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THE

LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume I, 1938

(31st January to 22nd February, 1938)

SEVENTH SESSION

OF THE

FIFTH LEGISLATIVE ASSEMBLY,

1938

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1938

Legislative Assembly.

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

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

MR. L. C. BUSS, M.L.A.

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THE

LEGISLATIVE ASSEMBLY DEBATES.

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

VOLUME I—1938.

LEGISLATIVE ASSEMBLY.

Monday, 31st January, 1938.

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 Seventh Session of the Fifth Legislative Assembly, pursuant to Section 63-D (2) of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935. Mr. President (The Honourable Sir Abdur Rahim, K.C.S.I.) was in the Chair.

MEMBERS SWORN.

The Honourable Sir Nripendra Nath Sircar, K.C.S.I. (Law Member);

The Honourable Sir Henry Duffield Craik, Bart., K.C.S.I. (Home Member);

Mr. Manu Subedar, M.L.A. (Indian Merchants' Chamber and Bureau: Indian Commerce);

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

Rao Sahib Namasivayam Pillai Sivaraj, M.L.A. (Nominated Non-Official);

Sir Herbert Aubrey Francis Metcalfe, K.C.I.E., C.S.I., M.V.O., M.L.A., (Secretary, External Affairs Department);

Mr. Andrew Gourlay Clow, C.S.I., C.I.E., M.L.A. (Labour Secretary);

Mr. Hugh Dow, C.S.I., C.I.E., M.L.A. (Commerce Secretary);

Mr. John Anderson Thorne, C.S.I., C.I.E., M.L.A. (Government of India: Nominated Official);

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

Mr. Eric Conran-Smith, C.I.E., M.L.A. (Government of India: Nominated Official);

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

Mr. Nilakanta Mahadeva Ayyar, M.L.A. (Government of India: Nominated Official);

Mr. John Bartley, C.I.E., M.L.A. (Government of India: Nominated Official);

Mr. Frederick Hale Puckle, C.S.I., C.I.E., M.L.A. (Government of India: Nominated Official);

Mr. Susil Chandra Sen, C.B.E., M.L.A. (Government of India: Nominated Official);

Rai Nepal Chandra Sen Bahadur, M.L.A. (Bengal: Nominated Official); and

Mr. George David Walker, M.B.E., M.L.A. (Assam: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

NEWSPAPER ADVERTISEMENTS FOR POSTS OF TRACERS BY THE NORTH WESTERN RAILWAY.

1. ***Mr. M. Asaf Ali:** (a) Will the Honourable the Railway Member please state whether it is a fact that the advertisement for two posts of tracers with a salary of Rs. 30—5—50—5/2—60 has appeared four times in the *Civil and Military Gazette* at the rate of Rs. 90 per insertion?

(b) How much has the North Western Railway paid for each insertion of this advertisement in other newspapers?

(c) How much has the North Western Railway paid altogether for the insertion of this advertisement in different newspapers?

The Honourable Sir Thomas Stewart: (a) It is not a fact that the advertisement for the two posts of Tracers appeared four times in the *Civil and Military Gazette* or that the rate per insertion was Rs. 90.

(b) Rs. 15-10-0, Rs. 17 and Rs. 11-14-0 per insertion in three other newspapers.

(c) Rs. 294-4-0.

Mr. M. Asaf Ali: May I know, Sir, how much exactly was paid to the *Civil and Military Gazette*?

The Honourable Sir Thomas Stewart: Rs. 294-4-0.

Mr. M. Asaf Ali: That is, a little less than a year's salary of the two tracers?

Mr. N. M. Joshi: What else do you expect from the Railway Department?

Mr. Mohan Lal Saksena: May I know for how many insertions so much money was paid to the *Civil and Military Gazette*?

The Honourable Sir Thomas Stewart: I beg the Honourable Member's pardon. Rs. 294-4-0 was the total amount paid to all the papers. The amount paid to the *Civil and Military Gazette* was Rs. 184-8-0.

Mr. Badri Dutt Pande: Are tenders called for before inserting these advertisements or are they given to favourite newspapers and presses?

The Honourable Sir Thomas Stewart: No, Sir, the Railways follow very much the same practice as you and I do.

Mr. Mohan Lal Saksena: For how many insertions was so much money paid?

The Honourable Sir Thomas Stewart: Three insertions.

INDIANISATION OF THE CYPHER BUREAU.

2. ***Mr. T. S. Avinashilingam Chettiar:** (a) Will the Secretary for External Affairs state how many Indians there are in the Cypher Department?

(b) Is there any proposal to Indianise the department?

(c) If so, what is the programme in this matter?

Sir Aubrey Metcalfe: (a) One.

(b) and (c). The Bureau is open to Indians, and more will be employed as vacancies occur.

Mr. T. S. Avinashilingam Chettiar: May I know one out of how many?

Sir Aubrey Metcalfe: The total number excluding the Superintendent and a short-hand writer, is nine Assistants and five clerks.

Mr. T. S. Avinashilingam Chettiar: May I know whether there are any other Indians undergoing training in the department so that they may be appointed in the near future?

Sir Aubrey Metcalfe: It is impossible to give cypher training except in the Cypher Bureau itself. You cannot train for cypher work in the other Branches of the office.

Mr. T. S. Avinashilingam Chettiar: Are there any Indians undergoing training in Cypher Bureau itself so that they may be appointed to higher posts in the near future?

Sir Aubrey Metcalfe: No one is actually being trained now. There is expected to be another vacancy, probably in July of this year, and I hope that we shall find a suitable Indian to fill it.

Seth Govind Das: According to this speed, how long will it take to Indianise the whole Department?

Mr. N. M. Joshi: May I know whether the Indian employed is an Assistant or a clerk? The Honourable Member said that Indians are appointed in two capacities.

Sir Aubrey Metcalfe: I could not tell you for certain, but he is probably a clerk, which is the lowest grade he has to start on, but he does cypher work in addition to clerical work.

Mr. Sri Prakasa: Is this Department called Cypher Department because the number of Indians is cypher there?

RAILWAY EARNINGS.

3. ***Mr. T. S. Avinashilingam Chettiar:** (a) Will the Honourable the Railway Member state the latest available figures of Railway income as compared to last year?

(b) What is the expected amount of net profit for this year?

The Honourable Sir Thomas Stewart: (a) For the period 1st April, 1937, to 20th January, 1938, the approximate gross earnings exceeded the actuals for the corresponding period of 1936-37 by about Rs. 2·92 crores.

(b) I would request the Honourable Member kindly to await my speech introducing the Railway Budget on the 14th February.

Mr. T. S. Avinashilingam Chettiar: May I know, Sir, whether there has been any fall in railway revenues in recent months?

The Honourable Sir Thomas Stewart: As compared with the actuals last year, yes.

Mr. T. S. Avinashilingam Chettiar: Why is it so? May I know whether the Government have gone into the reasons as to why there has been this fall?

Mr. President (The Honourable Sir Abdur Rahim): That cannot be discussed now.

Mr. M. Ananthasayanam Ayyangar: Is it a fact, Sir, that in respect of the South Indian Railway there has been no similar fall?

The Honourable Sir Thomas Stewart: I am afraid I do not have the detailed figures regarding the South Indian Railway.

Mr. T. S. Avinashilingam Chettiar: May I know in what kind of revenue there has been this fall?

The Honourable Sir Thomas Stewart: In railway freight earnings on goods traffic.

PENSIONERS AND OFFICERS SERVING IN INDIAN STATES.

4. ***Mr. Sham Lal:** Will the Secretary for External Affairs be pleased to state:

(a) the number of British Government pensioners and Indian officers (Europeans and Indians) serving respectively on the 31st March, 1937 in different Indian States on salaries of more than rupees two hundred per mensem; and

(b) if the number of such men is fairly large, whether Government propose to take any action in reducing the number?

Sir Aubrey Metcalfe: This is a question which should have been addressed to the Honourable the Leader of the House.

The Honourable Sir Nripendra Sircar: I merely give an answer which is an *interim* answer. The information required is being collected and will be supplied in due course.

PROVISION OF COMPLAINT BOOKS ON RAILWAY STATIONS.

5. ***Mr. Sham Lal:** Will the Honourable Member for Railways and Communications be pleased to state:

(a) whether there are any proposals for providing Complaint-Books at different classes of Railway stations of different Indian Railways to improve the behaviour of lower members of the Railway staff towards the public; and

(b) if so, when they are likely to be carried into effect?

The Honourable Sir Thomas Stewart: (a) There is no proposal at present under consideration, but I would refer the Honourable Member to the reply given by the Honourable Sir Guthrie Russell to the Honourable Raja Yuveraj Datta Singh's question No. 293 in the Council of State on the 15th November, 1937.

(b) Does not arise

Mr. Sham Lal: Will the Honourable Member please read the reply which was given in the Council of State?

The Honourable Sir Thomas Stewart: The reply was this:

"I would refer the Honourable Member to the reply given in the Legislative Assembly to Professor N. G. Ranga's question No. 318 on the 12th September, 1935".

Mr. Sham Lal: Will the Honourable Member please read that reply?

Mr. Mohan Lal Saksena: May I know, Sir, if these complaints which are entered in the complaint book are immediately forwarded to the authorities concerned?

The Honourable Sir Thomas Stewart: If there are in existence complaint books, I presume entries therein are brought to the notice of the authorities concerned.

Mr. Mohan Lal Saksena: When are they sent, monthly, weekly or fortnightly?

The Honourable Sir Thomas Stewart: I am not in possession of information as to the periodical submission of those complaints.

Mr. N. V. Gadgil: What is the precise procedure followed by the Railway authorities when a complaint is made?

The Honourable Sir Thomas Stewart: The authority concerned considers the complaints and decides what action should be taken to remove them.

Prof. N. G. Ranga: Are these complaints brought to the notice of all the Railways in India?

The Honourable Sir Thomas Stewart: I would refer the Honourable Member to the reply I have already given.

Mr. Mohan Lal Saksena: Will the Honourable Member inquire if these complaints are immediately forwarded to the authorities concerned or not?

The Honourable Sir Thomas Stewart: I am prepared to draw the attention of the Agents concerned to the desirability of giving due attention to such complaints.

Mr. Sham Lal: As this question stands in my name, I do not propose to put it.

Mr. President (The Honourable Sir Abdur Rahim): You can only leave out the last one.

Mr. Sham Lal: Very well, then I ask No. 6.

CONSIDERATION OF SUGGESTIONS FOR IMPROVEMENT OF RAILWAY FINANCES.

6. ***Mr. Sham Lal:** Will the Honourable Member for Railways and Communications be pleased to state:

(a) whether suggestions towards the improvement of Railway finances emanating from laymen unconnected with railway administration are duly examined by the Railway Board;

(b) if so, whether any of these suggestions were found to be practicable during the last three years; and

(c) if so, which of them have already been carried out to any extent in any parts of India?

The Honourable Sir Thomas Stewart: (a), (b) and (c). Any suggestion of the nature alluded to that is *prima facie* worth scrutiny is examined either by the Board or by the Railway Administration to which it relates. Experience shows however that suggestions which appear original to those advancing them have usually been considered at some previous date by the Railway Department concerned on its own initiative, and no remunerative measure of any significance based on a suggestion from the source indicated can readily be traced.

FEES CHARGED FROM RAILWAY EMPLOYEES BY RAILWAY DOCTORS.

7. ***Mr. Sham Lal:** (a) Will the Honourable Member for Railways and Communications be pleased to state whether Railway doctors are authorised to charge:

(i) fees from Railway servants falling ill in their Railway quarters;

(ii) fees for issuing medical certificates to Railway servants seeking leave in connection with their health; and

(iii) fees for issuing certificates of fitness to Railway servants on resumption of their duties?

