSouza: Thank you for small mercies, but still a good deal more has to be done. I do not wish to detain the House any longer as my time is up. All I wish to remark is that, from my study of all that has happened in the past, I feel that the Railway Board, as at present constituted, is out of touch with public opinion. It holds its deliberations entirely in secrecy. It hates the idea of the fierce light of publicity beating upon its deliberations.

Mr. N. M. Joshi: The Central Advisory Council met only twice in the year.

Dr. F. X. DeSouza: Exactly. I draw your attention to what my Honourable friend, Mr. Joshi, has remarked about the Advisory Council having met only twice in the year. The Railway Board is the Star Chamber. . . . . .

The Honourable Sir Muhammad Zafrullah Khan: I am afraid that your friend forgets that the local Advisory Committees who advise the Agents meet every month.

Dr. F. X. DeSouza: At any rate, the Railway Board, as I have said, is the Star Chamber of the Government of India administration. The attitude of the Railway Board towards the ticketless traveller shows how unsympathetic it is to public opinion in spite of the fact that that Bill of theirs has met with a howl of execration from one part of the country to the other. With regard to management of the finances, the progress of the Railway Board has been like the rake's progress. But, Sir, Hogarth's rake ended his days in Fleetwood Prison, but the Railway Board hopes to end its days in the splendid isolation of the Statutory Railway Authority. Sir, it is from this aspect of the case that I wish to consider the Resolution which my Honourable friend, Sir Raghavendra Rau, is going to place before the House in a few days, to cancel all the liabilities of the railways to the public revenues.

An Honourable Member: This is a repudiation of debt.

The Honourable Sir Muhammad Zafrullah Khan: Why not consider it when it does come before you?

Dr. F. X. DeSouza: That liability for past debts to the public revenues is the one hold that this Assembly will have in future over the railway administration, and this House must exercise great caution before it passes the Resolution my Honourable friend proposes to move. With these words, I resume my seat.

Sardar Sant Singh: No doubt it is a great relief to hear a budget speech announcing a surplus in the railway finances after so many years of depression. But, in spite of this fact, I refuse to offer my bouquet of flowers. A good many congratulations have been showered on him from all sides of the House, but I look at the matter from a different point of view. The Honourable Member, who occupies the position of Railway Member, is the first Indian who has come from the public life of India, and, as such, we expected that he will give us in his speech some national outlook, a different picture from that which has been presented to us since the railway finances were separated from the general revenues. But I find that his speech suffers from at least one serious omission, and that omission is not to take note of the great criticism which has been levelled upon the appointment of the Wedgwood Committee. On the occasion of the last supplementary demand, I gave expression to my views that the non-inclusion of Indians on that Committee was one of those serious blunders of which the Indian public has been complaining on many an occasion. I do not want to repeat the same arguments once more, but I will add that this serious omission from the budget speech, coming as it does from an erstwhile public man, either shows that he has not treated the demand of the public with that respect which we expect from our public men when they are raised to high positions or he had nothing to say in justification of the policy. However, we expected that he would say something about this in the budget speech.

The Honourable Sir Muhammad Zafrullah Khan: I replied to the debate on that occasion, though the reply may not have satisfied my Honourable friend. Did he expect me to repeat it over again in my budget speech?

Sardar Sant Singh: I hope that the matter was of greater importance than to be disposed of in a supplementary grant debate.

The Honourable Sir Muhammad Zafrullah Khan: Then, it should not have been raised on that occasion.

Sardar Sant Singh: In the budget, we should have expected to hear something more, because, in my opinion, the appointment of an outside committee of experts by implication suggests that, in spite of our vast system of railways and the big amounts of money that we spend, we have not got any capable experts who would be able to manage the organisation in a proper manner. Not only that. The words which he used in his speech were that the Government of India were willing to accept advice from whichever quarter it came. That showed a sort of inferiority complex about the Indian railways. I think, Sir, that in place of that he should have rather protested against that idea of our railways being inferior in any way to the other systems of the world. However, about this Wedgwood Committee I will add one or two words. The first is this. I understand that the members of this Committee are on the eve of leaving the shores of India. Yet none of the members of this Committee have considered it necessary to consult the Railway Standing Finance Committee or the Railway Advisory Committees. What sort of a report they are going to produce I cannot say, but the fact remains that a representative body of this House has not been consulted during their stay here, and I understand that none of the local advisory committees have been consulted either. I hope that this omission will not affect the report one way or the other, but I must point out that this is a serious omission.

Coming to the second point, I want to draw the attention of the House once more to the problem of the Indianisation of the railway service. In the budget speech, there is no mention as to how far the principle of Indianisation of railway services has been acted upon during the past year. We are not given any facts to show how many Indians have been appointed to the higher posts and how many have been superseded by the Europeans in the services.

The Honourable Sir Muhammad Zafrullah Khan: What does the Honourable Member mean?

Sardar Sant Singh: I will explain myself. I put certain questions in the Simla Session drawing the attention of the Honourable Member as to the supersessions that had taken place on the North Western Railway in the superior Indian cadre. In spite of certain promises held out to certain Indian officers, when they were transferred to the outlying districts outside Lahore, we find that the policy of the Railway Board has undergone a sudden change, and some junior European officers were put up above their heads. I think the Railway Board knows about that case sufficiently well. But I have still a serious complaint to make in that respect. In their zeal to promote the European officer over the heads of the Indian officers, I am informed that having found no excuse they have given some remarks about the service of those Indian officers which are not very creditable to them, not that they deserved them, but because they wanted to justify their policy of supersession. This is adding insult to injury. I hope the Honourable the Railway Member will see that the policy of Indianisation does not come to an end by the appointment of the Honourable Member as Member in charge of Railways. No doubt charity begins at home, but surely it does not end there. I will ask him that it should

[Sardar Sant Singh.]

be the duty of the Government, at any rate of the Railway Member, so long as he is in his place to tell us from year to year, how many posts have been Indianised during the course of the year.

The Honourable Sir Muhammad Zafrullah Khan: That is to be found in the annual report. Posts are not Indianised. Recruitment to the superior posts takes place in a certain proportion, which I explained to the House last year—75 Indians to 25 Europeans, and that is being kept up.

Sardar Sant Singh: I am very thankful to the Honourable Member for having enlightened us as to the percentage of the new posts that are to be Indianised, but the question still remains—how many have been actually taken into the service during the course of a year.

Then comes another question, and that is the question of discrimination. A vacancy has fallen in the Railway Board by the transfer of Sir Raghavendra Rau from the post of Financial Commissioner of Railways. Will he tell us whether this post will be filled up by an Indian or by a European? (*A Voice*: "He has already filled it up.")

Lieut.-Colonel Sir Henry Gidney: Why not by an Anglo-Indian?

Sardar Sant Singh: I will deal with Anglo-Indians very shortly. I thought the bubble was already pricked by my friend, Mr. Joshi.

Lieut.-Colonel Sir Henry Gidney: Why not prick his bubble?

Mr. N. M. Joshi: Anglo-Indians are Indians.

Sardar Sant Singh: Why in this respect is there this retrogression? If my Honourable friend will excuse me, I will point out one more fact which looks like a discrimination. Two Members of the Railway Board have been successively granted extensions of their service in the Railway Board, but no extension was granted to the Honourable Sir Raghavendra Rau. Why? This does seem to be a discrimination against him. From the Indian point of view, dealing with the question as an Indian, as I do, I would certainly say that there is some change of policy of which we are not aware.

4 P.M.

Lieut.-Colonel Sir Henry Gidney: He did not want an extension, being fed up already.

Sardar Sant Singh: I do not know whether the Honourable Member wanted it himself or not, but it looks like that.

The Honourable Sir Muhammad Zafrullah Khan: Who is the second Member of the Railway Board that the Honourable Member referred to?

Sardar Sant Singh: Sir Alan Parsons was the first Member.

The Honourable Sir Muhammad Zafrullah Khan: I thought the Honourable Member meant two Members of the present Board.

Sardar Sant Singh: The third point in this connection is the transfer of about one and three-fourths crores of rupees to the Burma Railways out of the Depreciation Fund. From my Honourable friend's speech, I find that this proportion is to the total amount of the Depreciation Fund

as it should be today if no borrowing had taken place from the Depreciation Fund. That is about Rs. 47 crores. In his speech, the Honourable Member said:

"Our total borrowing from the Fund will be reduced to Rs. 31½ crores, and, but for these borrowings, the actual balance in the Depreciation Fund would have amounted to nearly Rs. 47 crores. Of this balance, about Rs. 1¾ crores represents accumulations in respect of the Burma Railways and will be handed over to Burma on the 1st April next on its separation from India."

May I ask if the Depreciation Fund has been reduced to about 11 crores, and, if the Resolution is to be moved that the borrowing should be wiped off, why should not Burma get her share of 11 crores instead of 47 crores? May I ask him, if the Honourable Member has not been careful enough, not to be over-reached by his neighbour, Sir James Grigg, the master of the finances? He is not in his seat, otherwise I would have asked him—by what calculations has he reached this figure of Rs. 1¾ crores which they want to hand over to Burma? Is it not at the expense of the Indian Railways? I hope my friend will look into the figures once more and will find out that the portion which goes to the share of Burma is much less in amount than as it has been allocated. Coming to his recommendation about air-conditioning some first-class carriages as an experimental measure, may I ask him if he has taken the climatic conditions of India into consideration? Or is he not presenting the travellers with pneumonia, probably, as the outcome of travel in these conditions? Here Sir Henry Gidney's services are most desirable. He can give us valuable advice. In the temperature of India, when a person travels in a carriage like a first class air-conditioned carriage with even temperature from Bombay to Lahore, and, while the carriage has to be opened many times at stoppage stations, is it not the case that instead of providing comforts to the passengers, it may add to his difficulties? (*A Voice*: "Not compulsory.") No doubt that is true, but it is a temptation which may be resorted to by any new arrival in India. No doubt, Sir, he has consulted probably the history of the United States of America Railways on this point.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is approaching the end of his time limit.

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member has some experience of air-conditioning, surely, in this Chamber, and I do not think he has ever been in danger of falling a victim to pneumonia?

Sardar Sant Singh: Did the Railway Board look into the similar experiment made in the United Kingdom, where it was a failure? Sir, before spending a lot of money on this experiment, they should have more data to go by. The next point, which I want to deal with at this stage, is the corruption in services. Here, replying to the debate last year, the Honourable Member said:

"I have nowhere taken up the attitude that, if there is corruption among railway employees, it is the fault of the public, and, therefore, the public alone are to blame. As a matter of fact, dealing with this matter, again, I was careful enough to say that cases of underweighment and misdeclaration of goods were due either to the negligence or to the fraud of railway employees."

[Sardar Sant Singh.]

I want to draw the attention of the House to this fact that there can be no doubt that there are certain conditions prevailing on the Railways at this time which can be tackled and the corruption can be uprooted. Does he not know that in the public offices, stations are actually auctioned to the highest bidder to men who are the employees of the Railways? Does he not know that there is actually a competition to get a particular station, and that money flows freely in the open, without there being any secrecy at all?

The Honourable Sir Muhammad Zafrullah Khan: If the Honourable Member will give me the last instance, I shall certainly take drastic action.

Sardar Sant Singh: I think the best course will be for the Honourable Member to appoint a sub-committee of this House which can gather the facts and figures. Go to every station, ask anybody in the station, and he will tell that this is the case in such and such offices.

An Honourable Member: Nobody will admit that.

Sardar Sant Singh: And yet nobody will admit that. Sir, this is a strange country where a thing is done in the public light, known to everybody, and yet the officers refuse to admit . . . . .

The Honourable Sir Muhammad Zafrullah Khan: Sir, I really do not know where we stand. One Honourable Member says, "if I ask anybody, he will tell me that this is the case"; another Honourable Member says, "nobody will admit"!

Sardar Sant Singh: May I offer my friend the hospitality of my car to take him to the railway station and ask several persons who, I am quite sure, will admit that this thing is going on. Sir, this is a public scandal, and nobody can doubt it. Take the Engineering Department. Who does not know that percentages have been fixed—from 5 up to 15 per cent., from the Executive Engineer down to the Overseer; everybody's share is fixed. (Laughter.) Can they deny that the evil does not exist? Sir, it does exist, but they say it is the public which is to blame.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has exceeded his time limit, and he must conclude now.

Sardar Sant Singh: My submission is, Sir, that if they cannot uproot corruption from the public services, then they had better abdicate and let others come forward to govern this country.

I do not want to take any more time of the House although I have got certain other points to make. Before I sit down, I will just say one word to my Honourable friend, Sir Henry Gidney. His speech was of a type as though he was threatening the Government some time and pleading to them at another time, but all the time, we know, he was playing a part which was not meant only for the Government, but for the audience in the country at large. As a matter of fact, if any discrimination of the kind which he advocates is carried on, it will not be wrong to say that such a discrimination will cause the greatest bitterness in the country.

Mr. Umar Aly Shah (North Madras: Muhammadan): Mr. President, I want to put before the House some grievances in connection with the railways in India. When these railways were started for the first time, money was collected from peasants and other Indians in the name of cess. Nearly 800 crores have been spent upon these railways, but they are not yet even self-supporting. In the beginning the experts made some mistake. They did not spread railways all over India as they ought to have done in order to connect every town and village. India is poor; if a poor man or peasant wants to go from his village or town for a train, it will take more than an hour to reach the railway station. 90 per cent. are of this nature. During the summer and the rains, passengers do suffer immensely. I want to know whether these railways are intended for the general public, or for the army. Then enough accommodation is not provided for third class passengers, nor do the railways look after their convenience. Another thing, which I would like to bring to the notice of the Railway Member, is that, though we have so many facilities at big railway stations, for example, the fruit stalls, book stalls, sweets stalls, there are no facilities for the purchase of postal articles. If a passenger wants to post a postcard or a letter at the railway station in the mail, it is not possible for him to do so, unless he is prepared to pay the late fee. I, therefore, want that railway passengers should be given the facility to post their letters at railway stations in the mails without any late fee providing also facilities to procure postcards and covers on the platform at important stations.

The next thing, which I want to mention, is that some proportion should be fixed for the railway employment of different communities. At present, it is not possible for me to know how many Muslim employees are on different railways. The other day, in connection with some question, my Honourable friend, Bhai Parma Nand, gave some figures of Muslim employees. May I ask him if there is any difference between a Muhammadan and a Hindu or between a Parsi and a Christian? He belongs to the Hindu Mahasabha, and he should know that the Hindu religion advocates toleration and equality. His own religion says in Vedic literature:

"Athma Vath Sarvabhoothani."
"A Thasmath Jayathe Prano Manas Sarvendriyanicha,
Kham Vayurjyothi Rapaha Prudhivi Viswasya Dharini."
"Para Sbhava Karmani Naprasamsayeth Nagarihiyeth,
Viswamakathmakam Pasyam Prakruthe Purushe Nacha."

It means that there is no difference between human beings as they come from the same elements. You should not criticise any person, because all human being are the same. All creation has been coming from two parts, *i.e.*, energy and matter; but there is no other difference. I know my friend, Bhai Parma Nand, is not a religious revolutionary or a nationalist revolutionary or a political revolutionary. The other day, he said that he was a communal revolutionary, to which I attach no meaning.

Then, Sir, there are some booking clerks who will not give any facilities to the passengers. The same remarks apply with equal force to the ticket collectors. If a passenger purchases half a ticket for his child, these ticket collectors will say that he ought to have purchased the full ticket. If a child is only two years of age and no ticket has been purchased for him, they will make him out to be more than three years and compel the poor fellow to purchase a half ticket for him. Much has been said about ticketless travellers, but if you can properly check them, there will be no trouble. I have often noticed that tickets are not issued to the passengers

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in time, with the result that they get into the train without tickets. I request the Railway Member to help these poor third class passengers in any way he can.

The Honourable Sir Muhammad Zafrullah Khan: Sir, I am very grateful to Honourable Members for having expressed their gratification at the prospect of a surplus budget. Some of them have gone further and have congratulated me upon my good luck in this respect. It is perfectly true that to a very large extent railway earnings depend upon economic conditions and the recent fluctuations in those conditions, adverse or favourable, cannot be attributed to the efforts or lack of effort of any single individual, or of any single Government, and, therefore, Honourable Members were justified in using the expression "good luck" in this connection. I do hope, however, that the House will appreciate that these matters are not entirely and purely matters of luck. During prosperous years, it is no less the duty of those who are in charge of the Department to continue to strive after economy in expenditure and increase in earnings and the promotion of amenities as it is their duty during adverse periods to watch over these matters. That must be clearly understood, and, therefore, to the extent to which any deterioration or any rise in the earnings can be attributed to the lack of such efforts or watchfulness in these directions, the administration may deserve condemnation or felicitation; but I realise myself, no less than anybody else, that a good deal of the recent fluctuations, that we have experienced, are due to factors over which neither I, nor the Railway Board, nor the Railway Administrations, nor even the Government of India, by themselves had any appreciable control, and that, therefore, it is only just and fair, to attribute our solvency during the current year largely to an improvement in these factors, but I do hope that Honourable Members will also remember that, if it is a matter of good luck to be in the position in which the railways find themselves this year, it may be a matter of comparative bad luck to find themselves in the position in which they found themselves at the end of last year, and that, therefore, if the entire credit for this year's results cannot be attributed to efforts on the part of the railways, the entire blame for the results of last year could also not be laid at the door of the railways.

Now, Sir, coming to the criticisms offered on the budget, I shall first take up the question raised by my Honourable friend, Sir Henry Gidney, as it falls into a separate class by itself and has not much relation to the other matters that have been discussed during the course of the day. Sir Henry Gidney has quoted extensively from my speeches of last year dealing with this matter, and I should have thought that he would have realised from a perusal of those speeches that the matter could not profitably be carried any further during the course of the discussions this year, and that perhaps it would have been wiser, pending a final decision of the matter by Government, to let the matter rest where it stood last year. I realise his great anxiety on behalf of his community, and I sympathise with him in his anxiety, but I am afraid I am not in a position today any more than I was last year, to give him any categorical assurance with regard to the matter he has mentioned. I am afraid he brought me into the matter a little too pointedly possibly seeking to draw a distinction between the Railway Member and the Government of India, but I do assure him that, it would not be justifiable to draw that distinction. I warned him last year that I could not give him the decision of the Government on the matter as no decision had yet been arrived at, but I told him that I was willing

to look into certain matters in the meantime which might afford a solution of the difficulties with which his people were faced. He says that does not satisfy him. It may be that my suggestion does not go far enough, but a decision on the question raised by him has not yet been reached, and, therefore, it cannot be communicated to him. Lest, however, any misunderstanding should arise from the references that he made to me and certain inferences that he sought to draw from what I had said or had left unsaid on previous occasions, may I again briefly restate the position. Sir Henry Gidney has referred to section 242 of the Government of India Act. I told him last year,—and I repeat it this year, that this section would become operative only when this part of the Act is brought into force; obviously it cannot become operative at any earlier date. The principle of the section, however, has been accepted and is being given effect to even now. The difference between the position as it exists today and the position as my friend, Sir Henry Gidney, would wish to see it is that he seeks to place a certain interpretation upon one part of this section which he is asking Government to accept as the correct interpretation of that part of the section. Government have arrived at no final decision in this matter, and, therefore, I am unable to tell him whether Government are or are not prepared to accept Sir Henry Gidney's interpretation as the correct interpretation which that part of the section is capable of bearing. He seeks to draw the conclusion from one part of this section that the Federal Railway Authority should fix for the members of his community, when holding certain posts, a remuneration which should have reference not to considerations of supply and demand or the qualifications required for performing the duties and functions attaching to those posts, but also to some standard of living which Sir Henry Gidney has in mind. I pointed out to him last year that, so far as that was concerned, speaking entirely on my own, I was not able to see eye to eye with him, that is to say, it did not appear to me that that was an interpretation which the language of the section was reasonably capable of bearing. I am afraid, I am still unconvinced that that is the true meaning of the section but I repeat that so long as Government have not come to any final decision on the matter, it would really serve no useful purpose to discuss on the floor of the House the interpretation that ought to be placed upon the terms of this section. It is a profitless discussion, but, Sir Henry Gidney insists upon a reply. If he wants an alternative interpretation of this part of the section, I venture to offer him one. The section says that the Federal Railway Authority, in making appointments to certain kinds of posts, shall have regard to certain matters. As a general proposition, that having been laid down by Statute, the Federal Railway Authority must have regard to those matters, and the Government of India are already giving due weight to those matters. Sir Henry Gidney himself admits that, with regard to other factors mentioned in the section, he has no grievance. His difference with Government is over the matter of remuneration. He says that "have regard to the remuneration of those posts" means that the remuneration attaching to certain posts, when held by members of his community, should be raised and brought in accord with his ideas of what it should be. A perfectly reasonable construction of the section would be: "Look at the category and remuneration of posts to which members of this particular community have in the past been largely recruited; and keeping in mind the past association of the community with that category of posts, you should carry out your obligation of making recruitment to such posts by ensuring that they should continue largely to be recruited into those categories. Your obligation will not be discharged in the spirit if you offer to

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take them into entirely different categories carrying different rates of pay which may be unsuited to them and say "These are open to you and we are willing to give you your percentage in these categories". This could only be in the nature of a direction, for the Statute could not have set out different categories of posts and said: "A certain community have held a certain percentage of posts in this category and in that category, and you should, therefore, continue to recruit them into those categories in accordance with those proportions". Now, that is one interpretation, and I venture to think, not an unreasonable one. For if it were desirable to argue here and now whether the interpretation that Sir Henry Gidney seeks to place on the section is or is not a reasonable one it might well be urged that if Parliament had intended that a discriminatory scale of remuneration should be paid to the members of a particular community, when holding certain posts, then the expression used would not have been "shall have due regard to the remuneration of those posts", because the remuneration of those posts means the remuneration that those posts carry, the remuneration that is attached to them. The Statute would then have said: "It shall be their duty to determine the remuneration of the posts to which members of this community are appointed". I need not, however, labour this point any further. As I have said, this discussion has been provoked by Sir Henry Gidney's desire to have the matter settled on the floor of this House, but I am afraid it cannot be settled on the floor of this House. Government have it under consideration, and, as soon as a decision is arrived at, I have no doubt, it will be communicated to Sir Henry Gidney.

Sir Henry Gidney darkly hinted at the situation that might arise on Government's refusal to accept the interpretation that he seeks to place upon the section. He threatens that if this interpretation is not accepted, there will be a common grievance between his community and other communities who supply recruits to the railway services, and that common action would be taken. I have understood that one of the grounds on which special treatment has in the past been asked for by the Anglo-Indian community is,—at any rate it used often to be put forward by Sir Henry Gidney during discussions in the Round Table Conferences and the Joint Select Committee,—that members of this community could be particularly relied upon during times of trouble to stand by the administration. By uttering threats of common action, this morning, Sir Henry Gidney has completely destroyed that argument.

Now, Sir, coming to the criticisms of the budget, may I, before I go on to specific matters, repeat in one or two sentences what I said during the discussions on the railway budget last year? There is no attitude in any quarter on the railway side that things are as perfect as they can be on the railways. I felt that some part of the criticism of Honourable Members was based perhaps upon the feeling or the misapprehension that on this side that kind of attitude had been adopted. Nobody, who has any responsibility for the running of such a vast system of transport, can possibly take up that attitude. Even after all that is possible today has been done,—and I would be the last to claim that that had been done,—there would still be room for improvement as time passed. Therefore, a good deal of the criticism with regard to specific matters may well be justified. On the other hand, when Honourable Members are in a critical mood, I am afraid they fail to make sufficient allowance for other factors which either may possibly not be within their knowledge or which they are pleased to

ignore, because they might feel that perhaps the criticism or argument would be weakened if an allowance were made for those factors. Take, for instance, Sir Muhammad Yakub's general criticism and the specific instances that he gave in support of that criticism. He said that a good deal of improvement could be made in time-tables. I have myself sometimes noticed that a certain amount of improvement might be possible. I have then brought certain suggestions to the notice of the particular administration concerned. When the matter is looked into, I discover that I had completely ignored some connections and had focussed my attention only on certain others, and that there are real practical difficulties in the way of the adjustments that I have suggested or that have been suggested to me and which I had asked the administrations to look into. They have pointed out in their turn that if one connection is disturbed at one place, perhaps three or four will be affected at other places. But occasional improvement is possible, and such improvement is made; which leads me to believe that if more attention were paid to these matters, time-tables could be framed which would be a considerable improvement upon those that are in operation at present. Honourable Members will recollect that, along with certain other matters, I brought this to the attention of the Agents on the last occasion when they were in Delhi for the sittings of the Conference. But when Sir Muhammad Yakub went on to give instances in this connection, he pitched upon two which, on the face of them, indicated lack of consideration of these matters, but in respect of which there is a certain amount of explanation. For instance, he said that at one time a through carriage used to run between Lucknow and Delhi *via* Moradabad, and that it has now ceased to run. It has ceased to run on that route, because another through carriage has started running between Lucknow and Delhi *via* Cawnpore. The object of the through carriage was to give a through connection between Lucknow and Delhi in either direction. It was found that a more convenient and quicker service could be provided by arranging to run this carriage *via* Cawnpore. That is a complete answer to that piece of criticism; that so far as the convenience itself is concerned, it has been improved. Nevertheless, the East Indian Railway are being asked to look into the question of restoring this through carriage between Lucknow and Delhi via Moradabad; that is to say, the new service that has been started *via* Cawnpore should continue, and they should see whether it would not be possible to restore the original service also.