(b) If not, will the Honourable Member please state the number of cases of corruption amongst Railway doctors detected through the Criminal Investigation Department or otherwise during the last financial year on different Indian Railways respectively?

The Honourable Sir Thomas Stewart: (a), (i), (ii) and (iii). So far as the State-managed Railways are concerned, the reply is in the negative.

(b) Government have no information of any such cases.

BOOK-STALLS AT RAILWAY STATIONS RUN BY MESSRS. WHEELER AND COMPANY.

8. ***Mr. Sham Lal:** (a) Will the Honourable Member for Railways and Communications be pleased to state the period for which Messrs, Wheeler and Company have been running book-stalls at different Railway stations for the sale of books, newspapers and magazines?

(b) If this period has been more than two decades, do Government propose to call for tenders and give chances to others?

The Honourable Sir Thomas Stewart: (a) The information is not readily available, and its compilation by the various Railways concerned would involve an amount of labour incommensurate with any use to which the particulars could be put.

(b) I would refer the Honourable Member to the reply given to parts (a), (g) and (i) of Pandit Sri Krishna Dutta Paliwal's question No. 522 on the 19th September, 1935.

Mr. Badri Dutt Pande: Is it not a fact that the books, newspapers and furniture of the Wheelers are carted free all over India, and, if so, why?

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

ABSENCE OF A GATE AT THE RAILWAY CROSSING SOUTH OF SATROD VILLAGE IN HISSAR DISTRICT.

9. ***Mr. Sham Lal:** (a) Will the Honourable Member for Railways and Communications be pleased to state whether it is a fact that there is no gate at the Railway crossing towards the south of Satrod village in Hissar District and near gang No. 28 on the Bombay, Baroda and Central India Railway?

(b) Are Government aware that the absence of the Railway gate is causing great inconvenience to the public and there is always a danger to human life?

(c) Is it a fact that the inhabitants of Satrod in Hissar District applied for a gate at the Railway crossing but their application was rejected by the Railway authorities?

(d) Are the authorities prepared to reconsider the decision and have a gate at the above crossing?

The Honourable Sir Thomas Stewart: Enquiries are being made from the Railway Administration, and a reply will be laid on the table in due course.

---

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

REPORTS OF SPECIAL OFFICERS *re* SIND GUJARAT RAILWAY CONNECTION AND CERTAIN INFORMATION ABOUT SANCTIONED RAILWAY PROJECTS.

†10. ***Mr. Lalchand Navalrai** (a) Will the Honourable Member for Railways and Communications be pleased to lay on the table the reports of the Special Officers deputed to give their opinion in respect of Sind-Gujarat Railway connection?

(b) If not, will the Honourable Member make a full statement in connection therewith?

(c) Will the Honourable Member state the names of the Railway projects sanctioned since 1910 which were estimated to cost over rupees one crore in each case, their estimated capital cost and the actual capital cost and also the percentage of yield in each of the projects so sanctioned?

(d) What was the rate of interest current at the time the sanction was accorded to each of the projects referred to above?

(e) What was the percentage of yearly yield which accrued in the case of each of the projects referred to above since the time they commenced to operate?

The Honourable Sir Thomas Stewart: (a) These reports are departmental documents, intended for the use of officials only, and it is not usual to lay them on the table. I will, however, arrange with the Railway Board that they shall be made available in the Board's office for the Honourable Member's perusal, if he wishes to see them.

(b), (c), (d) and (e). Eight surveys, including traffic and engineering, have been made of this project. As conditions change, these surveys become out of date, and the conclusions arrived at are of little practical value. According to the last survey report, the project could not be expected to earn a return of more than 2·2 per cent. on the estimated capital cost of construction. Government do not consider that any useful purpose will be served by undertaking the heavy task of collecting the details of projects for the last 28 years, as, in their opinion, the consideration of the circumstances, that led to the sanctioning projects at different times in the past, cannot affect their present policy.

RAILWAY TRAIN ROBBERIES.

†11. ***Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways and Communications be pleased to state if he is aware of a daring train robbery which occurred on the night of the 22nd October, 1937, on the Bengal and North Western Railway between Aheemanpur and Madhusingh Railway stations, in which a robber boarded a running train, removed 27 goldmohar necklace and other ornaments from the person of a lady and threw her from the train with a baby in her lap?

(b) Will the Honourable Member state how many such daring train robberies have taken place on the Railways in India during the last two years?

(c) What steps have Railway Administration taken against the recurrence of such dastardly and dangerous occurrences?

(d) Are Government aware that such robberies usually take place in the female compartments of trains and the robbers are able to board the trains when they are in motion?

†Answer to this question laid on the table, the questioner being absent.

(e) Have Government considered any measures against such intrusions? If so, which of them have been adopted or are proposed to be adopted by the Railways?

The Honourable Sir Thomas Stewart: (a) No. I am, however, calling for a report.

(b) and (d). The information is not available, but I will see if it is possible to get it without undue labour.

(c) and (e). I would refer the Honourable Member to the reply given to Mr. C. N. Muthuranga Mudaliar's starred question No. 25 on the 25th January, 1937.

REDUCTION OF POSTAGE RATES BETWEEN BURMA AND INDIA.

12. ***Mr. T. S. Avinashilingam Chettiar:** (a) Will the Honourable Member for Communications lay on the table the latest statistics regarding the postal traffic between India and Burma as compared with last year?

(b) What has been the result of the enhancement of the postal rates?

(c) Are Government prepared to consider the advisability of reducing the rates?

The Honourable Sir Thomas Stewart: (a) and (b). I regret that there are no statistics available with regard to the postal traffic exchanged between India and Burma in the year 1936-37. No such statistics were kept as Burma was then part of the Indian administration. Certain special statistics were collected during August, 1937, and estimates based on these statistics when compared with certain statistics obtained for special purposes in the year 1935 indicate that there has been very little change in the total volume of the letter traffic while the volume of traffic in postcards, packets and newspapers has fallen considerably.

(c) The matter is under consideration in consultation with the Government of Burma.

Mr. T. S. Avinashilingam Chettiar: May I know whether the amount of money income has been the same, or the amount of articles going to and fro is the same?

The Honourable Sir Thomas Stewart: I was referring to the actual volume of traffic exchanged, not to the receipts. The number of letters has increased a little, but the number of postcards, packets and newspapers has decreased.

Mr. T. S. Avinashilingam Chettiar: May I know if, taken by money, the income has increased or decreased?

The Honourable Sir Thomas Stewart: The financial results are better this year than they were in the last.

Mr. K. Santhanam: May I know when the Government will be in a position to announce their decision?

The Honourable Sir Thomas Stewart: That is a matter on which I cannot give an opinion since it is dependent on the views and actions of another Government with whom we are in correspondence.

Mr. K. Santhanam: May I know if it will be before the Budget?

The Honourable Sir Thomas Stewart: I can give no idea.

Mr. Manu Subedar: If you could carry the traffic on the old rates without any loss, where was the necessity for increasing the rates?

Mr. President (The Honourable Sir Abdur Rahim): That is an argument. Next question.

OPENING OF RURAL TELEGRAPH OFFICES.

13. ***Mr. T. S. Avinashilingam Chettiar:** (a) Will the Honourable Member for Communications state the amount allotted for the opening of rural telegraph offices during this financial year?

(b) How many rural telegraph offices have been opened in the course of the year?

(c) How do Government select the places in which telegraph offices are to be opened?

The Honourable Sir Thomas Stewart: (a) No separate allotment is made for the opening of telegraph offices in rural areas. The funds required for that purpose are found from the general allotment for new establishment.

(b) Thirteen.

(c) After assessing the demand for telegraph facilities in particular localities. Where, however, the anticipated receipts are not adequate to cover the additional cost, telegraph offices may be opened on the guarantee of interested parties that the loss in working of such offices will be made good.

Mr. T. S. Avinashilingam Chettiar: May I know whether it is the policy of Government to open some rural telegraph offices every year?

The Honourable Sir Thomas Stewart: The policy of Government is to expand postal and telegraph facilities as rapidly as possible, but as far as possible on a commercially paying basis.

DETENTION OF AN AFGHAN SIRDAR IN KODAIKANAL.

†14. ***Mr. George Joseph:** Will the Secretary for External Affairs state:

(a) whether there is detained in Kodaikanal, in the district of Madura, an Afghan Sirdar and his family under the orders of the Government of India;

(b) what are the reasons for his detention?

(c) from what date the detention has lasted, and how long Government propose that the detention should continue;

(d) whether Government grant any allowance to the persons concerned, and if so, how much; and

(e) the number of members in the family of the detenus?

Sir Aubrey Metcalfe: (a) An Afghan named Sardar Ghausuddin Khan and his family are detained in Kodaikanal under Regulation III of 1818.

(b) Fulfilment of reciprocal obligations with a neighbouring State.

†Answer to this question laid on the table, the questioner being absent.

(c) Since 1930. Government are unable to answer the latter part of the question.

(d) Rs. 500 per mensem, inclusive of house rent of Rs. 100.

(e) Five (wife, one son and three daughters).

INDIANS IN PALESTINE.

†15. ***Mr. George Joseph:** Will the Secretary for External Affairs state:

(a) how many Indians there are in Palestine;

(b) whether in the present troubles in their country Indians domiciled there are subjected to any special hardships, and what steps have been taken by Government to save them from hardships (if any); and

(c) what the attitude of Indians (especially Muslims) in Palestine is towards the proposals of His Majesty's Government tending towards the partition of Palestine between Jews and Arabs?

Sir Aubrey Metcalfe: (a) There are 50 or 60 Indians domiciled in Palestine, the majority of whom live at Jerusalem.

(b) They are not subjected to any disabilities; nor have any complaints been received from them by the High Commissioner, Palestine. The latter part of the question does not, therefore, arise.

(c) Government have no information.

ACCIDENTS TO AIR LINERS OF THE IMPERIAL AIRWAYS, LIMITED.

†16. ***Mr. George Joseph:** Will the Member for Railways and Communications state:

(a) the number of accidents to air liners belonging to the Imperial Airways, Limited, running between India and England since the 1st October, 1937 and the casualties (how many killed and how many injured);

(b) whether Government have inquired or propose to inquire into the causes of such a near succession of accidents; and

(c) whether Government propose to take or have taken steps to ensure an adequate measure of safety for passengers and mails carried by the Imperial Airways, Limited?

The Honourable Sir Thomas Stewart: (a) So far as the Government of India are aware, there have been two such accidents, *viz.*,

(i) Accident to Empire flying boat "Courtier" which crashed at Phaleron Bay, Athens, on the 1st October, 1937. Three passengers were killed and four slightly hurt;

(ii) Accident to Empire flying boat "Cygnus" which crashed in Brindisi harbour on the 5th December, 1937. Two occupants of the aircraft lost their lives and the remaining eleven received various injuries.

(b) Enquiries are held by administrations in whose territories accidents occur or by whom the aircraft are registered, but the Government of India are in communication with His Majesty's Government on this subject.

†Answer to this question laid on the table, the questioner being absent.

(c) The Honourable Member may rest assured that both His Majesty's Government in the United Kingdom and the Government of India are fully alive to the necessity of taking all measures humanly possible to ensure the safety of passengers and mails.

RAILWAY COLLISION AT MIRPUR MATHELO STATION.

17. ***Mr. Badri Dutt Pande:** (a) Will the Honourable Member for Railways and Communications be pleased to state if a serious collision between a mail train and a goods train did happen at Mirpur Mathelo station some 50 miles from Rohri Junction?

(b) What was the cause of the collision?

(c) How many passengers and railway staff were injured?

(d) Has any enquiry been held? If so, with what results?

The Honourable Sir Thomas Stewart: (a) No. 7-Up Karachi-Lahore Mail collided with a goods train at Mirpur Mathelo station on the 10th December, 1937.