Another instance selected by Sir Muhammad Yakub was that the distance between Moradabad and Delhi was 100 miles, and that the service between the two places was very slow: he said it took 5 or 5½ hours. I imagine it should be possible to accelerate at least some of these services: but it is not correct that the time taken is 5 or 5½ hours: as a matter of fact, the slowest service takes nearly five hours—4h. 55m., and the quickest takes an hour less—3h. 58m. I do not say that is an ideal state of things, but it is not as bad as the Honourable Member tried to make out, though as I have said, all these matters are capable of improvement and are being gradually improved. Railways are a department of which almost everybody has some experience, and, therefore, there is always a volume of suggestions forthcoming, and they are all welcome; but all suggestions are not feasible or practicable, and those that are feasible and practicable cannot all be carried into effect immediately.

With regard to certain other matters, I have been warned that these will be taken up next week during the discussion on demands, and that, therefore, the detailed criticism and suggestions of Honourable Members will

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be placed before the House on that occasion. I shall, therefore, refrain from dealing with those matters in detail, and shall refer to some aspects of them only.

With regard to bigger matters of policy, I may state that there is a good deal of difference of opinion concerning them. Matters of policy always will evoke differences, and, therefore, it is not possible to meet all criticism with regard to policy; if I were so minded, I could meet the criticism of one Member by the counter criticism of another. But let me state this, in regard to matters of that kind, that wherever we find that a certain system or a certain policy is defective in some respects and that the advantages which might be attributed to that system or policy do not more than counterbalance the defect, we ourselves take action. When Honourable Members make suggestions, every one of these suggestions is examined and eventually put up to me, and I am able to apply my mind and such intelligence and experience, that I possess, to the matter and decide whether the change is or is not worthwhile. Honourable Members' criticisms of last year have all been tabulated here with Honourable Members' names against them, and the dates on which they spoke, the pages of the reports where the suggestions appear, and the action, if any, taken upon them. It, therefore, is not necessary for me this afternoon to go into these questions and repeat what I said last year, except to give the assurance that nothing that has been said today and that might be said during the next week, when the demands come under discussion, will be overlooked. Where I have any information to impart to Honourable Members on these matters, I shall give that information either this afternoon or during the discussions next week.

Now, as regards treatment of third class passengers, corruption amongst staff, and so on, I may give some general information to Honourable Members. That, again, is a matter which Honourable Members will realise cannot be set right in the course of a day or a year or even two or three years. But what can be done is to try to persuade those who actually come in contact with that class of passenger to change their attitude, to take on an attitude of greater helpfulness, greater kindliness, greater courtesy towards people who, by the very lack of means and facilities which are available to others, are in a helpless condition whenever they travel away from their homes. I do assure Honourable Members that I have not let slip any opportunity of impressing that point of view upon those upon whom lies the direct responsibility of administering the different railway systems of India. I am assured that they in turn are doing whatever is possible to see that there is a real change of attitude in these matters, and I am beginning to observe the results of that change and have been assured by people who ought to know that there is some change in that respect. Let us hope that the change will be progressive, and we shall begin to see the results of it more and more as time passes. I will be able to furnish details when this aspect of the question is discussed next week. Different railways have adopted different kinds of devices and all of them are having a certain amount of effect. Corruption is a more difficult matter to deal with, and let me be quite frank about it. There is such a host of allegations with regard to this matter that it would be unreasonable to say that it was all mere suspicion or imagination. There must be real grievances in that respect for such a volume of complaints to arise, but I do hope Honourable Members will realise the difficulty of the administration also. One Honourable Member has made an allegation which goes

very much further than anything that we had even second hand knowledge of, namely, that stations are openly auctioned in the sense that if anybody wants to be transferred to a particular station he has to pay a great deal of consideration to get there, the implication being that he wants to get to that particular station, because there may be a good deal of loading and unloading of goods at that station and he would get a share out of the total pool of ill-gotten gains of the railway staff at that station. If there is open auctioning of that kind going on, how is it that it is not possible to cite specific instances with evidence to support them? In view of what Honourable Members have been trying to impress upon me, my own attitude, in dealing with personal cases, is that I start with a bias against the man who has been punished for dishonesty. When I am dealing with such matters, I am not acting in a judicial capacity, and, therefore, it is quite open to me to start with a bias against the man who has been punished, and I make that presumption in view of the repeated allegations made on the floor of this House. In other matters if I find that too severe a view has been taken, I sometimes suggest that the matter might be reconsidered, but with regard to corruption, that is my own attitude. I shall certainly be prepared to do more if more is suggested. If any practical means of reducing corruption and ultimately stopping it are suggested, I shall certainly be willing to consider them. I said last year that if particulars are given, individual cases would be looked into, for I do not regard this as a small matter; the complaints have assumed such volume that the evil must be of large proportions, and that being so, I regard it as a matter of national importance, and even in individual cases when something is sent up, which is supported by evidence which can be tested, I assure Honourable Members that the matter would be carefully looked into.

Another complaint by Sir Muhammad Yakub was that the Divisional System had led to too much decentralisation and that there was not enough supervision by the Railway Board over Agents and by Agents over their Divisional Officers. I am afraid, I am unable to appreciate whether the criticism is well founded, and, for this reason, that I have, on the other hand, heard a good deal of criticism that there is too much interference by the Railway Board with Agents. It is the duty of Agents to keep in touch with everything that goes on on their systems, but with regard to the Railway Board two distinct policies are advocated; one is that the Railway Board should not interfere too much in matters of detail, and the other is that it should carry on very strict supervision of railway administrations. If specific instances were given, it would perhaps be possible to discover whether the one grievance or the other has any justification behind it.

Then, a criticism has been made by one Honourable Member with regard to new constructions. I have, in my speech introducing the budget, given reasons for not embarking upon large programmes of expenditure. It may be that we are on the threshhold of a prolonged period of prosperity and if that turns out to be the case, there will be ample time for the Railway Board to take up the consideration of such projects as may hold out hopes of turning out to be remunerative, and all these factors of cheap money and cheap labour might then be taken into account, though I doubt whether labour will continue to be cheap for long. Materials required for the construction of new lines are certainly no longer cheap; they are going up in prices very rapidly.

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The Honourable the Deputy President alluded to the vexed question of railway rating policy. That is a complex question. I am sure, Honourable Members do not expect that I should enter into a discussion of rating policy on the floor of the House, but may I remind the Honourable the Deputy President that he himself pointed out that the railways were not unconscious of the change that had taken place in the kind of traffic offering for carriage by railways. As a matter of fact, I said in my budget speech last year that the character of that traffic was changing; and that a good deal of long distance traffic to and from the ports was now swinging over to internal traffic, so that we are not unconscious of the change. He himself has referred to certain observations made by the Agent of the B. N. Railway about the change that is taking place, and the need of adjustment, but the adjustment will have to be gradual. If any sudden adjustment were attempted, I am afraid we might dislocate the traffic altogether. The railways must continue to watch any changes of that kind and adjust themselves to the different conditions that have arisen and may arise.

Then, the Honourable the Deputy President was pleased to observe that he felt that I had referred in my speech to a matter which really should not have been considered worthy of mention in a budget speech. He referred to our experiment in respect of air conditioned coaches. He said that an expenditure of two lakhs and 40 thousand was not worth mentioning in a budget speech. Another Honourable Member, who spoke later, thought we were risking a great deal of money,—two lakhs and 40 thousand, without knowing whether the experiment will or will not succeed. He thought it was a huge burden upon the finances of the railways. In any case, if it had not been mentioned, we may have been blamed afterwards that we had undertaken expenditure along a new line without taking the House into our confidence. The Honourable the Deputy President thought that we should have introduced these coaches without anybody being any the wiser for it. But, from the mere point of view of publicity, it would not be desirable that a change of that kind should be introduced without anybody being the wiser for it. Apart, however, from that, I should have thought that Honourable Members would be interested, and for this reason. It is a small matter so far as the initial expenditure is concerned, Rs 2,40,000, but it is a big experiment in the sense that if, from the scientific as well as from the financial point of view, it justifies itself—and I can express no opinion upon it at this stage—but if it does justify itself, it is bound to revolutionise railway travel in India. I have told Honourable Members what the conditions in an air conditioned coach would be. They can themselves, when the weather gets a little hotter and dustier, attempt to make an estimate of what the difference would be if all the dust and cinders and other undesirable objects were excluded from their carriages and an equable temperature were maintained throughout the journey. Again, if the experiment is financially as well as scientifically successful, then it would be practical politics to run on the faster trains third class air conditioned coaches, provided in their case also, as in the higher class of coaches, there are a sufficient number of people willing to pay a surcharge for the additional comfort. The surcharge would no doubt be graduated according to the different classes of carriages. We are hoping that it will not be too heavy even in the case of the first class, where, apart from air conditioning, it may be possible to provide other

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amenities. for instance, pillows, sheets, beddings and all that, so also in the case of the third class, if any tendency is shown to take advantage of these coaches when they can be provided, I do not think the surcharge would be either prohibitive or heavy. I would not wish to commit myself to any definite estimate before the experiment is tried out. But, as soon as the experiment is tried out next summer, it would be possible to make estimates, and I think Honourable Members may take it that, if from other points of view the experiment is successful. there would be no insuperable difficulty in introducing it with regard to third class coaches. Again, I do not want the House to imagine that that would solve the problem of third class travel in India. It would not. It would touch only a fraction of it, that is to say, it would affect only those people who have very long distances to travel and who are able and willing to pay the surcharge. Therefore, this is not an attempt to draw a red herring across the trail, to put off Honourable Members from their very praiseworthy insistence upon greater amenities and facilities for third class passengers. The third class passenger will continue to receive, I hope, more and more attention, and his lot, as time passes, should be less and less uncomfortable. As I have said, details of what is being done in that connection I shall furnish the House with next week. I have got them here, but as Honourable Members have kept some of their detailed criticisms in reserve, perhaps it would be better to deal with it all at one time.

I now come to certain suggestions made by my Honourable friend, Sir Leslie Hudson. He made reference to certain suggestions that he had made last year and he was pleased to observe that to some extent those suggestions had been met and that action that had been taken was along right lines. I need not, therefore, take up those matters; something has been done, and the indications are that something further may be done in those directions. With regard to the rest of his criticism, I am to a very large extent in accord with him. As an instance of lack of publicity effort on the part of railways, he drew attention to the fact that copies of the Railway Board's Report were not made available to Honourable Members as a matter of course. I have a suggestion to make in that connection. Here we are governed by two considerations; one is that we desire, indeed are anxious, to supply as much information to Honourable Members as it may be possible and as they may be desirous of having. On the other hand, we do not want unnecessarily to add to the cost of these publications. And perhaps this suggestion would meet with the wishes of Honourable Members in this connection. If Honourable Members would intimate to the Railway Board—such of them as desire to have these publications—that so long as they are Members of this House they desire that these Reports should be sent to them immediately they are ready for publication they will be supplied with those reports as a matter of course.

Sir Leslie Hudson: Thank you.

The Honourable Sir Muhammad Zafrullah Khan: Other Honourable Members who do not want to wade through these comparatively dry details and are content with the documents that are supplied to them,—they need not take the trouble of sending this intimation and I think that would meet the situation completely. With regard to the other suggestion made by Sir Leslie Hudson that we should have a brochure prepared every year from the Railway Board's Report containing such matter as

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may be of interest to the general public, that I shall look into, but something of that kind is being done even now. A note is prepared from these reports, and translated, I think, into as many as seven languages, and it is put out in the press in different parts of the country in the papers which are more widely read in those parts of the country. If it were issued in the form of a booklet, the language question would cause difficulty. The method at present followed is an inexpensive method of reaching almost everybody who may be interested in these matters, but as I have said, I shall look into that suggestion. There is another suggestion which Sir Leslie Hudson has made, and I think it is a very useful suggestion. I am unable to say what the volume of work involved will be if it is adopted, and, therefore, I cannot express an opinion upon the practicability of it, but off-hand I can say that it is an extremely useful suggestion, namely, that at least in the case of parcels, notice of arrival should be sent to the consignee, so that he does not incur demurrage charges merely for want of knowledge that the consignment has arrived. That is a matter which will also be looked into. I am afraid, I am unable to accept his suggestion that when on reweighment at destination there is a difference found between the weight of the consignment as entered in the railway receipt and the actual weight, that the consignor or consignee should not be called upon to make up the difference in freight. That involves very large questions, and, I am afraid, I could not accept that suggestion.

Sir Leslie Hudson also said that the cost of the Railway Rates Advisory Committee was rather high for the amount of work that it did. The only alternative would be to set up a committee each time there was a matter to be looked into. That would break continuity and the experience gained by members of one committee would not be available to members of the next committee. My immediate reaction to the suggestion is that perhaps the economy would not be worth while and it may even turn out to be no economy at all to set up a committee each time there was something to be investigated.