(b) and (d). An enquiry was held by the Senior Government Inspector of Railways whose view is that the driver of the Mail train passed the outer signal of the station, when it was in the position indicating "stop dead".

(c) No passengers were injured. The driver of the train and two firemen were seriously injured: one of the latter subsequently succumbed to his injuries.

RECOMMENDATIONS OF THE WEDGWOOD COMMITTEE.

18. ***Mr. Badri Dutt Pande:** Will the Honourable Member for Railways and Commerce be pleased to state if the recommendations of the Wedgwood Committee Report have been considered by the Railway?

(b) If so, when?

(c) Have any recommendations of the Wedgwood Committee been carried out into effect?

(d) If so, which?

The Honourable Sir Thomas Stewart: (a) to (d). The recommendations of the Indian Railway Enquiry Committee have been receiving the consideration and attention of the Railway Board since the publication of the Report, and a statement is being compiled describing the action taken or proposed on the various recommendations, which statement will be printed and will be placed in the Library of the House, as soon as possible.

Mr. Mohan Lal Saksena: Are the Government going to allot a day for finishing the discussion on the Wedgwood Committee's Report before the Railway Board comes to any definite conclusion?

The Honourable Sir Thomas Stewart: That is a question which, I submit, does not arise from the answer I have given.

Mr. Mohan Lal Saksena: I want to suggest that before the Railway Board comes to any decision this House should be given an opportunity to express its views.

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

TOPICS DISCUSSED AT THE MEETING OF THE TRANSPORT ADVISORY COUNCIL.

19. ***Mr. Badri Dutt Pande:** (a) Will the Honourable Member for Railways and Communications be pleased to state what were the main topics discussed, besides the rail and road transport at the recent conference with the Provincial Ministers?

(b) Was the question of improvement of rural roads also discussed?

(c) If so, will any allotments for these be made out of the central revenues?

The Honourable Sir Thomas Stewart: (a) The Honourable Member apparently refers to the meeting of the Transport Advisory Council held in December, 1937. The main business before that body was the consideration of a rough draft of a Bill to amend the Indian Motor Vehicles Act of 1914. Copies of the summary of the conclusions reached by the Council have been placed in the Library.

(b) No.

(c) Does not arise.

Mr. Badri Dutt Pande: Am I to understand that the road problem was not discussed in that meeting?

The Honourable Sir Thomas Stewart: Certainly not. The whole agenda of the meeting was concerned with road problems.

INDIANS VICTIMIZED IN THE WAR BETWEEN JAPAN AND CHINA.

20. ***Mr. Badri Dutt Pande:** Will the Foreign Secretary be pleased to state if any Indian has been injured, captured or ejected from any of the countries, or suffered any loss from war between Japan and China?

Sir Aubrey Metcalfe: 1. The only casualties reported to have been sustained by the Indian community as a result of the Sino-Japanese conflict are as follows:

(i) Killed. 3.

(ii) Wounded. 14.

(iii) Missing, believed killed. 5.

2. No case of the capture or ejectment of an Indian subject has so far been reported.

Mr. K. Santhanam: May I know where these casualties occurred?

Sir Aubrey Metcalfe: They occurred almost entirely I believe in Shanghai.

Sardar Mangal Singh: When was the last enquiry made?

Sir Aubrey Metcalfe: Within the last few days. I had a telegram only three days ago from the Consul-General, Shanghai.

Prof. N. G. Ranga: What country is reported to have been directly or indirectly responsible for these casualties?

Sir Aubrey Metcalfe: There is no report on that point, and the matter cannot be cleared up at the moment.

Prof. N. G. Ranga: May I know the number of casualties of other British subjects?

Sir Aubrey Metcalfe: I have no information on that point, nor does it appear to arise out of the question.

Mr. Badri Dutt Pande: How did these casualties occur? Did they occur by bombs, bullets, or what?

Sir Aubrey Metcalfe: That again is a point of detail which I cannot undertake to answer.

Mr. Badri Dutt Pande: Has any compensation been paid to the families of those who were injured or who have suffered losses?

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

DESTITUTE BRITISH INDIAN SUBJECTS REPATRIATED FROM ETHIOPIA.

21. ***Sardar Mangal Singh:** Will the Foreign Secretary please state:

(a) the number of destitute Indian British subjects who were repatriated from Ethiopia during 1936 and 1937; and

(b) the total amount of expenses incurred in this connection?

Sir Aubrey Metcalfe: (a) Seventeen.

(b) Rs. 2,257-5-6.

EJECTION OF THE MEMBERS OF THE HOCKEY TEAM OF THE LAHORE MEDICAL COLLEGE FROM A COMPARTMENT BY BRITISH SOLDIERS AT CHARBAGH STATION ON THE EAST INDIAN RAILWAY.

22. ***Sardar Mangal Singh**: (a) Will the Honourable Member for Railways and Communications please state whether Government are aware that members of the hockey team of the Lahore Medical College students were forcibly ejected from the railway compartment by British soldiers at Charbagh Railway station, East Indian Railway, on the night of the 24th/25th December, 1937?

(b) Why were the British soldiers allowed to take the law in their own hands, and why did the railway authorities not interfere while the soldiers were throwing out the students?

(c) Has the Honourable Member made any enquiries in this matter and with what results?

(d) What punishment has been awarded to the British soldiers, and what steps have been taken to prevent a repetition of a similar happening?

The Honourable Sir Thomas Stewart: This question should have been addressed to the Defence Secretary.

OVERCROWDING IN RAILWAY COMPARTMENTS.

23. ***Sardar Mangal Singh:** (a) Will the Honourable Member for Railways and Communications please state whether he is aware that there is a great overcrowding in the railways, particularly in the intermediate compartments during the Christmas holidays and that the passengers are put to great inconvenience and trouble?

(b) Is the Railway Department prepared to provide more accommodation during the Christmas holidays?

The Honourable Sir Thomas Stewart: (a) I am aware that there is occasionally a certain amount of overcrowding and it may perhaps be that the pressure on intermediate class accommodation is at times greater than in other classes.

(b) Railway Administrations take special steps, particularly during holiday periods, to add to the normal accommodation on trains to the extent to which this is practicable, having regard to the maximum load which can be hauled by the engine.

Seth Govind Das: What are those steps which are taken by the Railway Department in this regard, to which you have just alluded?

The Honourable Sir Thomas Stewart: The Railway Administrations themselves, as I have said, take special steps by way of providing additional accommodation.

Seth Govind Das: Is it not a fact that the Railway Department generally fails to provide special accommodation when the trains are overcrowded?

The Honourable Sir Thomas Stewart: No.

Prof. N. G. Ranga: Is it not a fact that no special accommodation is being provided on such occasions for intermediate class passengers?

The Honourable Sir Thomas Stewart: The Railway administrations provide additional accommodation of all classes when they have reason to believe that there will be a demand for it.

Seth Govind Das: Have not Government received various complaints that the Railway administration has failed in providing this accommodation?

Mr. President (The Honourable Sir Abdur Rahim): That is an argument.

Mr. K. Santhanam: Is it not a fact that part of this overcrowding is due to free pass holders?

Mr. President (The Honourable Sir Abdur Rahim): That does not arise. There is nothing here about pass holders.

Mr. K. Santhanam: This is relevant in connection with overcrowding.

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

PROMOTIONS TO GRADE V ASSISTANT STATION MASTERS' POSTS ON THE NORTH WESTERN RAILWAY.

†24. ***Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state the present policy on the North Western Railway in regard to making promotions to grade V Assistant Station Masters' posts?

(b) Are any other categories of staff eligible for promotion to posts referred to in part (a) above, excepting Assistant Station Masters and Station Masters in the lower grades? If so, will the Honourable Member please name them?

(c) What is the justification for importation of staff from categories other than Assistant and Station Masters to grade V—Assistant Station Masters' Posts?

(d) Are the Assistant and Station Masters eligible for transfer on promotion to other categories of staff? If so, to which and under what conditions? If not, why not?

(e) If the reply to the last portion of part (d) above be in the affirmative, will the Honourable Member please lay on the table a statement for the last two years showing these particulars?

(f) Will the Honourable Member please lay on the table a statement showing the promotions made to grade V Assistant Station Masters' posts, from 1st January, 1935, to 31st December, 1937, and the categories of staff from which such promoted persons were drawn and also the number belonging to each category?

The Honourable Sir Thomas Stewart: With your permission, Sir, I propose to reply starred questions Nos. 24 and 25 together.

I am obtaining information and will lay the reply on the table of the House in due course.

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

†‡25. ***Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state how the seniority of staff promoted as Assistant Station Masters grade V, on the North Western Railway is reckoned, if such persons belong to different categories, such as Assistant Station Masters, Guards, Enquiry clerks, etc.?

(b) Is it a fact that there is no uniform system of reckoning seniority on the North Western Railway in the matter of making promotions?

(c) Is it a fact that in certain cases seniority is reckoned on the (i) date of confirmation in the grade, (ii) on substantive pay, (iii) order of merit of examination results and (iv) on officiating service? If so, what is the reason for these different methods of reckoning seniority?

†Answer to this question laid on the table, the questioner being absent.
‡For answer to this question, *see* answer to question No. 24.

(d) Is it a fact that the seniority of guards for promotion to Assistant Station Master, grade V posts is reckoned on their pay *plus* 75 per cent. pay as mileage allowance?

(e) If the reply to part (d) above be in the affirmative, how does the Honourable Member reconcile this with the letter of the Financial Commissioner of Railways addressed to me in 1933, in reply to my letter dated the 27th February, 1933, referring to part (c) of my starred question No. 1127, which read as follows:

> "As regards seniority it is determined on the substantive pay of a guard and a Station Master and not on the pay *plus* mileage of the guard as against the substantive pay alone of the Station Master"?

(f) Is it a fact that under the chart of promotions prepared by the North Western Railway administration for promotion to senior subordinate service, Yard Foremen and Supervisors were also made eligible for promotion as Assistant Station Masters, grade V?

(g) Is it a fact that now these classes, namely Yard Foreman and Supervisors have been declared as ineligible for promotion to grade V. Assistant Station Masters' posts, on the ground that they had no joint seniority with the Station Masters group?

(h) If the reply to part (g) above be in the affirmative, will the Honourable Member be pleased to state why (i) Guards, (ii) Enquiry Clerks, (iii) Special Ticket Examiners, (iv) Platform Inspectors and (v) Ticket Collectors and other members of commercial staff, whose seniority is not joint with the Station Masters' group have been made eligible for promotion as grade V Assistant Station Masters?

(i) Is the Honourable Member prepared to issue instructions to reconcile the different policies? If not, why not?

Examination for Recruitment of Subordinate Postal Staff in the Madras Presidency.

26. ***Mr. M. Ananthasayanam Ayyangar:** (a) Will the Honourable Member for Communications be pleased to state how many applications were received from candidates for the examination for recruitment to subordinate posts in the Posts and Telegraphs Department during the year 1937 in the Madras Presidency?

(b) How many of those candidates were selected for sitting at the examination?

(c) How many candidates were declared eligible, and what was the number of posts for which the new hands were wanted?

(d) What was the amount of fee collected from the applicants and what was the expenditure incurred on holding the examination and making the selections?

(e) Was the conduct of the examination left entirely into the hands of the Educational Department and is there a proposal to revise the marks so as to allow a larger number of passes?

(f) Is a minimum educational qualification prescribed for a candidate and what is the need for a separate examination?

(g) Are Government prepared to consider the desirability of abolishing the said examinations and, in any case, of refunding the entrance and examination fees of candidates who were not admitted or who were not selected?

The Honourable Sir Thomas Stewart: (a) 2,168.

(b) 1,072 who fulfilled the requisite conditions were admitted.

(c) 203 reached the qualifying standard. The number of vacancies was 526.

(d) Rupees 14,951-2-0 and Rs. 7,028-11-0, respectively.