With regard to Mr. Muhammad Nauman's complaint that the particular trade he is interested in has not been helped by the railways, that is one of those general complaints to which I have already made reference. I am afraid it would be very difficult for me, either during the course of the general discussion or during the course of the discussion on Demands to examine the case of each particular trade in which Honourable Members may be interested and to make pronouncements with regard to them.

Mr. Muhammad Nauman: The Honourable Member has just said that every speech was looked into.

The Honourable Sir Muhammad Zafrullah Khan: That was exactly what I was going to say. When the Honourable Member was speaking, I referred to the note that had been put up to me and I have suggested that though the general question has already been examined, one particular suggestion made by the Honourable Member should be further looked into. But that is not a kind of matter that I can discuss during these debates and give an opinion upon. As I have said, the rates structure is a very delicate matter, and though Honourable Members who are interested in certain kinds of traffic may consider it extremely desirable

that certain changes should be made, from the general point of view it may not be so desirable. I shall again not enter into the vexed question of the heavier kinds of goods being carried by the railways while the more valuable kinds of goods are being filched from them by buses, and that the whole system is in danger of toppling over on account of the cream of the traffic being diverted from the railways to the roads.

Mr. Muhammad Nauman: Perhaps at this point I may inform the Honourable Member that big quantities of hides are being carried from Ranchi directly by motor lorries to Calcutta.

The Honourable Sir Muhammad Zafrullah Khan: I was not here referring to the transport of hides, nor was I suggesting that it was a commodity of small bulk and high value.

There is one small matter which the Honourable Member mentioned and which, I think, is worth pursuing, and that is the price of time tables. He referred to the East Indian Railway time table and said that it was too highly priced. It contains a very large amount of useful information and it could not be said that six annas was too high a price for that publication, but then it is not everybody that wants all that information. Most people would be content with the time and fare tables and a few general rules, and I think that suggestion might be looked into.

I am unable to accept Mr. Joshi's explanation of the original policy behind the construction of railways in India, but I will take up one or two specific questions that he has mentioned. I shall not this afternoon deal with the question of acquiring the two Company-managed railways, for I understand that that might be one of the matters that might come up for discussion next week. Mr. Joshi raised the question of Government's failure to give effect to the Resolution regarding the manufacture of locomotives in India. He said: "Look at the Resolution passed by this House, and here is this callous and unresponsive Railway Member who plainly told us that he would not carry out a Resolution passed by this House". Well, I plead guilty. A Resolution was passed to that effect, and I am afraid Government's decision was that they could not set up, at any rate under present conditions, a factory for manufacturing locomotives in India. I gave detailed reasons for Government's decision on a previous occasion, and I will give them again briefly in half a sentence. Having examined with very great care the material available upon which a decision could be arrived at we found that it would involve us in a loss of several lakhs a year to put up a factory of that kind. Now, I know that Honourable Members have got several replies to that. They say that that does not matter, the extra money spent would be worth while, it would establish another industry in India, it would help labour, it would help certain subsidiary industries; but may I say on that that to begin with it is not possible to assess in money the value of the subsidiary benefits mentioned. Secondly, unless Honourable Members have in mind that general revenues should bear the losses on account of the general benefits that are expected to accrue from such a venture, they cannot expect railways to embark upon a project that is bound to involve them in loss.

Mr. N. M. Joshi: Who will bear the losses of the railways, if there are losses?

The Honourable Sir Muhammad Zafrullah Khan: Eventually the taxpayer must bear all losses but that is not the question. If the railways have to run adequate services at a reasonable cost and they can get locomotives far more cheaply elsewhere than they could possibly be manufactured in India, then Government are perfectly justified in saying that the Railway Department is unable to undertake this experiment. It has sometimes been hinted at that it was in the interests of the British manufacturer, more than anything else, that Government had adopted this attitude. I am afraid, Honourable Members are entirely mistaken in that respect. Last year, we ordered some locomotives from Germany, and I am afraid British manufacturers were not too pleased at that.

Mr. N. M. Joshi: I did not say that.

The Honourable Sir Muhammad Zafrullah Khan: I did not say that the Honourable Member had suggested it, but I well remember having been described as a dishonest tool of Whitehall in this connection. The Railways do not want to help any particular manufacturers outside, but, finding themselves in the financial position in which they do find themselves, they do not feel that they would be justified in spending money merely for securing subsidiary benefits to other interests. Even if the project could be held to be justified on account of these supposed benefits, general revenues must bear the extra cost. That was the sole reason for Government not giving effect to the Resolution.

With regard to rail-road co-ordination, when Mr. Joshi was offering his criticism, I was wondering as to where the difference between us lay. I think, if he will refer to his speech when he gets it in print and compares it with what may have been said either by me or by any other of my Honourable colleagues on this side with regard to this matter, he will find that there is no difference between us. With regard to any specific proposals that may be put forward, there may be a difference of opinion between the different sections of the House as to whether that was or was not a measure which would result in bringing about the desired co-ordination, but, so far as the principles put forward by the Honourable Member are concerned, we are at one and let me state in two sentences the principles that Government have in mind. First, that the money that may become available for developing the communications of India should be so employed as not to duplicate the means of communication but to add to them in the manner best calculated to promote the interests of the country at large, for instance, by opening up new country, by supplementing rather than setting up competitive means of communication and transport. I know there are differences with regard to certain details. Into these, this is not the occasion or the time to enter. Mr. Joshi confined himself to principles, and on principles we have no difference between us whatsoever. And that answers also Dr. DeSouza's criticism, *viz.*, why should the rural masses be deprived of the means of getting their produce to market? Sir, I have not the slightest desire to deprive them of those means; on the contrary, I am extremely anxious that those means should be multiplied. I am anxious that roads should be constructed in rural areas, so that the agriculturists can get their produce more quickly and more easily to the markets; the whole trouble is one concerning competitive roads and the conditions under which other means of transport should compete with railways, and that brings me to the second principle. Government have in mind, namely, the regulation of road transport so as to secure the safety of the people using that form of transport, the safety of those working it

and a fair basis of competition with other forms of transport. Again, there may be differences over details and specific proposals but there will be other opportunities of discussing details. Nobody has any desire to deprive the agriculturist of the means of transporting his produce to the market. We are most anxious that the money available should be applied towards providing those facilities, rather than being spent, as is the case today, largely in duplicating the means of communication. Another matter to which Dr. DeSouza made a refrenece was third class coaches. He said: "What the third class passenger requires is a little more room, bigger and cleaner latrines. You told us last year of about an improved third class carriage, and we have heard nothing further about it. And now you sing us a song about air-conditioning". Sir, the Honourable Member was not quite just in that criticism. But I do not blame him, for he may not be in possession of all the information on this point. A good deal is being done to secure to the third class passenger exactly the kind of things to which he has made a reference. With regard to the third class coach that Members of the Central Advisory Committee examined last year, I said last year that nothing had been done because nothing could be done till we were in easier times. We find ourselves better off at the end of this year than we had expected, and I may inform Honourable Members that though coaches of that exact type have not yet been built, various improved features are being adopted, and I am hoping that, during the course of next year, coaches embodying all those improvements may also be built. Honourable Members must realise again with regard to this that wholesale replacements are not possible, but a start might be made. In the meantime, certain improvements are already being incorporated into coaches that are being built for certain railways this year, *e.g.*, bigger latrines and improved seats. I shall say nothing with regard to the terms of the Resolution modifying the Separation Convention to which Honourable Members have made references. By referring to it in my budget speech, I wanted to warn Honourable Members that that motion would be coming up so that they may revolve the matter in their minds and be ready with their suggestions with regard to it when it is reached.

Sardar Sant Singh expressed his surprise that I had made no reference to the criticism which he and other Honourable Members had offered with regard to the composition of the Wedgewood Committee. I am still at a loss to understand as to what exactly was desired in that connection. I put forward my explanation of the situation in reply to the debate on the supplementary grant, and if the question is raised again, as I have been warned in the press it will be raised again, I shall place the Government point of view before the House again, but I fail to understand what I was expected to do in this connection when I was preparing my budget speech. Honourable Members surely did not expect that I should take up the time of the House by repeating in my budget speech what I had said only a few days ago. If I had been convinced by the debate that I was wrong and that I had taken a wrong decision, I would have expressed my regret.

Sardar Sant Singh: The Government of India never admit that they are wrong.

The Honourable Sir Muhammad Zafrullah Khan: I have today made several admissions, but there it is. That was a question which was discussed on the floor of the House. Honourable Members put forward their views

[Sir Muhammad Zafrullah Khan.]

on that matter and Government stated their position. Surely, it was not expected that the whole of it should be incorporated into the Budget speech.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has spoken for 70 minutes already.

The Honourable Sir Muhammad Zafrullah Khan: Sir, I shall try to conclude during the next five minutes. The same Honourable Member raised the objection that 1¾ crores were proposed to be paid to Burma as their share of the accumulations in the depreciation fund and that that appeared to have been calculated on the basis of what their share would have been had there been no borrowings from the depreciation fund and that there was no justification for paying them this 1¾ crores in full. I am afraid that is not a decision for which the Government of India are entirely responsible. This is a consequence of the decision given by the Amery Committee with regard to the financial adjustment between India and Burma on separation. They thought that the fact that large borrowings had been made from the depreciation fund was irrelevant. Their task was to assign a value to the railways after deduction of the amount set aside for depreciation. Whether that was right or wrong, that is in the nature of a decision binding upon Government and Government were bound to carry it into effect, and, therefore, they will have to set aside that sum for payment to Burma. I noticed in the press this morning that it was described as an alimony being paid to Burma on separation. The correct attitude would be: Pay it and be done with it.

Sardar Sant Singh: In view of this decision of the Amery Committee, cannot the Honourable Member hold Burma responsible for the deficits of the last seven years and deduct that sum?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid it would not be possible to reopen these matters. Certain adjustments have already been arrived at and this is not a single matter by itself which could be dealt with separately. All sorts of claims had to be adjusted. It is part of the general adjustment, and it would not do to reopen it. But the explanation is that it is not a miscalculation as the Honourable Member might have thought when he put forward this criticism.

Sir, I have taken a great deal of the time of the House in dealing with the main heads of criticism that have been put forward, but my apology for doing so is that at the end of a whole day's debate when so many suggestions are put forward, it does take some time to deal with even the principal suggestions.

The Assembly then adjourned till Eleven of the Clock on Friday, the 19th February, 1937.

LEGISLATIVE ASSEMBLY.

Friday, 19th February, 1937.

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

QUESTIONS AND ANSWERS.

CONSTRUCTION OF THE OFFICE BUILDING FOR THE RAILWAY CLEARING ACCOUNTS OFFICE.

421. ***Mr. N. M. Joshi:** With reference to the answer given on the 27th February, 1935, to starred question No. 630, part (b), will Government be pleased to state when the construction of the office building for the Railway Clearing Accounts Office will be taken in hand?

The Honourable Sir Muhammad Zafrullah Khan: With your permission, Sir, I propose to reply to questions Nos. 421 and 422 together. Negotiations are in progress for acquiring a site for the office and quarters in exchange for a plot of railway land.

It is not possible to say when the work of construction will begin as the provision of funds has also to be considered.

Government are aware that there is some difficulty in obtaining suitable cheap housing accommodation in Delhi.

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

†422. ***Mr. N. M. Joshi:** Are Government aware that suitable housing accommodation is not available in Delhi, and will they be pleased to state when the construction of the staff quarters for the staff of the Railway Clearing Accounts Office, Delhi, will begin?

REJECTION OF THE NOMINATION PAPER OF MR. HARIHARNATH SHASTRI FOR THE UNITED PROVINCES LEGISLATIVE ASSEMBLY.

423. ***Mr. N. M. Joshi:** (a) Is it a fact that the nomination paper of Mr. Hariharnath Shastri for the United Provinces Legislative Assembly from the United Provinces Trade Union constituency has been rejected by Mr. H. K. Mathur, the Returning Officer of the said constituency?

(b) Has the nomination paper been rejected under section 69 (e) of the Government of India Act, 1935, on the ground that Mr. Shastri has been sentenced to imprisonment for a period exceeding two years on an aggregate of three offences?

(c) Does section 69 (e) of the Government of India Act, 1935, cover an aggregate of more offences than one?

(d) Is it a fact that the Government of India have issued a circular on the subject, giving an interpretation of section 69 (e) of the Act, and if so, what is the purport of that interpretation?

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†For answer to this question, *see* answer to question No. 421.

(e) Is it a fact that in other constituencies, in similar instances, objections against persons convicted on an aggregate of various offences have been set aside and nominations accepted?

(f) What steps do Government propose to take to set right the mistake made in the case of Mr. Shastri?

The Honourable Sir Henry Craik: (a) Yes.

(b) Yes.

(c) and (d). The interpretation of section 69 (1) (e) is a matter of opinion. No general circular on the subject has been issued by the Government of India.

(e) Government have no information; but they have seen a statement in the Press to the effect that the Government of Madras interpret the clause as imposing a disqualification only if a sentence of not less than two years' imprisonment had been passed at a single conviction.

(f) Returning Officers interpret the law in good faith and to the best of their ability. Under the rules framed by the Governor in Council in regard to Elections and Election Petitions, their decisions are final, subject only to reversal by an Election Petition. It is open to Mr. Shastri to contest the correctness of the rejection of his nomination paper by an Election Petition. Government cannot take any steps in the matter for the reason mentioned above.

Mr. N. M. Joshi: May I ask whether the Government of India secured the interpretation of this clause from their law officers?

The Honourable Sir Henry Craik: No authoritative opinion from the law officers has been secured.

Mr. N. M. Joshi: May I ask whether the Government of India will secure the interpretation of section 69 (1) (e) from their own legal officers?

The Honourable Sir Henry Craik: I cannot give such an undertaking. It is not for the Government of India to interpret the clause. An authoritative interpretation of the clause can only be done by the Courts.

SEARCH OF THE MAHABIR JAIN LIBRARY OF DELHI.

424. ***Mr. M. Asaf Ali:** (a) Is it a fact that the Mahabir Jain Library of Delhi was searched on the 11th August, 1936?

(b) If so, was anything objectionable found in the search?

(c) Did the police take away from the said Library the photo enlargement of Jatindranath Das, a widely known political figure? If so, has the said photo enlargement ever been declared forfeited to the Crown in the Delhi Province? If so, when?

The Honourable Sir Henry Craik: (a) and (b). Yes.

(c) A large photograph of Jatindranath Das was seized and confiscated under the provisions of the Indian Press (Emergency Powers) Act, 1931.

REDUCTION IN THE HOUSE RENT ALLOWANCE OF THE INFERIOR SERVANTS OF THE POSTAL DEPARTMENT IN THE BOMBAY CITY.

425. *Mr. N. M. Joshi: Will Government be pleased to state:

(a) whether it is a fact that the inferior servants of the Postal Department and postmen employed in the city of Bombay were paid a house rent allowance of Rs. 8-8-0 per mensem up to December, 1936;

(b) whether they have issued orders reducing that allowance by Rs. 2 per mensem with effect from January, 1937;

(c) the reasons for the reduction ordered;

(d) whether they have made any enquiries and obtained any statistics of the house rents in respect of these classes of workers in the city of Bombay;

(e) whether they have given publicity to the investigations made into this question and if so, when and where;

(f) whether due notice about the proposed reduction was given to the workers and whether any opportunity was given to them to express their viewpoint; and if not, the reasons for the same;

(g) whether they are aware that the house rents have gone up since the repeal of the Rent Act in the city of Bombay; and

(h) whether they propose now to give an opportunity to the workers to explain their case, and to conduct fresh investigation into the question and in the meanwhile hold the orders in abeyance pending the conclusion of the investigation?

The Honourable Sir Frank Noyce: (a) and (b). Yes.

(c) Because enquiry established that the allowances were in excess of the average rentals paid by workmen whose position corresponds with that of postmen and lower grade staff.

(d) Yes.

(e) No.

(f) Yes. Besides, the staff are fully aware that house rent allowances are liable to revision from time to time as circumstances demand. Government do not recognise the right of the staff to be consulted when such revisions are effected.

(g) No. Their information is that the rents of working class tenements have not increased.

(h) It is open to the staff to represent their grievances in the usual manner, and such representations as may be submitted by them will be duly considered. Government are not prepared to hold in abeyance the orders already issued by them after careful examination of the matter.

PROMOTION OF QUALIFIED POSTMEN TO THE CLERICAL CADRE.

426. *Mr. N. M. Joshi: Will Government be pleased to state:

(a) whether the assurance of removing compulsory long service in lower cadre, given by the Director General of Posts and Telegraphs during the last Budget Session in the matter of

promotion of qualified postmen to clerical cadre, has been given effect to in framing the rules for recruitment to Postal Services and their promotions;

(b) if so, whether a copy of the orders in the matter will be placed on the table of this House; and

(c) if the orders have not yet been issued, the probable date when they may be expected to be published and brought into force?

The Honourable Sir Frank Noyce: (a) No such assurance was given by the Director-General. In his speech of the 13th March, 1936, he merely explained that there was no disability in this matter, as the limit of five years was not one of five years' service as postman, but was merely of five years' service in the Department.

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

PAYMENT FOR SERVICES RENDERED BY TREASURY OFFICERS AS BANKERS AND SUPPLIERS OF POSTAGE STAMP AND STATIONERY TO THE POST OFFICES IN THE BOMBAY PRESIDENCY.

427. ***Mr. N. M. Joshi:** Will Government be pleased to state:

(a) whether the services rendered by the Treasury and Sub-Treasury Officers of the Provincial Government as bankers and suppliers of postage stamps and stationery to the post offices in the Bombay Presidency are paid for, or whether they are reciprocatory in respect of other services; and

(b) if these services are paid for, the amount paid to the Bombay Government for such services?

The Honourable Sir James Grigg: (a) and (b). The Posts and Telegraphs Department is not charged for services rendered by the treasury staff.

PRICE OF TATA'S SHARES.

428. ***Sir Muhammad Yamin Khan:** (a) Will Government please state what was the price of Tatas' shares before protection was given in 1934, and what is the price now?

(b) Do Government intend to continue the protection?

(c) If so, will Government kindly state the reason and necessity for the same?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b) and (c). I would refer the Honourable Member to the replies given by me to questions Nos. 273 and 330 by Dr. Ziauddin Ahmad during the current Session.

Sir Muhammad Yamin Khan: Are Government aware that there is no supply of iron in the market at present from the Tatas?

The Honourable Sir Muhammad Zafrullah Khan: I am not so aware.

Sir Muhammad Yamin Khan: Will Government enquire whether the Tatas have stopped booking future orders? If so, what is the reason for the same?

The Honourable Sir Muhammad Zafrullah Khan: This does not arise out of this question. If, however, the Honourable Member will give me data which would indicate that this is so, then I shall make enquiries.

Sir Muhammad Yamin Khan: Government probably know that the price of iron has gone up by 33 per cent. over the prices which were prevalent about a month ago. As far as it can be ascertained from the Delhi market, it is due to the fact that the Tatas stopped booking orders. Will Government make enquiries about this?

The Honourable Sir Muhammad Zafrullah Khan: Government are aware that the price of steel has risen considerably lately. Government are also aware that there are several factors which have contributed to that, into the explanation of which I need not enter at present. As I have said, I was not aware that Tatas had refused supplies.

Sir Muhammad Yamin Khan: Will Government make enquiry whether the Tatas have refused to book orders for the future, and, if so, what are the reasons for their refusal?

The Honourable Sir Muhammad Zafrullah Khan: That is rather hypothetical. I shall have first to make enquiries whether they have refused booking orders and then make another enquiry why they have refused.

Sir Muhammad Yamin Khan: My information is that the Tatas have not been booking orders.

The Honourable Sir Muhammad Zafrullah Khan: If the Honourable Member will send that information to me, I will look into it.

Sir Muhammad Yamin Khan: This is the information I am now giving to the Honourable Member on the floor of this House. I have ascertained from the iron merchants in Delhi that the Tatas have stopped booking orders for future, that they are not booking any orders for iron girders or anything like that made of iron, and, therefore, the prices have gone up because the present stock is not sufficient to meet the needs of the market, and, therefore, the people are out profiteering.

The Honourable Sir Muhammad Zafrullah Khan: I am afraid the Honourable Member cannot possibly be correct that the rise in prices is due to the fact that Tatas are unable to book advance orders. I am afraid it must be the reverse.

Sir Muhammad Yamin Khan: I am not suggesting

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot argue in putting supplementary questions.

Sir Muhammad Yamin Khan: I want to draw the attention of the Government to the fact that I never made any suggestion that they are unable to book orders. What I am saying is that the Tatas are not willing to book orders in spite of their capability to do so, because they simply want to make profits out of the stock which they hold at present. If that is the reason, may I ask why any protection should be given to them? If the facts are as I have stated—because it has been represented to me by the iron merchants in Delhi that the facts as I have stated are true—will Government consider the advisability of withdrawing the protection that is given to the Tatas?

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member has not put forward anything concrete to show what the facts are. He has got some apprehension in his mind, that is all. The Honourable Member must specify facts.

Lieut.-Colonel Sir Henry Gidney: In the shape of a supplementary question, I can give the Honourable Member a positive statement that the Tatas refused my request in the same matter?

The Honourable Sir Muhammad Zafrullah Khan: I was not aware that my Honourable friend, Sir Henry Gidney, was dealing in manufacture of steel.

Lieut.-Colonel Sir Henry Gidney: There was a positive refusal.

The Honourable Sir Muhammad Zafrullah Khan: Refusal of what?

Lieut.-Colonel Sir Henry Gidney: Refusal to supply iron materials.

MUSSAFERKHANA FOR THE RESIDENCE OF INDIAN PILGRIMS IN DAMASCUS.

429. ***Dr. Ziauddin Ahmad:** (a) Is it a fact that a *Mussaferkhana* was endowed by Sultan Mahmud for the residence of Indian pilgrims in Damascus?

(b) Is it a fact that a representative of the British Government sold the *Mussaferkhana* at nominal price?

(c) Are Government aware that any person drawing the attention of the Damascus Government is externed from Damascus?

(d) Are Government prepared to draw the attention of the Damascus Government to the misappropriation of the building endowed for the benefit of Indians?

Sir Aubrey Metcalfe: (a) No.

(b) No.

(c) No.

(d) The attention of the Honourable Member is invited to the reply given to part (b) of Mr. M. Asaf Ali's question No. 399 on the 16th February, 1937.

CONSTRUCTION OF ADDITIONAL QUARTERS FOR THE EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

430. ***Maulvi Syed Murtuza Sahib Bahadur:** (a) Is it a fact that additional quarters for the employees of the Government of India Press, New Delhi, will be built at a distance from the Press for want of a plot near the Press building? If so, are Government prepared to consider the inconvenience which will be felt by such employees, who are required to attend office at 8 A.M. and allowed to go to their quarters during half an hour's interval to have their meals?

(b) In case the proposed arrangement is indispensable, are Government prepared to arrange to allot the existing Press quarters to the members of the staff who attend office from 8 A.M., and accommodate those who attend office from 10 A.M., in the additional quarters?

The Honourable Sir Frank Noyce: (a) No site has yet been selected for the new quarters, but the intention is to build them as near the Press as possible.

(b) Does not arise.

LOCAL HOLIDAYS GRANTED TO THE EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

431. ***Maulvi Syed Murtuza Sahib Bahadur:** (a) Is it a fact that an amendment to the rules regulating local holidays to be granted to the employees of the Government of India Press, New Delhi, has been received from the Government of India, Department of Industries and Labour?

(b) Is it also a fact that according to that rule, the employees of the Government of India Press, New Delhi, will observe local holidays from 16th April to 15th October instead of from 1st April to 31st October?

(c) Is it also a fact that the employees of the Government of India Press, New Delhi, unlike those employees in other local, central and subordinate offices of the Government of India located in New Delhi, do not enjoy all the local holidays?

(d) Is it also a fact that the offices of the Government of India start moving after 15th October and all the offices reach New Delhi by 31st October or later?

(e) If the replies to parts (a), (b), (c) and (d) be in the affirmative, do Government propose to reconsider their orders and restore the employees of the New Delhi Press the privilege of local holidays from 1st April to 31st October, to enable them to enjoy the most important festivals of Dusehra, Diwali, Moharram and Easter, falling during the period?

The Honourable Sir Frank Noyce: (a) Yes, the rule regulating the grant of holidays to employees of the New Delhi Press, as well as of the other Presses of the Government of India, has recently been revised.

(b) Yes.

(c) Yes. Under the revised rule the employees of the Government of India Press, New Delhi, will enjoy the holidays announced by the Chief Commissioner, Delhi, including local holidays, during the period 16th April to 15th October. For the rest of the year, they will be granted Government of India closed holidays *plus* three communal holidays, the latter being allowed if the state of work permits.

(d) No. The actual date of the move of the Government of India from Simla depends upon circumstances each year, but recently the offices have usually started moving from the 2nd week of October, and are completely open in New Delhi before the end of that month.

(e) No. The work of the Press is closely connected with the Government of India, and it is not convenient to close it on days when the Secretariat and other offices in Delhi are working.

BAN ON THE CONGRESS MESSAGE OF INDEPENDENCE.

432. ***Mr. Amarendra Nath Chattopadhyaya:** Will Government be pleased to state if the Central Government had to be approached by the Provincial Governments for their opinion and sanction for banning the

message of independence which was to be read in different Provinces by Congress Leaders, on the 26th January last, generally known as the Independence Day?