(e) The answer to the first part is in the negative. As regards the last part, Government have permitted the lowering of the percentage of marks required to reach the qualifying standard.

(f) The reply to the first part is in the affirmative. As regards the last part, the examination is necessary in order to enable the department to select the best candidates from among the applicants who possess the prescribed minimum educational qualifications.

(g) The reply to the first part is in the negative. The entrance fee of Rs. 10 which includes the examination fee is refunded to the candidates who are not admitted to the examination. Government are not prepared to consider the question of refunding this fee to the unsuccessful candidates who are admitted to the examination.

Mr. M. Ananthasayanam Ayyangar: May I know if there are any special tests, or courses, in the examination with respect of which they have not already qualified or with which they were not already familiar?

The Honourable Sir Thomas Stewart: The tests which are applied are of the nature of general knowledge questions which the more intelligent persons possessing the minimum qualifications might well be expected to answer.

Prof. N. G. Ranga: Is this a competitive examination?

The Honourable Sir Thomas Stewart: Yes, Sir. It is a competitive examination subject to the achievement of a minimum qualifying standard.

Mr. N. M. Joshi: What is the object of charging fees to the candidates?

The Honourable Sir Thomas Stewart: In order to cover the cost of the examination.

Mr. N. M. Joshi: If Government get more money, what do they do?

The Honourable Sir Thomas Stewart: In the present case, this being the first examination, the actual results have shown that the receipts from fees did exceed the actual cost of the examination. As a result of that, in future examinations, the entrance fee will be reduced.

Mr. M. Ananthasayanam Ayyangar: Is it not a fact that only ten per cent. of the persons were selected for pass?

The Honourable Sir Thomas Stewart: The figures I have given show that 20 per cent. is the figure.

Mr. M. Ananthasayanam Ayyangar: Ten per cent. of those that applied?

The Honourable Sir Thomas Stewart: It is ten per cent. of those who applied. It is 20 per cent. of those who were admitted.

Mr. M. Ananthasayanam Ayyangar: What is the proposal with respect to the lowering of marks.

The Honourable Sir Thomas Stewart: The action that has been already taken is that a reduction of the qualifying standard from 45 to 35 per cent. has been made.

Mr. M. Ananthasayanam Ayyangar: Why was such a stiff percentage fixed?

The Honourable Sir Thomas Stewart: It is a matter of opinion whether 45 per cent. is a stiff percentage.

Mr. N. M. Joshi: May I know if the Government of India follow the policy of charging fees in the case of other examinations, such as the I. C. S., I want to know whether the expenses of the I. C. S. examination are met out of the fees paid by the candidates?

The Honourable Sir Thomas Stewart: That is a question which should not be addressed to me.

SCHEMES FOR ECONOMISING EXPENDITURE IN THE TELEGRAPH AND RADIO DEPARTMENTS.

27. ***Mr. M. Ananthasayanam Ayyangar:** (a) Will the Honourable Member for Communications please state whether Government have undertaken any schemes for economising the expenditure in the Telegraph and Radio Departments of the Postal administration during the year 1937?

(b) If so what are they and what is the amount of saving effected during the year?

(c) Are there Telegraph Inspectors and Telegraph Superintendents in addition to Postal Inspectors and Postal Superintendents in the various provinces?

(d) Have Government considered the possibility of giving training to Postal Superintendents and Inspectors in telegraphy and telegraphic engineering and thus affect retrenchment by having one single service? If not, why not?

(e) Have Government considered the desirability of having a single engineering service or department for telegraphs, telephone and radio services and thus effect savings in expenditure? If so, what are they and, if not, why not?

(f) Have any of the Departmental Telegraph Offices been combined into Post and Telegraph Offices during the year 1937? If so, how many? If not, why not?

The Honourable Sir Thomas Stewart: (a) No

(b) Does not arise.

(c) There are no Telegraph Inspectors, but there are Superintendents in charge of Telegraph Offices. Officers of the Postal Branch are not concerned with Telegraph Offices.

(d) The technical knowledge required for telegraph, telephone and radio engineering services involves long and specialised training, and Government do not consider that the suggestion made by the Honourable Member is feasible.

(e) The branches referred to are already under the control of a single Chief Engineer who is the head of the Telegraph Engineering Department.

(f) No. Owing to the existence of surplus telegraphists in 1937, the conversion of any departmental Telegraph Office into a Combined Post and Telegraph Office would have resulted in increased expenditure

Prof. N. G. Ranga: Are we to understand that Government have no scheme for economising their expenditure on the telegraph in the Railway Department? Is there any action in contemplation at present?

The Honourable Sir Thomas Stewart: No. We have no scheme under contemplation at the present moment. We have a general policy of reducing our expenditure consistently with the maintenance of the efficiency of the service.

Prof. N. G. Ranga: Are Government satisfied that the expenditure that they are making is absolutely the minimum?

The Honourable Sir Thomas Stewart: I am satisfied that everything that is possible is being done to effect economy.

Mr. M. Ananthasayanam Ayyangar: Have Government considered the desirability of appointing Telegraph Engineers as Postal Superintendents also, in order to avoid duplication of officers?

The Honourable Sir Thomas Stewart: The officers that we have in our Telegraph administration are already doing a full day's work and would be unable to undertake further work of the nature suggested by the Honourable Member.

INCREASE IN EXPENDITURE SINCE 1919 AND RETRENCHMENT AFTER SEPARATION OF BURMA ON THE SUPERIOR ESTABLISHMENT IN THE POSTS AND TELEGRAPHS DEPARTMENT.

28. ***Mr. M. Ananthasayanam Ayyangar:** (a) Will the Honourable Member for Communications be pleased to lay on the table a list of superior posts and the salaries attached to them created in the Posts and Telegraphs Departments since the inauguration of the Montagu-Chelmsford Reforms and the total increase in the total expenditure in 1937 over the expenditure in 1919 for the superior establishment?

(b) Will Government be pleased to state if any retrenchment has been effected in the salary of the Director General of Posts and Telegraphs and other superior officers after the separation of Burma and consequent upon the same? If not, why not?

The Honourable Sir Thomas Stewart: (a) A statement giving particulars of superior posts created since the inauguration of the Montagu-Chelmsford Reforms, and existing on the 1st January, 1938, is laid on the table. The expenditure on superior establishment in 1936-37 before Burma separated exceeded that of 1919-20 by about a lakh.

(b) No, because there has been hardly any reduction in the work and responsibilities of the Director General and other superior officers.

Statement showing additional superior posts created in the Indian Posts and Telegraphs Department since the 1st January, 1920 (the date of inauguration of the Montague-Chelmsford Reforms) and existing on 1st January, 1938.

(1) Deputy Director General, Finance, on (i) old rate Rs. 1,500—60—1,800 (*plus* addition to pay Rs. 300 or £30 overseas pay if personally eligible) *plus* special pay Rs. 250.

(ii) New rate—Not yet fixed.

(2) One Director of Telegraphs on (i) old rate Rs. 1,750—100—2,150 *plus* overseas pay £13-6-8, if personally eligible,

(ii) New rate Rs. 1,300.

(3) Assistant Controller of Telegraph Stores on (i) old rate Rs. 375—50—525—525—50—625—625—50—975 *plus* overseas pay Rs. 150 to Rs. 300 or £15 to £30 if personally eligible.

(ii) New rate Rs. 350—25—450/2—500.

(4) Two Assistant Superintendents, Telegraph Workshops on rates of pay as in item (3) above.

(5) Two Divisional Engineers, wireless, on—

(i) old rate Rs. 625—625—50—725—725—50—1,025—1,025—50—1,275—1,275 1,325—1,325—1,375 *plus* overseas pay Rs. 150 to Rs. 300 or £15 to £30 if personally eligible.

(ii) New rate Rs. 750, Rs. 850 or Rs. 950.

(6) Four Assistant Divisional Engineers, Telegraphs on rates of pay as in item (3) above.

(7) 1 Assistant Divisional Engineer, Wireless on rates of pay as in item (3) above.

Mr. M. Ananthasayanam Ayyangar: Even after the separation of Burma, the work of the Director General of Posts and Telegraphs has not gone down by that of a whole province?

The Honourable Sir Thomas Stewart: That circumstance arises from the nature of the work that is done by the controlling administrative officers. The separation of a province does not make any very considerable difference to the control that is exercised in the directorate of Posts and Telegraphs.

Mr. K. Santhanam: Is any special pay attached to the posts mentioned in part (b) of the question? Has it been reduced?

The Honourable Sir Thomas Stewart: The special pay has not been reduced because it does not exist.

Mr. M. Ananthasayanam Ayyangar: Has any retrenchment been effected in the office of the Director General, Posts and Telegraphs, as a consequence of the separation of Burma?

The Honourable Sir Thomas Stewart: No, Sir.

Mr. M. Ananthasayanam Ayyangar: Why not, Sir?

The Honourable Sir Thomas Stewart: For the reason I have already given, Sir, that the diminution of work in the directorate is infinitesimal by reason of the separation of Burma.

Mr. Mohan Lal Saksena: May I know if the question was examined by some officer?

The Honourable Sir Thomas Stewart: Yes, Sir.

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

INCREASE IN POSTAL AND TELEGRAPHIC RATES BETWEEN INDIA AND BURMA.

29. ***Mr. M. Ananthasayanam Ayyangar:** (a) Will the Honourable Member for Communications please state whether the attention of Government has been drawn to a resolution passed at the second session of the All-Burma Indian Conference held at Rangoon on the 29th December, 1937, protesting against the heavy increase in postal and telegraphic rates between Burma and India?

(b) Is such increase a violation of the Indo-Burma Agreement?

(c) Have Government taken any action in pursuance of the resolution? If not, why not?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) No.

(c) The question of postal and telegraph rates between India and Burma is under correspondence with the Burma Government.

Mr. M. Ananthasayanam Ayyangar: May I ask what is the average increase in rates which is complained of?

The Honourable Sir Thomas Stewart: I have not the figures available, but I am prepared to give them to the Honourable Member at some convenient time.

Mr. Manu Subedar: Was the initiative taken by the Government of India or by the Government of Burma?

The Honourable Sir Thomas Stewart: The initiative was taken by the Government of Burma.

Mr. Mohan Lal Saksena: Will the Government of India press upon the Government of Burma to send a reply before the Budget is presented to this House?

The Honourable Sir Thomas Stewart: We have already asked the Government of Burma to give their views on this subject as early as possible. It is hardly possible for us to do any more.

Seth Govind Das: In case the reply from the Government of Burma is received after the Budget and if they recommend a reduction in the rates, will it be given effect to before the next Budget is presented?

The Honourable Sir Thomas Stewart: That question is entirely hypothetical in nature, Sir.

INDIAN PILOTS POSSESSING LONDON AIR MINISTRY CERTIFICATES.

30. ***Mr. Abdul Qaiyum:** Will the Honourable Member for Railways and Communications please state:

(a) how much it costs to obtain a commercial pilot's licence at:

(i) one of the private schools in England,

(ii) one of the many subsidised flying clubs in Great Britain,

(iii) at a Government subsidised flying club in India;

(b) how many hours' flying is considered necessary for award of a commercial pilot's licence in.

(i) England,

(ii) Germany,

(iii) France, and

(iv) India;

(c) whether it is a fact that the Indian authorities have refused to recognise the certificate issued by the Air Ministry, London, to Indian pilots; if so, what the reasons for such a step are; and

(d) whether it is a fact that such Indian pilots with London Air Ministry Certificates were subjected to another examination in India and that many of them failed?

The Honourable Sir Thomas Stewart: (a) (i) A well known school in England quotes a figure of approximately Rs. 15,000 for a course for a commercial pilot, which gives a fair idea of the cost of a course which is considered adequate for a commercial pilot in responsible employment.