The Honourable Sir Henry Craik: No.

UNSTARRED QUESTIONS AND ANSWERS.

PAYMENT OF ELECTRIC CHARGES OF THE SACHAPIR STREET POST OFFICE PREMISES IN POONA.

21. **Mr. N. M. Joshi:** Will Government be pleased to state:

(a) whether it is a fact that the Sachapir Street Post Office premises in Poona are fitted with electric lights;

(b) whether the electric charges are paid by the Postal Department, or the landlord, or the Sub-Postmaster in charge; and

(c) if they are being paid by the Sub-Postmaster in charge, the reasons for making him pay for the electricity consumed for office purposes?

The Honourable Sir Frank Noyce: (a) Yes.

(b) Electric charges are paid by the landlord.

(c) Does not arise.

SENDING OF UNREGISTERED LETTER MAIL BAG TO DABHOL IN CHARGE OF THE CAPTAIN OF FERRY STEAMER.

22. **Mr. N. M. Joshi:** Will Government be pleased to state:

(a) whether the Postal Department has made arrangements to send bags of unregistered letter mail in charge of the railway guards under the Weighment System;

(b) whether similar arrangements could not be made to send the unregistered letter mail bag to Dabhol (Ratnagiri) containing correspondence for Dabhol, Guhagar and their subordinate post offices under such Weighment System in charge of the Captains of Bombay-Dabhol special ferry of any Konkan Ferry Steamer Companies, by calling for competitive rates; and

(c) whether the Postal Department propose to introduce the measure as early as possible?

The Honourable Sir Frank Noyce: (a) Yes, in some cases.

(b) and (c). An enquiry is being made and a reply will be placed on the table of the House in due course.

PERMISSIBILITY OF INCREASING THE RATES OF ROAD MILEAGE AND DAILY ALLOWANCE IN THE KONKAN DISTRICTS.

23. **Mr. N. M. Joshi:** Will Government be pleased to state:

(a) whether in the five Konkan districts, increase in the rates of road mileage and daily allowance is permissible to Officers of Grades III and IV during the months of June to September by 100 and 33⅓ per cent. respectively;

(b) whether a similar increase has not been made permissible for the conveyance of personal effects by road and if so, why;

(c) whether it is a fact that the Sub-Divisional Postal Inspectors are not permitted to exchange daily allowance with road mileage;

(d) whether the increase in the road mileage, daily allowance and the conveyance of personal effects is not permissible to officers of the second grade and if so, why; and

(e) whether they propose to permit the increase to second grade officers, particularly to the Postal Inspectors, who are not permitted to exchange daily allowance with road mileage?

The Honourable Sir Frank Noyce: (a) Yes.

(b) The rates for the conveyance of personal effects by road of officers of the Central Government are the same as those fixed by the Local Government concerned as they are the best judges of the necessities of these cases.

(c) Yes.

(d) The increase in road mileage and daily allowance is restricted to officers of the 3rd and 4th grades, as the Government of India follow the practice of the Bombay Government who have limited the grant of the increased rates to these two grades. The rates, prescribed by Local Governments for the conveyance of personal effects, are also followed.

(e) No.

LOCATION OF THE MANGAON (ALIBAG) POST OFFICE.

24. **Mr. N. M. Joshi:** Will Government be pleased to state:

(a) whether it is a fact that the Mangaon (Alibag) Post Office building is situated away from the main locality of the town and if so, at what distance;

(b) whether all the offices of the Local Government were formerly near or in the present Post Office building and that those have recently been shifted to a healthier locality in a newly constructed building;

(c) whether the present Post Office building and its compound are infested with scorpions and reptiles and that there are no residences close by the Post Office; and

(d) whether enquiries are proposed to be made into the matter and the said Post Office shifted to the main locality near the present Local Government buildings by disposing of the present property either by sale or lease?

The Honourable Sir Frank Noyce: (a) to (d). Government have no information. The matter is within the competence of the Postmaster-General, Bombay, to whom a copy of the question is being sent for such action as he may consider suitable.

PROVISION OF REST HOUSES FOR THE RAILWAY MAIL SERVICE OFFICIALS NEAR TERMINAL STATIONS.

25. **Mr. N. M. Joshi:** Will Government be pleased to state:

(a) whether it is a fact that the rules require that the rest houses provided for the use of the Railway Mail Service officials should be near the terminal stations;

(b) whether all the rest houses in use of the Railway Mail Service officials in the Bombay Circle are situated in close proximity of the terminal stations;

(c) the number of rest houses that are (i) within one furlong, (ii) between one and two furlongs, (iii) between two furlongs and half a mile, (iv) beyond half a mile and within a mile, and (v) beyond one mile from the terminal stations;

(d) whether there were facilities for the conveyance of the officially permitted kit of the officials from the rest houses to the terminal stations and *vice versa*;

(e) whether those facilities have since been ordered to be stopped;

(f) whether the duty of the conveyance was an authorised one and scheduled in the duty list; and

(g) whether they propose to consider the advisability of making some arrangements for conveying the kit of the Railway Mail Service officials from the terminal stations to the rest houses?

The Honourable Sir Frank Noyce: (a) As near as practicable.

(b) No.

(c) The numbers of rest houses within the following distances from the Railway Station are—

(i) Within one furlong	6
(ii) Between 1 and 2 furlongs	9
(iii) Between 2 furlongs and half a mile . . .	5
(iv) Beyond ½ a mile and within 1 mile . . .	3
(v) Beyond 1 mile	1

(d) There was an unauthorised practice of employing rest house attendants as porters.

(e) Yes.

(f) and (g). No.

INCLUSION OF THE TIME SPENT AT TERMINAL STATIONS IN THE DUTY HOURS OF THE RAILWAY MAIL SERVICE SORTERS.

26. Mr. N. M. Joshi: With reference to the reply given by Government on the 26th February, 1936, to my unstarred question No. 218, will they be pleased to state:

(a) which Railway Mail Service Sections in the Bombay Circle require more than 45 minutes to deliver the mails at the end of their beats, either on the 'Out' or on the 'In' trips; and the average number of bags delivered by them; and

(b) whether they propose to consider the necessity of including in the working hours the time in excess of 45 minutes required by the Sections at terminal stations; if not, why not?

The Honourable Sir Frank Noyce:

(a) B 7 out: (Sholapur-Victoria Terminus) . .	165 bags.
W 3 out: Baroda-Bombay	228 bags.
W 4 in: Bombay-Ahmedabad	331 bags.
FM 25 in: Manikpur-Howrah	450 bags.

(b) In regard to the first part, the reply is in the negative. As regards the second part, the standards laid down for the weekly working hours of sorters in running sections are so liberal that Government do not consider it necessary to make any separate allowance for the duties referred to by the Honourable Member.

VAN PEONS FOR W-13 SECTION OF THE RAILWAY MAIL SERVICE.

27. Mr. N. M. Joshi: Will Government be pleased to state:

(a) whether it is a fact that the W-13 Section is not equipped with van peons;

(b) whether the question of the grant of van peons to that Section was represented to the Director General of Posts and Telegraphs by a deputation of the All-India Postal & R. M. S. Union that waited upon him on the 25th October, 1935;

(c) whether it is feasible and practicable for the sorters to take the help of the mail peons in lifting and sealing bags at important stations;

(d) whether it is not irregular and unsafe to ask the mail peons to leave the bags accepted by them on the platform while they are asked to help the sorters in the vans;

(e) whether they do not attach any importance to the lying and sealing of bags at those stations where the stoppages are short and where the work has perforce to be done by the sorters themselves;

(f) what duties are assigned to a van peon in other sections;

(g) whether they consider the work of (i) clearing van letter boxes and stamping the letters cleared therefrom, (ii) stamping the registered, parcel and mail lists received *en route*, (iii) closing and sealing insured parcel bags and registered bags which have to be included in the mail bags and parcel bags before the latter are closed, (iv) facing the newspapers and packets, (v) tying the labelled bundles made up, and (vi) sweeping the mail van, as reasonably falling within the sorters' schedule of duties; and

(h) whether they propose to re-examine the question and grant the van peons to the Section?

The Honourable Sir Frank Noyce: (a) Yes.

(b) The Director-General interviewed members of the Provincial Union on the date mentioned.

(c) to (f). Government have no information and do not propose to call for it. The matter is within the competence of the Director-General to whom a copy of this question has been sent for such action as he may consider suitable.

(g) The reply to parts (i) to (v) is in the affirmative, and that to part (vi) is in the negative.

(h) No.

JOINING TIME ALLOWED TO CERTAIN TEMPORARY POSTAL CLERKS IN THE KONKAN DIVISION.

28. **Mr. N. M. Joshi:** Will Government be pleased to state:

(a) whether under their orders, the postal clerical officials were not confirmed from the 16th July, 1931, although they continued to be recruited and officiated in clear vacancies;

(b) whether under Fundamental Rule 105 (a), joining time was permissible to such officials referred to in part (a) above and whether the appointing officers had by exception under Supplementary Rule 294 the power only to reduce the period of joining time but they could not probably refuse the same *in toto;*

(c) whether any representations from the clerical staff to permit even a couple of days transit, particularly during monsoon in Konkan Division and the like, have either been rejected or held up by the Postmaster General, Bombay; and

(d) whether in view of the assurance given by the Director General of the Posts and Telegraphs to the Union, all such cases will be obtained and reconsidered by him, even ignoring the time limit; if not, why not?

The Honourable Sir Frank Noyce: (a) Yes.

(b) The reply to the first part of the question is in the affirmative. As regards the second part, the sanctioning authority can at his discretion refuse to grant any time for preparation.

(c) Government have no information.

(d) It is not understood to what assurance the Honourable Member refers. It is open to the officials concerned to represent their case to the proper authority if they consider that they have a grievance.

BAN ON CONFIRMATION OF POSTAL CLERKS IN THE BOMBAY CIRCLE.

29. **Mr. N. M. Joshi:** Will Government be pleased to state:

(a) whether it is a fact that there was a ban on confirmation of the clerical staff till April, 1935, in the Postal Department;

(b) whether even after the removal of the ban by Government, the Postmaster General, Bombay, has again imposed the same;

(c) if so, whether the hardship of the staff, owing to non-confirmation in the Bombay Circle on account of this re-imposition of the ban, is proposed to be removed; and

(d) whether an assurance was given that any future reduction in the staff will be carried out in the ordinary course as vacancies occur?

The Honourable Sir Frank Noyce: (a) Yes.

(b) and (c). Information is being called for and a statement will be laid on the table of the House in due course.

(d) The Honourable Member's attention is invited to the reply given by me to part (d) of his starred question No. 1118 in this House on the 11th March, 1936.

NOTIFICATION REFERRED TO IN RESOLUTION *RE* EMIGRATION TO BURMA.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): Sir, I lay on the table a copy of the notification referred to in my Resolution regarding emigration to Burma, which is to come on later.

Draft Notification.

In exercise of the powers conferred by section 10 of the Indian Emigration Act (VII of 1922), the Governor General in Council is pleased to issue the following notification in the form in which it has been approved by both Chambers of the Indian Legislature :—

Emigration to Burma for the purpose of unskilled work shall be lawful, subject only to the restrictions in force immediately before the commencement of the Government of Burma Act, 1935.

STATEMENT OF BUSINESS.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, in the absence of the Leader of the House, may I state the business for the next week? The House will not sit on Monday, the 22nd, on account of Id-ul-Zuha, and Honourable Members are aware that, from Tuesday to Friday next week, the House will be engaged in voting Demands for Grants under the Railway Budget. As the General Budget will be presented on Saturday, the 27th, at 5 P.M., Government have decided not to ask for an ordinary meeting of the House on that day.

THE INDIAN LIMITATION (AMENDMENT) BILL.

The Honourable Sir Henry Craik (Home Member): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Limitation Act, 1908, for a certain purpose.

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

"That leave be granted to introduce a Bill further to amend the Indian Limitation Act, 1908, for a certain purpose."

The motion was adopted.

The Honourable Sir Henry Craik: Sir, I introduce the Bill.

THE INDIAN TEA CESS (AMENDMENT) BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Tea Cess Act, 1903, for a certain purpose.

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

"That leave be granted to introduce a Bill further to amend the Indian Tea Cess Act, 1903, for a certain purpose."

The motion was adopted.

The Honourable Sir Muhammad Zafrullah Khan: Sir, I introduce the Bill.

THE INDIAN ARMY (AMENDMENT) BILL.

Mr. G. R. F. Tottenham (Defence Secretary): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Army Act, 1911, for a certain purpose.

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

"That leave be granted to introduce a Bill further to amend the Indian Army Act, 1911, for a certain purpose."

The motion was adopted.

Mr. G. R. F. Tottenham: Sir, I introduce the Bill.