(ii) So far as Government are aware, few of the subsidised flying clubs in England undertake the training of commercial pilots. No quotations comparable with (i) are available. The bare cost of the minimum flying required for a British licence would be approximately Rs. 2,400*.

(iii) For an Indian limited commercial pilot's licence, the bare minimum flying requirements would cost approximately Rs. 3,600†. For a full Indian commercial pilot's licence, the bare minimum flying requirements would cost approximately Rs. 6,600‡.

(b) (i) 100 hours.

(ii) and (iii). Government have no information.

*20 hours dual
100 hours solo
120 hours @ Rs. 20.
†20 hours dual
100 hours solo
120 hours @ Rs. 30.
‡20 hours dual
200 hours solo
220 hours @ Rs. 30

(iv) Limited commercial licence (A1) 100 hours.
Full commercial licence (B) 200 hours.

(c) and (d). The Government of India require that candidates possessing Air Ministry 'B' licences must have completed the flying experience required under the Indian Aircraft Rules, 1937, before they apply for an Indian 'B' licence. Such of the candidates as have not allowed their British 'B' licences to lapse for a period exceeding two years preceding the date of their application for an Indian licence are, however, not required to take the Indian technical examination, except the examination in Indian Aircraft Rules and Notices to Airmen, knowledge of which is essential to applicants for the Indian 'B' licence. There is no record of any pilot possessing a British 'B' licence failing to qualify for the Indian 'B' licence.

Mr. Abdul Qaiyum: With reference to part (a) of my question, may I know if the figure quoted is for a private school?

The Honourable Sir Thomas Stewart: It is a private school, not a Government school?

Mr. Abdul Qaiyum: With reference to part (b) of the question, may I know if it is a fact that some subsidies are granted to flying clubs in England?

The Honourable Sir Thomas Stewart: The information given in my answer suggests that there are subsidies to private clubs.

Mr. Abdul Qaiyum: May I know what is the cost of training at such subsidised clubs?

The Honourable Sir Thomas Stewart: I have already said that no quotations are available to us.

Mr. Abdul Qaiyum: May I know what is the cost of training at the New Delhi Training Centre?

The Honourable Sir Thomas Stewart: I require notice of that question. The information is not with me.

Mr. Abdul Qaiyum: May I know how many hours flying is considered necessary for a full licence in England?

The Honourable Sir Thomas Stewart: I have already answered that question: 100 hours.

Mr. Abdul Qaiyum: May I know why the standard is higher in India, *viz.*, 200 hours?

The Honourable Sir Thomas Stewart: For the reason that we think it necessary that commercial pilots for India and in Indian conditions should have that minimum of flying experience.

Seth Govind Das: Is there any difference between the conditions in England and those in India?

The Honourable Sir Thomas Stewart: I shall have to give the Honourable Member a lecture in geography if I have to answer that question.

Prof. N. G. Ranga: Are we to understand that a pilot who has put in 100 hours' flying in England and obtained a license there is obliged to undergo another one hundred hours' flying in India before he is allowed to fly in India?

The Honourable Sir Thomas Stewart: He must do an extra one hundred hours' flying before he is permitted to apply for a "B" license, that is to say, the minimum qualification for a commercial pilot. I may mention that any pilot with 200 hours' flying experience only has no hope of being employed by Imperial Airways or by any other commercial concern.

Sir Cowasji Jehangir: May I know how many subsidised clubs there are in India?

The Honourable Sir Thomas Stewart: There are subsidised clubs at Delhi, in the United Provinces, in Bombay, Karachi, Madras and Bengal; that, I think, is the complete list.

Sir Cowasji Jehangir: On what basis is this subsidy given?

The Honourable Sir Thomas Stewart: The subsidy is given out of a certain sum accruing from the petrol fund?

Sir Cowasji Jehangir: Will Government be prepared to encourage training in flying not only by flying clubs in India but by training centres?

The Honourable Sir Thomas Stewart: That is a question of which I must require notice; question of a policy of very considerable importance is involved.

Mr. N. M. Joshi: What is the future for the Indian who undergoes the longer training?

Mr. Abdul Qaiyum: May I know why the Government have fixed a higher number of hours?

The Honourable Sir Thomas Stewart: I have already answered that question.

PERSONS KIDNAPPED, KILLED OR WOUNDED IN THE SETTLED DISTRICTS OF THE NORTH-WEST FRONTIER PROVINCE.

31. ***Mr. Abdul Qaiyum:** (a) Will the Foreign Secretary please state the number of persons kidnapped, killed or wounded by raiders from across the border from the Settled Districts of North-West Frontier Province?

(b) When did the last raid or kidnapping take place?

(c) Has any compensation been paid to those who had to pay a ransom to effect their release or to the dependents of the killed or wounded persons? If not, why not?

Sir Aubrey Metcalfe: (a) The figures for 1937 are as follows:

70 kidnapped,

5 killed, and

8 wounded.

(b) On the night of September 27/28, 1937.

(c) The Provincial Government were informed in September, 1937, that the Government of India were willing to sanction payments to sufferers from the fines realised from the tribes on the basis of recommendations made by the Provincial Government. No such recommendations have yet been received.

Mr. Adbul Qaiyum: May I know why the Central Government do not make payments directly to the people who have suffered? Where is the necessity of writing to the Provincial Government concerned?

Sir Aubrey Metcalfe: Because the fines from the tribes from which the compensation is to be paid are realised by the Provincial Government and not by the Central Government.

Prof. N. G. Ranga: Is it not a fact that the Provincial Government realise these fines on behalf of the Central Government?

Sir Aubrey Metcalfe: Yes, that is true.

Prof. N. G. Ranga: Why is it that the Government of India wish to wait until the Provincial Government make some proposals for paying this compensation to the people who have been injured or kidnapped or had to pay a ransom for a release?

Sir Aubrey Metcalfe: Surely it must be plain to the Honourable Member that the Central Government are not in a position to know what fines are realised until this is reported to them by the Provincial Government.

Mr. Abdul Qaiyum: May I know when the Provincial Government were last addressed on the subject?

Sir Aubrey Metcalfe: Of that question I must have notice; I have not got the full correspondence with me.

Mr. Mohan Lal Saksena: Has the attention of Government been drawn to the statement appearing in the letter from the Faqir of Ipi to Pandit Jawaharlal Nehru to the effect that these raids and kidnappings are manœuvred by the Government of India?

Sir Aubrey Metcalfe: I submit that that does not arise out of this question.

Sardar Mangal Singh: May I ask if any kidnapping has taken place after the establishment of the Congress Ministry there?

Sir Aubrey Metcalfe: The Honourable Member knows when the Congress Ministry was established, and I have given him the date of the last raid. If he puts the two together, he can get the answer to his question.

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

PERSONS AND OFFICERS KILLED OR WOUNDED AND EXPENDITURE INCURRED IN THE WAZIRISTAN CAMPAIGN.

32. ***Mr. Abdul Qaiyum:** (a) Will the Foreign Secretary please state the total number of killed and wounded among the troops in the latest Waziristan campaign?

(b) How many British officers and other ranks were killed or wounded in the above campaign?

(c) When did the last Waziristan campaign begin and when did it officially end?

(d) What is the total expenditure incurred by Government in connection with this campaign? Will the Foreign Secretary please state the latest available figures?

Sir Aubrey Metcalfe: This is a question which should have been addressed to the Defence Secretary.

PROTECTED AREA IN WAZIRISTAN.

33. ***Mr. Abdul Qaiyum:** (a) Will the Foreign Secretary please state the total area of Waziristan?

(b) What was the extent of the protected area in Waziristan before this campaign? Will the Honourable Member please name the parts which were then protected and state their area in square miles?

(c) Have any additions to the above protected area been made as a result of the last campaign? If so, will the Honourable Member please describe the new protected zone and state its area in square miles?

Sir Aubrey Metcalfe: (a) 5,218 square miles.

(b) Daur country in the Tochi Valley, the Ahmadzai Wazir territories of the Wana and Spin Plains and a portion of the Jandola area. The total area is approximately 125 square miles.

(c) Yes. The areas are described below:

(i) The vicinity of Government roads and posts throughout Waziristan.

(ii) All Wazir and Mahsud territories in the Razmak area, the water of which drains eventually into the Shoran, Spinkamar and Tauda China Algads.

(iii) All Wazir territory, the water of which drains eventually into the Khaisora Algad.

(iv) All Wazir country, from Drewasta to the District boundary, the water of which drains eventually into the Tochi from the South.

(v) All Gurbaz, Bakka Khel and Jani Khel country in Bannu tribal territory, South of the Bannu-Razmak road.

(vi) Jandola area comprising all Bhitanni country, South of the Shuza.

The total area is approximately 615 square miles.

EXPENDITURE ON CERTAIN UTILITY SERVICES IN THE AGENCY TRACTS OF THE NORTH-WEST FRONTIER PROVINCE.

34. ***Mr. Abdul Qaiyum:** (a) Will the Foreign Secretary please state what was the total amount spent by Government on education, medical relief, irrigation and sanitation, as regards the indigenous population in the agency tracts in North-West Frontier Province during the last two years?

(b) What was the total amount paid in cash as 'Mawajib' to the Maliks, etc., in the above areas during the same period?

Sir Aubrey Metcalfe: The information is being collected and will be laid on the table in due course.

COLLISION OF THE HOWRAH EXPRESS WITH A GOODS TRAIN AT BAMRAULI.

35. ***Mr. Badri Dutt Pande:** (a) Will the Honourable Member for Railways please state the cause of the Howrah Up express disaster, which train collided with 212 goods train at Bamrauli station on the 17th January, 1938?

(b) What is the number of casualties?

(c) What was the nature of medical aid rendered to the injured?

(d) Have names and addresses of the deceased been found out?

(e) Is it the intention of Government to hold an enquiry into this train disaster?

The Honourable Sir Thomas Stewart: (a) I regret I am not in a position to make any statement as regards the cause of the accident till the full report of the Senior Government Inspector of Railways, who has held an enquiry, has been received.

(b) The Chief Medical Officer of the East Indian Railway reported on the 17th instant that three passengers and four railway employees were killed and eleven passengers and six railway employees were injured.

(c) I am placing on the table an extract from the report of the Railway's Chief Medical Officer.

(d) Yes.

(e) I would refer the Honourable Member to the reply I have given to part (a) of his question.

Extract from the Report of the Railway Chief Medical Officer, dated the 17th January, 1938, to the Agent, East Indian Railway.

BAMRAULI ACCIDENT.

Intimation was received by the Divisional Medical Officer, Allahabad, at 6 A.M., and he left with the Relief Train at 6-40. First Aid had not been administered before his arrival as all the train crew, who were qualified to render first aid, had themselves been more or less severely injured. The Divisional Medical Officer decided to evacuate all cases by Motor Ambulance and Ambulances were accordingly obtained from the British Military Hospital, the Civil Hospital, the Bamrauli Aerodrome and the Allahabad Municipality. All cases were evacuated by 9-15. Three cases elected to remain until the undamaged bogies were returned to Allahabad. These three cases all decided to be treated outside, and the Divisional Medical Officer had, of course, no alternative but to permit this.

Altogether 14 cases were admitted in the Railway Hospital, of whom, one Driver Thomas (the driver of 212 Down) died shortly after admission; one case left for Calcutta that night—leaving at the present moment 12 cases in hospital—two, who are suffering from minor injuries, have elected to leave hospital to-day, to be treated by their own doctors; one case (an Indian) suffering from multiple fractures has been transferred to the Civil Hospital, where full X-Ray facilities exist. This will leave us 9 cases in hospital by this evening. I have satisfied myself that all cases have been skilfully dealt with and everything possible is being done for their comfort.

Mr. Badri Dutt Pande: May I ask if all the addresses of the dead persons have been found out and their relatives informed?

The Honourable Sir Thomas Stewart: That is my information.

Mr. Badri Dutt Pande: May I know if a judicial inquiry will also be held in this case as has been done in the case of the Bihta disaster?

The Honourable Sir Thomas Stewart: I am unable to answer that question until I have the elementry facts of the Inspector's report before me.

Mr. Badri Dutt Pande: Do Government know that the collisions are becoming numerous and they are frightening the passenger traffic?

(No answer.)

POLITICAL PENSIONS PAID TO FOREIGN REFUGEES.

35A. ***Sardar Mangal Singh:** Will the Foreign Secretary please state:

(a) the total amount of political pensions annually paid to foreign refugees; and

(b) the total number of such refugees and their names?

Sir Aubrey Metcalfe: (a) About two lakhs of rupees.

(b) 128, whose names are given in the statement which I lay on the table.

Names of Afghan Refugees in receipt of Allowances from Government.

Serial No.	Name.	Serial No.	Name.
1.	Mohd. Umar Khan.	20.	Babu Khan.
2.	Hafiz Ullah Khan.	21.	Barat Ali.
3.	Abdul Rahman Khan.	22.	Ghulam Mohd.
4.	Sohrab Khan.	23.	Ghulam Nagshbad.
5.	Ghulam Rasul.	24.	Ghulam Raza Khan.
6.	Miran Shah.	25.	Ghulam Sarwar Khan.
7.	S. Mohd. Yusuf Khan.	26.	Gul Mohd.
8.	Mohd. Hyder.	27.	Khair Muhd.
9.	Abdul Azin Khan.	28.	Khushdil Khan.
10.	Abdul Hamid Khan.	29.	Mohd. Azam.
11.	Abdur Rauf.	30.	Muhd. Hussain.
12.	Ghulam Haidar.	31.	Mohd. Sharif.
13.	Ghulam Nabi Jan.	32.	Shamsher Khan.
14.	Abdul Habib.	33.	Sher Ali Khan.
15.	Abdul Hamid.	34.	Sher Muhd.
16.	Abdul Qadir Khan.	35.	Yar Mohd. Khan.
17.	Abdul Qayum.	36.	Abdul Abad Khan.
18.	Ali Ahmad.	37.	Fateh Muhd.
19.	Ata Mohd.	38.	Nazar Muhd. Khan.

Names of Afghan Refugees in receipt of Allowances from Government—contd.

Serial No.	Name.
39.	Usman Khan.
40.	Yahya Khan Mir.
41.	Abdul Halim.
42.	Haji Abdur Rahman.
43.	Abdullah Shah.
44.	Ahmad Khan.
45.	Ali Ahmad Khan.
46.	Dad Mohd. Khan.
47.	Faiz Muhd. Khan.
48.	Inayat Ullah.
49.	Muhd. Ibrahim.
50.	Muhd. Hassan Khan.
51.	Muhd. Usman Khan.
52.	Shah Nawaz Khan.
53.	Abdul Qadir.
54.	Muhd. Ali Khan.
55.	Ali Ahmad Khan.
56.	Muhd. Rahim Khan.
57.	Abdul Aziz Khan.
58.	Muhd. Azim Khan.
59.	Muhd. Karim Khan.
60.	Dost Muhd. Khan.
61.	Muhd. Ali Khan.
62.	Ghulam Qadir Khan.
63.	Moh'd. Mohsin Khan.
64.	Muhd. Hamdam.
65.	Muhd. Zafar.
66.	Saulat Jung.
67.	Sultan Ali.
68.	Zafar-ud-Din Muhammad
69.	Abdul Ahad.
70.	Fazal Haq.
71.	Zia-ud Din.
72.	Ahmad Ali Khan.
73.	Hussain Ali Khan.
74.	Ghulam Muhd. Khan.
75.	Sultan Muhd. Khan.
76.	Taj Muhd. Khan.
77.	Gul Dad.
78.	Mir Abdullah.
79.	Barat Khan.
80.	Baz Muhd.
81.	Safar Khan.
82.	Gul Hassan.
83.	Nas Eullah.
84.	S. Mohd. Musa Khan.
85.	S. Mohd. Abdul Qadir Khan Effandi.
86.	S. Abdus Samad Khan.
87.	S. Abdur Rahman Khan Effendi.
88.	S. Abdur Rahman Khan.
89.	S. Ghausuddin Khan.
90.	S. Abdul Hakim Khan.
91.	S. Amir Jan.
92.	Khan Baba.
93.	Mohd. Ibrahim.
94.	Mohd. Hassan.
95.	Ali Ahmad.
96.	Mohd. Ismail.
97.	Taj Mohd.
98.	S. Abdullah Khan.
99.	S. Abdul Hamid Khan.
100.	S. Abdul Qayum Khan.
101.	Khwaja Abdul Kawam.
102.	Mohd. Nasir.
103.	Abdur Rahman Jan.
104.	Ata Mohd.
105.	S. Abdul Aziz Khan.
106.	S. Mohd. Azam Khan.
107.	S. Mohd. Akram Khan.
108.	S. Mohd. Afzal Khan.
109.	S. Sultan Ahmad Khan.
110.	S. Sher Ahmad Khan.
111.	S. Mohd. Sarwar Khan.
112.	S. Nur Ahmad Khan.
113.	S. Abdur Rashid Khan.
114.	S. Mohd. Hassan Khan.
115.	S. Abdur Rahman Khan.
116.	S. Mohd. Omar Khan.
117.	S. Gul Mohd. Khan.
118.	S. Abdul Ali Khan.
119.	S. Abdur Rahim Khan.
120.	S. Mohd. Azim Khan.
121.	S. Mohd. Mohsin Khan.
122.	Ghulam Nabi.
123.	Mohd. Din.
124.	Mohd Siddiq.
125.	Abdul Hakim.
126.	Abdul Majid.
127.	Mohd. Jan.
128.	Abdur Wahab Khan.

PERSONS DETAINED IN INDIA FOR REASONS OF STATE.

35B. ***Sardar Mangal Singh:** Will the Foreign Secretary please state:

(a) the number of those persons who are at present being detained in India for reasons of State; and

(b) the names of such persons and the amount of monthly allowance paid to them?

Sir Aubrey Metcalfe: On the assumption that the Honourable Member is referring to persons detained under Regulation III of 1818 by the orders of the Government of India, the reply is as follows:

(a) 45.

(b) The names of the persons and the allowances paid to them are shown in the statement which I lay on the table.

Statement showing the Names of Afghan Refugees detained in India under Regulation III of 1918 and the Allowances paid to them.

Presidency or Province.	Serial No.	Name.	Allowance. Rs. A. P. Per mensem.	Remarks.
Madras Presidency .	1	S. Abdur Rahman Khan	600 0 0	
	2	S. Ghausuddin Khan .	500 0 0	
	3	S. Abdul Hakim Khan .	150 0 0	
	4	S. Amin Jan . . .	250 0 0	
Bombay Presidency	5	Khan Baba . . .	60 0 0	Allowance Rs. 30 and Rs. 1 daily diet allowance.
	6	Mohd. Ibrahim . .	73 4 0	Allowance Rs. 32 and Rs. 1-6-0 daily diet allowance.
	7	Mohd. Hassan . .	73 4 0	Ditto.
	8	Ali Ahmed . . .	73 4 0	Ditto.
	9	Mohd. Ismail . .	60 0 0	
	10	Taj Mohd. . . .	60 0 0	
Central Provinces .	11	S. Abdullah Khan .	600 0 0	
	12	S. Abdul Hamid Khan .	500 0 0	
	13	S. Abdul Qayum Khan	450 0 0	
	14	Khawaja Abdul Karim (*plus* 50 for 5 dependants.)	86 4 0	Allowance Rs.45. Rs. 1-6-0 as daily diet allowance.
	15	Mohd. Nasir . .	86 4 0	Ditto.
	16	Abdur Rahman Jan .	86 4 0	Ditto.
	17	Ata Mohd. . . .	60 0 0	
Bengal . . .	18	S. Abdul Aziz Khan .	250 0 0	
United Provinces .	19	S. Mohd. Azam Khan .	300 0 0	
	20	S. Mohd. Akram Khan .	400 0 0	
	21	S. Mohd. Afzal Khan .	100 0 0	
	22	S. Sultan Ahmed Khan .	300 0 0	
	23	S. Sher Ahmad Khan .	250 0 0	
	24	S. Mohd. Sarwar Khan .	250 0 0	
	25	S. Nur Ahmad Khan .	250 0 0	
	26	S. Abdur Rashid Khan .	156 0 0	
	27	S. Mohd. Hassan Khan	200 0 0	
	28	S. Abdur Rahman Khan	250 0 0	
	29	S. Mohd. Umar Khan .	100 0 0	
	30	S. Gul Mohd. Khan .	100 0 0	
	31	S. Abdul Ali Khan .	350 0 0	
	32	S. Abdur Rahim Khan .	250 0 0	
	33	S. Mohd. Azim Khan .	100 0 0	
	34	S. Mohd. Mohsin Khan .	100 0 0	
	35	Ghulam Nabi . .	48 12 0	Allowance Rs. 30 and annas 10 as daily allowance.
	36	Mohd. Din . . .	48 12 0	Ditto.
	37	Mohd. Siddiq . .	48 12 0	Ditto.

Statement showing the Names of Afghan Refugees detained in India under Regulation III of 1818 and the Allowance paid to them--contd.

Presidency or Province.	Serial No.	Name.	Allowance. Rs. A. P. Per mensem.	Remarks.
United Provinces--*contd.*	38	Abdul Hakim	68 12 0	Allowance Rs. 50 and annas 10 as daily allowance.
	39	Abdul Majid.	68 12 0	Ditto.
	40	Mohd. Jan .	60 0 0	
	41	Bhawani Sahai	25 0 0	*Plus* annas 12 as diet allowance per diem.
	42	V. R. Vaishampayan	36 0 0	*Plus* Rs. 1-12-0 as diet allowance.
	43	Jawala Pershad	30 0 0	*Plus* Rs 1-2-0 per diem.
Madras Presidency	44	Rippudaman (*alias* Sardar Guru Charan Singh *ex*-Maharaja of Nabha).	10,000 0 0	Paid by the Nabha Darbar.
Bombay Presidency	45	Hassein-Yavar Khanji, *ex*-Talukdar of Sardargadh.	500 0 0	Paid by the Sardargadh Taluka.

Sardar Sant Singh: May I know the longest period for which persons have been detained up till now?

Sir Aubrey Metcalfe: Not, I am afraid, without notice.

Sardar Mangal Singh: Are the cases of such persons reviewed every year?

Sir Aubrey Metcalfe: Yes, they are reviewed every year by the Government of India.

PROGRESS IN LITERACY AND BUILDING OF HOSPITALS IN WAZIRISTAN.

†350. ***Mr. Abdul Qaiyum:** (a) Will the Foreign Secretary please state what was the state of literacy in Waziristan when Government first occupied that area?

(b) What is the state of literacy in Waziristan now? How many primary, middle or high schools have been set up by Government and are in existence in that territory?

(c) Have any hospitals been built for the Wazir population? If so, what is their number?

Sir Aubrey Metcalfe: (a) Literacy was practically nil when Government first established posts in Waziristan.

(b) There is now a considerable number of literate persons in Waziristan, but it is impossible to give figures as no Census has ever been held. In South Waziristan there are two Lower Middle and seven Primary Schools. In North Waziristan there are one Middle and nine Primary Schools. In Bhitanni country there is one Primary School at Jandola. A number of Mahsuds and Wazirs have also been educated at Government expense in the settled districts, and thirty-five scholarships are at present being paid to students from Waziristan for higher studies in those districts.

(c) Yes. There are seven hospitals or dispensaries in Waziristan including Bhitanni country. In addition tribesmen are treated in ten Scouts hospitals at different posts.