THE AGRICULTURAL PRODUCE (GRADING AND MARKING) BILL.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): Sir, I beg to move:

"That the Bill to provide for the grading and marking of agricultural produce be taken into consideration."

The origin and purpose of this measure have been fully set out in the Statement of Objects and Reasons, but as the Bill breaks entirely new ground and is also somewhat technical, I venture to crave the indulgence of the House for a few minutes in order to supplement what has been stated in the Statement of Objects and Reasons by a few verbal observations. I might begin by explaining the terms "grading" and "marking". Grading signifies a classification according to quality of different kinds of a commodity and marking means the application to these grades of distinctive marks for purposes of ready identification. The practice has been followed with great success in other countries, such as, the United States of America, Canada, New Zealand, Australia and Great Britain, in regard to different commodities: and the success has been attained for this reason that both the producer and the consumer stand to gain by it. To the consumer it is a warranty of quality, and the producer because of the contentment of his clientele gains a stable market; indeed, it has happened that in certain commodities he secures a progressive market. Of course, in order to ensure both uniformity of grading and marking, and impartiality for it, these functions are assumed by the State. When we inaugurated our marking surveys in 1935, we gave instructions to the survey staff to begin experiments with selected commodities in order to try out the practical possibility of grading and marking certain commodities; and we also expected that thereby the commercial possibility of the practice will be demonstrated. A beginning was made, therefore, with hides and skins in selected stations,—one at Agra and the other at

Delhi; and also with eggs at Tarujaba in the North-West Frontier Province. The experiment has attained so much success that the traders and producers concerned have come forward now with requests for systematisation of the practice. Hence the Bill which we have submitted to the House and which I have asked to be taken into consideration now.

There are three features of the Bill which I think I ought to comment upon. The first is that the voluntary principle is entirely upheld. We make no attempt to compel or coerce anybody to join the experiment. Whoever wishes to take advantage of the benefits that this practice holds out is at liberty to do so; and, if he does join, he is under an obligation to accept both inspection and to observe the conditions that we may prescribe for the purposes of grading and marking. On the other hand, a person who does not join the experiment but nevertheless makes unauthorised use of the grades that may be prescribed is liable to a penalty but, as I shall explain later, a very modest penalty. And the reason why we make the experiment purely voluntary is that we do not think that at this stage it would be desirable to follow the example of certain more advanced countries where, once a commodity is selected for this particular practice, everybody who deals in that commodity has to accept grading and also to apply the prescribed marks.

The second feature of the Bill is that we have in the Schedule mentioned only a limited number of commodities. That again, Sir, is because of the experimental character of all that is being done at the moment. We do not wish to frighten anybody; we want to try out the experiment in regard to certain specified commodities. And, then, if the experiment succeeds, the intention is by notification to add to the list of commodities which are in the Schedule already. But there is one thing which I should like to emphasise at this stage. There is no intention of making any addition to the list without consulting the trade interests concerned. And, inasmuch as the consumer is also interested, it is proposed to move an amendment to clause 3 to ensure that any regulations which the Governor General in Council may make shall be made only after prior publication; so that all interests will have an opportunity of presenting their points of view to Government.

The third feature of the Bill is the extremely modest character of the penalties prescribed. If a person who is authorised to make use of these marks goes and breaks any of the conditions, all that happens to him is that his authority to use the mark is cancelled. On the other hand, a person who uses the mark without authority is liable to a fine which may extend to Rs. 500. I am sure that quite a number of experts will be dissatisfied with the very modest character of the proposals which we have put before the House. In fact, I know that our own Marketing Officers would wish us to go very much further. But we feel that, considering the state of opinion in this country, and the lack of education in marketing methods of the class of people with whom we are dealing, it would be undesirable to indulge in precipitate action because that may defeat its own end. *Festina lente* is our motto, and that is why we are putting forward a modest measure in the manner that we have done. I hope that the House, considering the importance of marketing practice in the future to the primary producer in this country, will give this measure its ready and cordial approval.

Sir, I move

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

"That the Bill to provide for the grading and marking of agricultural produce be taken into consideration."

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, I rise to support this Bill. Any measure which is calculated to bring more profit to the people of the country, whether agriculturists or tradesmen, ought to be welcomed. In fact, very little encouragement in this direction has yet been given by Government to the tradesmen and the agriculturists of this country. Up to this time, what Government have done is that they have filled the pockets of the people who already had a lot of money in their iron chests, namely, firms like Tata's, and others, who get crores of rupees from the Government of India in the shape of bounty and then harass the people of this country by refusing to book orders in order to raise prices of their commodities. I am glad that the Government of India have, for the first time, come out with this measure of modernising the trade in the country, and I welcome the measure. The only note of warning which I wish to sound at this moment is that measures which are calculated for the benefit of the country are spoiled and become a menace if they are left in the hands of inefficient and incompetent persons. What happens is this: that a big officer, who is appointed in charge of a department, never looks himself into the thing. The actual working is left in the hands of very subordinate officers. For instance, in this case, I am afraid that the grading of grains will be left in the hands of the patwari. The result will be that the agriculturists or tenants, who will be in a position to grease the palms of the patwari, will be in a better position to have their inferior products graded as superior ones, while, in the case of others, who are not in a position to do so, their superior products will be graded as inferior ones: and the same will be the case with other commodities also. The real trouble is that the superior officer, the *burra sahib*, who sits at the table, never comes to the spot and never does his duty himself, and things are left altogether in the hands of the subordinates. Only recently, we have seen in the matter of the preparation of the electoral rolls in the whole country—if you make an inquiry from one end of the country to the other, you will find that the electoral rolls were hopelessly incorrect and wrong. The persons who ought to have been on the electoral rolls were omitted and those who ought not to have been there were included. Why? Because the real man, who was called the Reforms Officer, never himself looked into things, never himself investigated, and the thing was left to a small clerk getting 10 or 15 rupees a month—a patwari who did not know anything but sat on his *charpoy*—and the people came and got their names entered in the rolls while others were omitted. Therefore, what I suggest is that Government should take care that the duty of grading should be in the hands of really sympathetic officers who will do their job and bring some credit to the country and to the tradesmen: otherwise, these measures, which are really measures for the benefit of the country, become a menace to the country. With these remarks, I support the Bill.

Sir Leslie Hudson (Bombay: European): Sir, I should also like to congratulate my Honourable friend, Sir Girja Shankar Bajpai, on bringing this Bill before the House. It is satisfactory that a move has been made in this direction, which should go a great deal to help the producers—the

agricultural producers in this instance—in the country. It is also satisfactory to note that the scheme is entirely voluntary that nobody will be obliged to come in. The points made by my Honourable friend, Sir Muhammad Yakub, certainly require a good deal of consideration. There is no doubt that there is a possibility of harm being done to the scheme by wrongful handling by grading officers. I understand that the present marketing board has funds at its disposal to start the scheme, and perhaps the Honourable the Mover will tell us, when he replies, that it is expected that the scheme shall eventually be a self-supporting one. We also welcome the amendment which Government are moving to clause 3, under which the rules to be published in connection with this Bill will first be published in the Gazette for comments by those particularly interested. We have on more than one occasion stated our objection to legislation by rules, and this indication, that the Government are in agreement with us to this extent, is also welcome. Sir, I support the Bill.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, a very optimistic view has been taken about this Bill by my friend, Sir Muhammad Yakub, and by Sir Leslie Hudson; and although I do not rise to oppose this motion or this Bill, I have certain submissions to make which are extremely necessary for the working of this Bill. There is no procedure in this Bill regarding the way in which it will be enforced or worked. If the procedure is to be left to Local Governments and their Departments, I am not sure whether I can say much about the procedure which will be followed there. The Bill is silent on these points. If the things were to be done through co-operative societies, I think it might be useful to some extent. But if it were to be done through tahsildars and thanadars and sub-inspectors, and such like people, I have the same remarks to make as my Honourable friend, Sir Muhammad Yakub, made. If grading and marking is to be introduced, I apprehend that tenants and zamindars, who can afford the money, will do a great deal of palming the hands of officers as against the poor people who have not got sufficient money. We have the experience in this country of how canals have been managed, how water in these canals is being provided to tenants who are harassed . . . . .

Mr. President (The Honourable Sir Abdur Rahim): We have nothing to do with canals in this Bill.

Mr. Muhammad Azhar Ali: I say that if the same procedure, as is followed in the case of water supply from canals, is followed in this matter also, I doubt very much if the scheme will work as efficiently as it would otherwise do. I may say here that canals have not proved to be such a blessing as they ought to have been if a different procedure had been adopted. We know how different grades are given to tongas and carriages here and in other places: they show one horse to the authorities and use a different horse in actual practice. Similarly, if some kind of grain is shown and a different grain is brought for grinding, then it will be a very serious affair for the poor people. I do not say that the Bill will, in any way, do any harm, but I only give a warning to Government that they ought to see that this Department also is not made to fleece and become an instrument for robbing the poor people. With these remarks, I support the Bill.

Sir Girja Shankar Bajpai: Sir, I should like, in the first place, to extend my thanks and the thanks of the Government to those Honourable Members who have supported this measure. Sir Muhammad Yakub, Sir

[Sir Girja Shankar Bajpai.]

Leslie Hudson and Mr. Muhammad Azhar Ali drew attention to the possibility of corruption regarding any experiment that may be launched by us. I can assure them that we quite realise the need for care in such matters, at any rate, the need for entrusting the business of grading to officers who would be absolutely incorruptible, apart from being good at their job and being aware of its importance and its responsibility. I do not think it is necessary for me to say more than this that we shall give that need practical expression when the time for appointing the staff comes. Sir Leslie Hudson also raised a question as to how the expenditure on the experiment is going to be met. In the rule-making power here there is a provision for the authority empowered to do the grading and marking to recover the expenses of the operation from the interests concerned. When the occasion for that arises, then the power will be used. Then, Sir, a reference was made to the evils of legislation by regulation. I can assure the House that in this particular instance there is no intention whatsoever of playing the new or the old despot. The reason why we ask for the power to make regulations is that it is inherent in the very nature of the problem that the practice should differ from commodity to commodity and, unless we were prepared to trouble the House every time as to whether a fresh vegetable or a fresh fruit should be brought under the regulation, there is no alternative but the alternative which we have adopted in the Bill. But, as I have already explained to my Honourable friends, in order to ensure that every interest concerned is heard before regulations are made, my Honourable friend, Mr. Anderson, is going to make the requisite amendment to clause 3 of the Bill. Then, Sir, Mr. Muhammad Azhar Ali said something about the absence of any indication in the Bill itself of the procedure that is going to be followed. I have already answered that question. It is not possible to indicate in the Bill the procedure which is to be followed in regard to a hundred or a thousand different commodities. Sir, that is all I have to say at this stage.

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

"That the Bill to provide for the grading and marking of agricultural produce be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

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

"That clause 3 stand part of the Bill."

Mr. J. D. Anderson (Secretary, Legislative Department): Sir, I beg to move:

"That in clause 3 of the Bill, after the words 'Governor General in Council may' the words 'after previous publication' be inserted."

After the exposition of the principles underlying the Bill which has been given by the Honourable the Mover, I do not think it is necessary for me to say much in support of this amendment. The intention of the insertion of these three words, which I propose, is to attract to the Bill the provisions of section 23 of the Indian General Clauses Act, 1897. The effect of this will be that, before Government can bring into operation any rules made under this Bill, it would be necessary for them to have its previous publication made, so that any interested person may have an opportunity of making proper representation to Government.

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

"That in clause 3 of the Bill, after the words 'Governor General in Council may' the words 'after previous publication' be inserted."

The motion was adopted.

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

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

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

"That clause 4 stand part of the Bill."

Mr. J. D. Anderson: Sir, I beg to move:

"That in clause 4 of the Bill, the words 'or otherwise than in accordance with any conditions prescribed thereunder' be omitted."

Here, too, Sir, I do not think it is necessary for me to say much in support of this amendment. There are already very many offences in the Indian Statute-book, and it is wise, I suggest, to be cautious in creating more. It is a serious matter for an unauthorised person to mark a scheduled article wrongly, and I hope that there can be no objection to such marking being made an offence, but if a person, who is duly authorised to make a mark, makes a mistake in marking, then to expose such a person to the dangers of prosecution and fine, is, I think, going rather far in a measure which at present is experimental. I, therefore, move the omission of these words.

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

"That in clause 4 of the Bill, the words 'or otherwise than in accordance with any conditions prescribed thereunder' be omitted."

The motion was adopted.

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

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clauses 5 and 6 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.

Sir Girja Shankar Bajpai: Sir, I beg to move:

"That the Bill, as amended, be passed."

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

"That the Bill, as amended, be passed."

The motion was adopted.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I beg to move:

"That the Bill further to amend the Indian Boilers Act, 1923, for certain purposes, as reported by the Select Committee, be taken into consideration."