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

CLEANING OF LATRINES IN TRAINS OF THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

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

(a) if he is aware that despite his assurances that strict instructions for cleaning the latrines had been issued, not enough care is taken even at such big junctions as Bezwada, Waltair, Guntakal and Gudur on the Madras and Southern Mahratta Railway either to clean the latrines after a night's journey or even before the train starts on its journey;

(b) if he is aware that when a passenger takes care to ask for a sweeper to clean a compartment or a latrine, sweepers are not found available on the platforms; and

(c) whether Government are prepared to issue a reminder to the Railway Company concerned to keep the third class carriages clean, and to make arrangements for the employment of sufficient number of sweepers to clean the carriages once before the train starts on its journey, once after the train has completed a whole night's journey and once in the afternoon?

The Honourable Sir Thomas Stewart: (a) and (b). Government are not aware what, if any, cases of the nature referred to have been brought to the notice of the responsible controlling authorities.

(c) I will convey the Honourable Member's suggestion to the Agents of the Bengal Nagpur and Madras and Southern Mahratta Railways for consideration.

PROVISION OF MORE BOOKING WINDOWS AT THE THIRD CLASS BOOKING OFFICE AT HOWRAH.

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

(a) if he is aware that there is too much congestion near the third class booking offices in the Howrah station, due to the inadequate number of windows for issuing tickets; and

(b) whether he is prepared to consider the advisability of providing more booking windows at the said station to relieve the third class passengers from great inconvenience and worry?

The Honourable Sir Thomas Stewart: (a) No.

(b) The Agent, East Indian Railway, states that the twenty-five windows provided in the third class booking office are adequate.

REDUCTION IN THE RAILWAY FREIGHTS ON COTTON.

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

(a) if he has received any representations from commercial bodies in the country asking for a reduction in railway freights for cotton in order to help our cotton-growers to fight to some extent the slump in the cotton prices being experienced during the last few months;

(b) if so, what has been the response from Government to those representations; and

(c) whether he is prepared to grant any such special reductions in cotton freight rates?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) and (c). I am placing on the table a copy of the Railway Board's letter No. 1505-T., dated the 24th December, 1937, to the Secretary, East India Cotton Association, which explains why the request for a general reduction in the freight rates for cotton could not be acceded to.

Copy of Railway Board's Letter No. 1505-T., dated New Delhi, the 24th December, 1937, to the Secretary, East India Cotton Association, Limited, Taj Building, Hornby Road, Bombay.

FREIGHT RATES FOR COTTON.

With reference to your letter No. 981/G./411 of the 5th November, 1937, I am directed to state that the question of a reduction in the freight rates on cotton was examined by the Government of India in considerable detail on the representation made in 1931 by your Association and other trade organisations interested in cotton, and the conclusion then arrived at was that there was no justification for the general reduction suggested.

2. It is observed that your Association's present representation urges a substantial reduction now, as a temporary measure, with reference to the following considerations :

(i) the present low prices ruling for Indian cotton;

(ii) the present policy in the United States of America which tends to accentuate competition with Indian cotton in the export market;

(iii) the fact that railway freight rates on cotton are from 50 to 100 per cent. above the pre-war level;

(iv) the necessity for counteracting the tendency for cotton to be carried by road instead of by railway; and

(v) the possibility that a part of this season's cotton crop may not be picked and that therefore cotton cultivation may be restricted during the next season.

These points are dealt with *seriatim* in the following paragraphs

3. In regard to the first two points, I am to say that while the Government of India have watched with no small concern the collapse in the price of cotton, they are unable to agree that the manipulation of the railway freight rate is a suitable method of relief to the cotton producer. Nor is it considered to be sound policy to alter freight rates from time to time to meet trade fluctuations. Such a policy if it were to put into effect generally—and a precedent of this nature once created would inevitably lead to insistent demands for its extension—would mean that in a period of falling prices, which also generally coincides with a period of trade depression resulting in a falling off in the volume of traffic, Railways would be sacrificing revenue when they could least afford to do so. Moreover, the adoption of such a policy would also introduce a serious element of uncertainty in the calculations of the trader which would react unfavourably on trade conditions generally.

4. The third point which has reference to the allegation that railway freight rates on cotton are substantially higher now than in the pre-war period is so frequently repeated that it appears to be necessary to state the position in some detail. Prior to the war, the rates over the principal railways concerned with the cotton traffic were as follows :

	Pie per maund per mile.
Great Indian Peninsula Railway : over G. I. P. section (which carries the bulk of the traffic)	0·80
Great Indian Peninsula Railway : over other sections	0·50
Bombay, Baroda and Central India Railway	0·50
North Western Railway	0·33

Apart from these rates which applied generally over the respective systems, special rates were quoted :

(i) by the Bombay, Baroda and Central India Railway to Bombay, from stations in the competitive zone, *i.e.*, Delhi, Bhatinda, Hissar and other neighbouring stations, based on the North Western Railway rates; and

(ii) by the North Western Railway to Karachi from stations in the competitive zone as above, based on the rates obtainable by the shorter metre gauge route, and also from other internal stations.

The North Western Railway's specially low rates to Karachi were determined not by the requirements of the trade, but by the stress of competition with the Bombay, Baroda and Central India Railway in the endeavour to obtain for Karachi as large a share of the export traffic as was possible.

The practice of having, for traffic to the ports, lower rates than those generally applicable was peculiarly subject to adverse criticism in so far as it was interpreted to indicate a tendency to discriminate against the internal trade of the country. Therefore, when in 1916 it was felt that the time was opportune for a change to be made in the rates in force at the time, the North Western Railway cancelled their special rates to Karachi and applied the 0·33 pie rate for all movements (*i.e.*, both for internal traffic and traffic for Karachi). Certain special rates, however, were still quoted from stations in the competitive zone based on the rates obtainable by the metre route.

While the 1916 change in the North Western Railway rates removed the grounds for criticism against that Railway's practice, it did nothing to correct the anomalous position in which a lower scale of rates applied on this railway than on the other two railways, *viz.*, the Great Indian Peninsula and Bombay, Baroda and Central India whose experience had shown that cotton could stand a higher basis of charge. Moreover, the lower scale of rates over the North Western Railway forced the Great Indian Peninsula and Bombay, Baroda and Central India Railways to quote to Bombay, from stations in the competitive zone, rates based on those applicable by the North Western Railway's route to Karachi, as against the higher scale of rates applicable from all other stations on their respective systems to Bombay. To remove this anomaly, which admittedly savoured of preferential treatment from the viewpoint of producers in Central India, the North Western Railway agreed in 1919 to bring their general rate into line with that applying on Indian Railways generally, *i.e.*, 0·50 pie per maund per mile. Compared with the rates in force after the 1919 enhancement, the present rates over the North Western Railway are only about 25 per cent. higher. This increase of 25 per cent. followed the general enhancement made on all Indian Railways in 1922 to obtain increased revenue to meet the post-war increase in the working expenses of Railways. The Bombay, Baroda and Central India and Great Indian Peninsula Railways cotton rates are, therefore, also now generally 25 per cent. higher than the pre-war rates.

5. The Government of India are aware of the serious effect which road competition is having on railway revenues and they are satisfied that, so far as it lies within the powers of individual railway administrations, suitable action continues to be taken to meet the conditions that have been created. Further steps to secure the proper co-ordination of all forms of transport and the elimination of uneconomic competition are engaging their urgent attention, but it would, in the opinion of Government, be unwise for Railways to reduce their freight rates all round merely to meet competition. The more practicable course—and the one that has been generally adopted by Railways—is to improve their existing services and to reduce their rates from and to those points where competition is more or less intensive.

6. In regard to your Association's fifth point, that is, the effect of the present low prices on the grower, I am to say that while the Government of India do not desire to minimise the possibilities which your Association apprehend, they consider that no feasible reduction in railway freight rates would have any appreciable influence on the position On the other hand, they have calculated that the grant of the desired concession would involve a reduction in railway revenues of approximately one and half crores. In deprecating such a loss they have in view not only their own interests but those of the provinces, any amount available for distribution to which, under the Niemeyer Award, would suffer a consequential reduction.

7. In view of the considerations detailed above, and also because any reduction in the freight rates for cotton based on other than purely railway tariff considerations would be practically indistinguishable from a subsidy from railway revenues to support the cotton market, the Government of India regret their inability to accede to your Association's request.

ENQUIRY INTO THE CONDITIONS OF SERVICE OF WORKERS EMPLOYED ON STATE RAILWAYS.

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

(a) if he has seen the resolution passed by the All-India Trade Union Congress, in its Delhi Session, 1938, asking for a Government enquiry to be conducted into the conditions of service of all workers employed on State Railways; and

(b) if so, whether he is prepared to examine the present condition of Railway labour, and to order such an enquiry by an Enquiry Committee with a non-official majority?

The Honourable Sir Thomas Stewart: (a) No.

(b) Does not arise.

DENIAL OF FACILITIES TO MR. K. NARASIMHAM, M. L. A., TO ATTEND THE SITTINGS OF THE MADRAS LEGISLATIVE ASSEMBLY.

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

(a) if he has received any representations from the Members of the Madras Assembly, or from Members of this House, or from the Madras Government, in regard to the refusal of leave, on loss of pay, to Mr. K. Narasimham, Member, Legislative Assembly, to attend the session of the Madras Assembly, by the authorities of the Madras and Southern Mahratta Railway;

(b) if so, whether he has tried to find the reasons for such an attitude of the Madras and Southern Mahratta Railway authorities;

(c) whether he has pressed upon them the advisability of granting to Mr. Narasimham the required leave to attend the Madras Assembly Session;

(d) if so, what has been the result of his representations to the said Railway authorities;

(e) whether he is aware of the fact that Mr. Narasimham is employed in the Bezwada Workshop, and is a member of the Madras and Southern Mahratta Railway Union, which is a registered trade union;

(f) whether it is not a fact that he has been dismissed from his employment; if so, why; and

(g) whether Government propose to consider the advisability of taking necessary legislative and administrative steps to reinstate him in his former appointment, and further to enable him and other employees in railways, who are elected to the Provincial or Central Legislative bodies, to discharge their legislative duties without prejudice to their permanent employment on railways?

The Honourable Sir Thomas Stewart: (a) Government have received an official communication from the Government of Madras in the matter.

(b) to (d), (f) and (g). I would refer the Honourable Member to the information laid on the table of the House today in reply to parts (c) and (d) of starred question No. 901, asked by Mr. Muthuranga Mudaliar in this House on the 29th September, 1937.

(e) Government have no information.

Information promised in reply to part (a) of starred question No. 651 asked by Mr. Mohan Lal Saksena on the 13th March, 1937.

RATES OF ALLOWANCES GIVEN TO SOLDIERS.

Serial No.	Allowance.	British soldier.	Indian soldier.	Authority.	Remarks.
1	2	3	4	5	6
		Rs. A. P.	Rs. A. P.		
1	*Marriage Allowance*—				
	(*i*) For a wife . . .	30 0 0 per month.	*Nil*	Pay and Allowance Regulations, Part II, paragraph 313.	
	(*ii*) For each child up to 3 children.	10 0 0 per month.			
	(*iii*) For each additional child.	5 0 0 per month.			
2	*Ration Allowance*—				
	(*i*) When permitted to draw allowance in lieu of rations in kind.	0 5 3 per day.	*Nil*	Pay and Allowance Regulations, Part II, paragraph 296 (*c*) (*iv*) and (*v*).	
	(*ii*) When rations in kind are not issued in the interests of the State.	0 12 0 per day.	*Nil*		
	(*iii*) When it is not convenient to issue rations in kind.	*Nil*	0 5 0* per day.	Pay and Allowance Regulations, Part II, paragraph 296 (D).	*Inclusive of messing allowance.
	(*iv*) When granted leave or furlough (including casual leave in India.	1 8 0 per day.	*Nil*	Army Instruction (India) No. 168 of 1937.	
3	*Messing Allowance* . .	0 6 0†	0 10 0 per month.	Army Instruction (India) No. 168 of 1937. Pay and Allowance Regulations, Part II, paragraph 289.	†In the case of individuals and small messes, 6¼ annas.