I explained the object of this Bill in some detail when I moved for its reference to a Select Committee on the 1st of February, and I do not think it is necessary for me to go over the same ground again. I am glad to say that the Bill met with the unanimous support of the Select Committee except in regard to one minor matter to which I shall refer presently. I would mention for the information of the House that the Select Committee met in full strength. The only Member of it who has not signed the Report, Pandit Nilakantha Das, was present throughout its deliberations, but left Delhi before it was possible for him to sign the Report. The only change that has been made by the Select Committee was made at the instance of my Honourable friend, Rai Bahadur Seth Bhagchand Soni, and was the outcome of that championship of the interests of his constituency of which he has given such frequent evidence in this House. He pressed for the inclusion of a representative of Ajmer-Merwara on the Central Boilers Board. It was felt by the Select Committee that it was desirable to keep the membership of the Board as small as possible and the device adopted to enable his request to be met was to give alternate representation to Delhi and to Ajmer-Merwara. The drafting of the amendments necessary to give effect to that decision has been found on scrutiny to be defective in two minor respects, and my Honourable friend, Mr. Roy, will move two small amendments to enable that to be put right. Sir, I move.

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

"That the Bill further to amend the Indian Boilers Act, 1923, for certain purposes, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

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

"That clause 4 stand part of the Bill."

Mr. S. N. Roy (Government of India: Nominated Official): Sir, I beg to move:

"That in clause 4 of the Bill, in clause (*c*) of sub-section (*2*) of the proposed section 27A, for the words 'Ajmer and Merwara' the word 'Ajmer-Merwara' be substituted."

This is purely a drafting amendment. The Province of the Chief Commissioner of Ajmer and Merwara has been known as the Province of Ajmer-Merwara for a long time and has been so referred to in the Government of India Act, 1919, and in that of 1935. The amendment is designed to bring the title of the province into line with the existing legislation.

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

"That in clause 4 of the Bill, in clause (*c*) of sub-section (*2*) of the proposed section 27A, for the words 'Ajmer and Merwara' the word 'Ajmer-Merwara' be substituted."

The motion was adopted.

Mr. S. N. Roy: Sir, I beg to move:

"That in clause 4 of the Bill, in sub-section (*3*) of the proposed section 27A, after the words 'the Board' the words ', otherwise than by the expiry of the term of office of the member referred to in clause (*c*) of sub-section (*2*),' be inserted."

It will be observed that in clause (*c*) of sub-section (*2*) of the proposed section 27-A, it is laid down that there should be one member from Delhi and Ajmer-Merwara alternately. The intention is that Delhi should nominate a member and should, during the period of three years, nominate to any vacancy that might occur, and, after that three-year period, Ajmer-Merwara should do the same. This intention is not carried out by sub-section (*3*) of the proposed section, and the object of this amendment is merely to make the position clear.

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

"That in clause 4 of the Bill, in sub-section (*3*) of the proposed section 27A, after the words 'the Board' the words ', otherwise than by the expiry of the term of office of the member referred to in clause (*c*) of sub-section (*2*),' be inserted."

The motion was adopted.

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

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clause 5 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Frank Noyce: Sir, I move:

"That the Bill, as amended, be passed."

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

"That the Bill, as amended, be passed."

The motion was adopted.

THE INDIAN ELECTRICITY (AMENDMENT) BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I move:

"That the Bill further to amend the Indian Electricity Act, 1910, for certain purposes, as reported by the Select Committee, be taken into consideration."

All I need say about this motion is that the position in regard to the Bill with which it deals is exactly the same as that in regard to the Bill which has just been passed by the House. This Bill went to the same Select Committee as that Bill; the Select Committee amended it in the same fashion, and the amendments which my Honourable friend, Mr. Roy, will move are designed to the same end. Sir, I move.

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

"That the Bill further to amend the Indian Electricity Act, 1910, for certain purposes, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

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

"That clause 3 stand part of the Bill."

Mr. S. N. Roy (Government of India: Nominated Official): Sir, I beg to move:

"That in clause 3 of the Bill, in clause (*c*) of sub-section (*2*) of the proposed section 36A, for the words 'Ajmer and Merwara' the word 'Ajmer-Merwara' be substituted."

The reason for this amendment has already been explained by me in connection with the Indian Boilers (Amendment) Bill.

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

"That in clause 3 of the Bill, in clause (*c*) of sub-section (*2*) of the proposed section 36A, for the words 'Ajmer and Merwara' the word 'Ajmer-Merwara' be substituted."

The motion was adopted.

Mr. S. N. Roy: Sir, I beg to move:

"That in clause 3 of the Bill, in sub-section (*3*) of the proposed section 36A, after the words 'the Board' the words ', otherwise than by the expiry of the term of office of the member referred to in clause (*c*) of sub-section (*2*),' be inserted."

This amendment is designed to secure the same object as the similar one moved by me in connection with the Indian Boilers (Amendment) Bill.

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

"That in clause 3 of the Bill, in sub-section (*3*) of the proposed section 36A, after the words 'the Board' the words ', otherwise than by the expiry of the term of office of the member referred to in clause (*c*) of sub-section (*2*),' be inserted."

The motion was adopted.

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

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 8, as amended, was added to the Bill.

Clauses 4 and 5 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 Frank Noyce: Sir, I move:

"That the Bill, as amended, be passed."

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

"That the Bill, as amended, be passed."

The motion was adopted.

THE INDIAN NAVAL ARMAMENT (AMENDMENT) BILL

Mr. G. R. F. Tottenham (Defence Secretary): Sir, I move:

"That the Bill further to amend the Indian Naval Armament Act, 1923, for a certain purpose, be taken into consideration."

Sir, this Bill, I hope, will not detain the House for very long. I must admit that it is somewhat in the nature of a gesture for us to subscribe to a treaty limiting the size of battleships and their guns and imposing restrictions on their construction and on the conversion of merchant ships into war ships. We have, however, made a similar gesture on two previous occasions, first of all after the Washington Treaty of 1922 and then after the London Naval Treaty of 1930, and we now have on the Statute-book an Act called the Indian Naval Armament Act which gave effect to those treaties so far as India was concerned. The object of the present Bill is merely to keep that Act alive by making the necessary changes in the title of the Treaty which has replaced the London Naval Treaty of 1930, and also to show to the world that we do support the principles on which the treaties were based. The principles themselves are stated in the Statement of Objects and Reasons as follows:

"It also keeps alive the principle which has prevailed for the last fifteen years that the naval armaments of the principal Maritime Powers are to be restricted by agreement and makes it possible for the reduction of naval armaments to be further extended when international conditions are more settled than they were when the treaty was contracted."

I may explain that India herself is not directly affected by the limitation provisions of any of the treaties, for the ships that we maintain in the Royal Indian Navy come under the definition of minor war vessels to the number of which there is and never has been, any limit We are, however, under an obligation, in accordance with the provisions of the last treaty, to give information regarding the number and size of the ships in the Royal Indian Navy and this obligation we are now carrying out. The provisions for the exchange of information are, indeed, a new and important feature of the London Naval Treaty of 1936 and clause 4 of this Bill is necessary, at any rate in theory, in order to enable us to carry out that obligation. There may be some who would wish that a larger number of the great powers had subscribed to the London Naval Treaty of 1936. There are others who may deplore the fact that India does not possess a larger and more important navy of her own. It is obvious, however, that those are large questions into which it would be inappropriate to go at the present moment, and I hope that the House will agree with me that, even if the passing of this measure is a gesture, it is a gesture that is worth making. Sir, I move.

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

"That the Bill further to amend the Indian Naval Armament Act, 1923, for a certain purpose, be taken into consideration."

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): I am glad that Mr. Tottenham has made a gesture to the Indian public for the restriction of armaments and for the limitation of armaments, but in the face of these statements which are appearing in the Press in Europe that the biggest item in the Budget of the British Government is the increase of armaments . . . . .

Sir Leslie Hudson (Bombay: European): Where?

Mr. Muhammad Azhar Ali: I have seen the discussions in the British Parliament. Their budget is swollen like anything. I am sure, Sir Leslie Hudson must have seen it in the papers, but if a situation arises such as arose when the "Emden" visited India, and if armaments are restricted, I am sure, it will be very difficult and a serious situation would arise. I

[Mr. Muhammad Azhar Ali.]

do not in any way oppose this Bill, but what I say is that this gesture is not appropriate at the present moment. I am anxious to know for whom this gesture of Mr. Tottenham is meant. I do not want to say anything about the treaties which are to be ratified or amended, but I would ask the Government to take care that if anything untoward happens, Indians expect that their interests should in every way be protected.

Mr. G. R. F. Tottenham: Sir, I do not think I need make any further counter-gesture to my Honourable friend's gesture. I may, however, inform him that the London Naval Treaty to which we are now giving effect does not impose any restriction on any of the great powers as regards the number of their ships. All it does impose is a limitation on the maximum size or displacement of ships of different categories and on the maximum calibre of their guns. Further, there are provisions in the Treaty under which, if any of the various High Contracting Parties are threatened by war or chances of war, they may by giving notice to the other High Contracting Parties depart from certain of the provisions of the Treaty. Finally, I may inform the Honourable Member that, as far as I know, the Dominions concerned are also giving effect to this Treaty, and that India is not alone in taking that course.

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

"That the Bill further to amend the Indian Naval Armament Act, 1923, for a certain purpose, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clauses 3 to 6 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. G. R. F. Tottenham: Sir, I move:

"That the Bill be passed."

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

"That the Bill be passed."

The motion was adopted.

THE WORKMEN'S COMPENSATION (AMENDMENT) BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I beg to move:

"That the Bill further to amend the Workmen's Compensation Act, 1923, for a certain purpose, be taken into consideration."

12 NOON. Sir, this Bill, which is brief and I hope entirely non-controversial, is one of that rather numerous class of Bills coming before the House just now, of which one has been introduced this morning, which arises from the fact that Burma will cease to be a part of India from the 1st of April next. Its objects and reasons have, I hope, been clearly set forth in the Statement appended to it. The position at

present is that section 35 of the Workmen's Compensation Act, 1923, enables rules to be made for the transfer of sums of money paid to Commissioners in India as compensation for the benefit of persons abroad, or paid to authorities abroad as compensation for persons in India. Those rules have been framed and are in operation. But the section does not provide for the transfer of distribution proceedings even when the employer does not object and when the dependants are in another country than the one in which compensation is deposited. It not infrequently happens that the dependants of a man who has been killed in an accident in Burma were not with him when he died, but live in Madras. Under the Act, as it stands at present, distribution proceedings, the object of which is to enable compensation to be equitably distributed amongst the dependants of the deceased, can be transferred from Burma to Madras or any other province in India and *vice versa* under section 21 (*2*) because Burma is at present a part of India. When Burma becomes separated, that will no longer be possible. Distribution proceedings, unless this Bill were passed, would have to take place in Burma or in India, which is obviously not a convenient procedure. The object of the Bill, therefore, is to provide for transfers of such proceedings between Burma and India after Burma is separated. I would only add that the Government of Burma have agreed to the Bill, and I commend it for the consideration of the House.

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

"That the Bill further to amend the Workmen's Compensation Act, 1923, for a certain purpose, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Frank Noyce: Sir, I move:

"That the Bill be passed."

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

"That the Bill be passed."

The motion was adopted.

RESOLUTION *RE* EMIGRATION TO BURMA.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): Sir, I move:

"That this Assembly approves the draft notification which has been laid in draft before the Chamber specifying the terms and conditions on which emigration for the purpose of unskilled work shall be lawful to Burma and recommends to the Governor General in Council that the notification be published in the Gazette of India."

Sir, the operative part of the notification is as follows:

"Emigration to Burma for the purpose of unskilled work shall be lawful, subject only to the restrictions in force immediately before the commencement of the Government of Burma Act, 1935."

[Sir Girja Shankar Bajpai.]

Sir, as was explained by the Honourable Sir Frank Noyce in connection with the Bill further to amend the Workmen's Compensation Act, 1923, this Resolution is necessitated by the impending separation of Burma from India. At the present moment, Burma being a part of India all emigration to that Province, whether it be for the purpose of skilled labour or unskilled work, is free from any restriction whatsoever. The only restriction is at the other end in the shape of a liability to be vaccinated, and that is a restriction applicable to all immigrants into Burma. But after separation, Burma will be in exactly the same category as Ceylon or an outside country, and section 10, sub-section (*1*) of the Emigration Act, 1922, provides that no such emigration may take place except on conditions approved by both Houses of the Indian Legislature. Hence the Resolution. As Honourable Members will have observed from what I read out from the operative part of the Notification, there is no intention at the moment to impose any restriction on emigration from this country for unskilled work to Burma. Sir, I move.

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

"That this Assembly approves the draft notification which has been laid in draft before the Chamber specifying the terms and conditions on which emigration for the purpose of unskilled work shall be lawful to Burma and recommends to the Governor General in Council that the notification be published in the Gazette of India."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 23rd February, 1937.

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