4	*Furniture Allowance*— Admissible to married personnel only. It is apportioned on the relative cost of the extra furniture and equipment, *i.e.*, the difference in the old and the existing scales, as follows : –	Presidency towns. Per month. Rs. A. P. / Other stations. Per month. Rs. A. P.	Gets a free supply of furniture and a charpoy allowance at 6 pies per head per month.	
	(*a*) Furniture and equipment	10 0 0 / 6 0 0	..	Army Instruction (India) No. 161 of 1936.
	(*b*) Furniture . . .	4 4 0 / 2 8 0		
	(*c*) Equipment . . .	5 12 0 / 3 8 0		
5	*Kit and clothing Allowance* (monthly rates).	Mounted. Rs. A. P. 7 4 0 / Dismounted. Rs. A. P. 7 0 0	Mounted. Rs. A. P. 2 9 0 / Dismounted. Rs. A. P. 2 7 0	Army Instruction (India) No. 22 of 1933 as amended by Army Instruction (India) No. 34 of 1935.
6	*Educational Training Grant* .	1 8 0 per annum.	0 10 0* per annum.	Pay and Allowance Regulations, Part II, paragraph 173.
	NOTE.—British soldiers are also entitled to free education of their children and a special grant on a " per capita " basis of Rs. 18 per child per annum is provided for the maintenance of British Army Children's Schools. Those attending civil schools are allowed refund of tuition fees.		NOTE. –Indian soldiers as a class are not entitled to free education of their children, but there are three King George's Royal Indian Military Schools maintained from the Defence Services Estimates and these Schools cater for the education of Indian soldiers' children who desire to enter the Indian Army.	

*12 annas in the case of smaller units.

Serial No.	Allowance.	British soldier.	Indian soldier.	Authority.	Remarks.
1	2	3	4	5	6
7	*Separation Allowance*—				
	Warrant Officers and Staff Serjeants.	3 annas per head per day.	*Nil*	Army Instruction (India) No. 240 of 1937.	During separation due to residence in non-family stations and during operations conducted under the Special Procedure Pamphlet.
	Serjeants	3 annas per head per day.	*Nil*	Army Instruction (India) No. 117 of 1937.	During separation due to— (*i*) moves of families to the hills; (*ii*) residence in non-family stations and during operations conducted under the Special Procedure Pamphlet; and (*iii*) absence of instructors from Schools of Instruction at Camps, Concentrations, etc.
	Corporals and Lance Serjeants.	4½ annas per head per day.	*Nil*		
	Privates and Lance Corporals.	6 annas per head per day.	*Nil*		

Information promised in reply to unstarred questions Nos. 2 and 6 asked by Mr. Mohan Lal Saksena on the 24th August, 1937.

PRISONERS CONVICTED UNDER CERTAIN ACTS IN THE CENTRALLY ADMINISTERED AREAS.

Unstarred question No. 2.

Name of Prisoner and Province.	Date of conviction	Section under which convicted.	Sentence.	Class.
Delhi.				
1. B. K. Dutt	14-5-29	307 I. P. C. Section 4 of Explosive Substances Act, 1908.	Transportation for life.	
2. Dhanwantri	28-4-1933	307 I. P. C. 19 (*f*) of Indian Arms Act, 1878.	7 years R. I. under section 307 I. P. C. 3 years under the Arms Act. Sentences to run consecutively.	
3. Harabandu Samajdar.	26-1-1933	394, 120-B & 109 of I. P. C.	7 years R. I. reduced to 5 years by High Court.	
	13-2-1933	19 (*f*) of Indian Arms Act, 1878.	3 years R. I.	
4. Shiv Shankar	15-10-1936	4 of Explosive Substances Act, 1908.	4 years R. I.	C
5. Jai Ram Sharma.	14-8-1936	124-A of I. P. C.	2 years R. I..	C
Ajmer-Merwara.				
6. Ram Chandra Bapat	23-5-1932	307 of I. P. C. 19 (*f*) of Indian Arms Act, 1878.	7 years R. I.. 3 years R. I. Sentences to run consecutively.	C
7. Jagan Nath	22-11-1933	19 (*f*) of Indian Arms Act, 1878.	3 years R. I.	C
	7-2-1936	46/52 of Prisons Act, 1894.	4 months R. I.	
	22-5-1936	332 of I P. C.	2 years R. I.	
8. Ram Singh	27-11-1935	307 of I. P. C.	7 years R. I.	C
Coorg	*Nil*			
Baluchistan	*Nil*			

DETENUS IN THE DEOLI DETENTION CAMP.

Unstarred question No. 6.—I* lay a statement on the table. I* am not prepared to give the names of detenus.

Statement regarding the position on the 16th October, 1937.

(a) (i) *Number of detenus qualified as*—

Matriculates	25,
Intermediates	34,
Graduates	79,
M.As. and M.Scs.	30,
Pre-Law	5,
Inter-Law	5,
Final-Law	17,
Mukhtarship	2,
Homeo M. B.	4,
Homeo M. D.	1,
Works Managers Course	1 and
Advanced Book Keeping	1.
Without special qualifications.	104.

* The Honourable Sir Henry Craik.

(ii) *Number of detenus interned at Deoli since—*

1932	50,
1933	180,
1934	24,
1935	11,
1936	32 and
1937	11.

(iii) *Number of detenus between*

20—24 years	16,
25—29 ,,	86,
30—34 ,,	114,
35—39 ,,	62,
40—44 ,,	14,
45—49 ,,	9, and
50 years and above	7

(iv) *Allowances drawn by detenus.*—Every detenu in the Deoli Detention Jail draws Rs. 10 a month as a Monthly Allowance, 15 annas a day as Dietary Allowance, and Rs. 35 as Winter Clothing Allowance. A sum of Rs. 5 a month is granted to those who prosecute studies and prepare themselves for a University Examination. A proportion of examination fees is also paid by Government.

(b) and (c). *Interviews during the last 12 months.*—Fourteen detenus had interviews at Deoli with their relatives during the last twelve months and seventy-one were granted home leave during the same period. Two hundred and ninety-six detenus have not had any interviews since their arrival in the Deoli Detention Jail. Interviews are arranged by the Government of Bengal and the Government of India are not aware of the circumstances in which interviews are granted or refused.

Information promised in reply to parts (b), (c) and (d) of starred question No. 187 asked by Mr. M. Asaf Ali on the 30th August, 1937.

REPRESENTATION OF THE OLD BOYS OF THE ANGLO-ARABIC COLLEGE AND SCHOOLS, DELHI.

(*b*) Yes.

(*c*) and (*d*). The Chief Commissioner of Delhi has placed before the present Managing Committee a memorandum proposing *inter-alia*—

(i) that a Society (to include both subscribers and representatives of various interests) be formed for the improvement of the Anglo-Arabic Institutions;

(ii) that this Society elect annually 16 members (8 Sunnis and 8 Shias) to a Managing or Governing Body of 19, the remaining three members being representatives of the Jama Masjid, the Fatehpuri Masjid, and the Itmad-ud-Dowla Trust;

(iii) that the Managing or Governing Body elect its own President; and

(iv) that the Chief Commissioner and Deputy Commissioner cease to concern themselves with the management of the Anglo-Arabic Institutions, except in so far as the former is bound to act as Trustee of the original Trust Fund which now yields an income of Rs. 6,650 per annum.

This memorandum is intended only as a basis for discussion and the Chief Commissioner is calling a meeting of influential Muslims (numbering about 150) on the 18th September, 1937, to consider the position further.

Information promised in reply to part (b) of starred question No. 279 asked by Mr. Lalchand Navalrai on the 2nd September, 1937.

OPENING OF COMBINED POST AND TELEGRAPH OFFICES IN SIND.

(b) There are combined offices at the Headquarters of all the Talukas in Sind, except at the following places :—

(1) Ubaro.
(2) Jati.
(3) Moro.
(4) Samaro.
(5) Warah.
(6) Khipro.
(7) Garhi-Khairo.
(8) Ghorabari.
(9) Thano, Bulakhan.
(10) Keti-Bandar.

As regards the last part of the question the Honourable Member is referred to the reply already given to part (f) of his question.

Information promised in reply to parts (a) and (b) of unstarred question No. 52 asked by Mr. N. M. Joshi on the 7th September, 1937.

PENSIONERS APPOINTED AS POST MASTERS AND SUB-POST MASTERS.

(a) Number of pensioners appointed as extra departmental sub and branch post-masters during—

1934-35	258
1935-36	238
1936-37	257

(b) Total number of pensioners employed at present* as extra departmental sub and branch postmaster = 881.

*N.B.—The figures are monthly for October, 1937.

Information promised in reply to parts (b), (c) and (d) of starred question No. 360 asked by Mr. Sri Prakasa on the 8th September, 1937.

CONTRACT FOR PARKING OF *EKKAS* OUTSIDE THE BENARES CANTONMENT RAILWAY STATION.

(b) *Ekkas* may be parked on railway land outside the Benares Cantonment Station on payment of three pies per day. No charge was made prior to 1933.

(c) From June 1933 : Rs. 240 per annum.

(d) Rs. 624.

Information promised in reply to starred question No. 385 asked by Seth Govind Das on the 8th September, 1937.

REDUCTION IN THE PRICE OF THE INDIAN RICE.

(a) No information is available regarding the freight rate for rice from Rangoon to Bombay in the year 1919. The rate in the year 1920 was in the neighbourhood of Rs. 18 per ton.

(b) The freight rate in September, 1937, was Rs. 9-12-0 per ton net.

(c) It is understood from the Scindia Steam Navigation Company that there is no rate competition between that Company and any other shipping company in respect of rice.

(d), (e) and (f). In view of the position stated under part (c) above, no action on the part of Government is called for.

Information promised in reply to part (d) of starred question No. 400 asked by Mr. Lalchand Navalrai on the 8th September, 1937.

RECRUITMENT OF SINDHIS ON THE NORTH WESTERN RAILWAY.

Statement showing the Number of Candidates belonging to the Sindh Province selected for Employment as Commercial Group and Station Master Group Students and posted to Karachi Division during 1935 and 1936.

Name of Division.	Commercial Group Students.				Station Master Group Students.			
	Selection Board held on 15th February, 1935.	Selection Board held on 13th September, 1935.	Selection Board held on 12th February, 1936.	Selection Board held on 14th September, 1936.	Selection Board held on 16th May, 1935.	Selection Board held on 13th September, 1935.	Selection Board held on 13th February, 1936.	Selection Board held on 15th September, 1936.
Karachi .	1	1	2	..	2	1	2	..

Information promised in reply to starred question No. 440 asked by Mr. Badri Dutt Pande on the 10th September, 1937.

INDIANS IN BRITISH GUIANA.

(a) A petition on this subject was received by the Secretary of State for the Colonies from one Seemongal Maraj, who claimed to represent some 6,000 Indians of the Colony.

(b) It is not possible to gather this information about each of the 6,000 persons said to have been represented.

(c) The Government of India have no such information.

(d) The Government of India understand that the answer to the first part is in the negative. The second part does not arise.

Information promised in reply to starred question No. 461 asked by Mr. T. S. Avinashilingam Chettiar on the 10th September, 1937.

COST OF ADDITIONAL PERSONNEL IN THE GOVERNMENT OF INDIA DEPARTMENTS.

(a) Yes.

(b) and (c). The attached statement gives the required information.

Statement showing the Secretariat Departments of the Government of India in which Additional Personnel has been sanctioned since the 1st April, 1937, the Reasons for the Entertainment of the Extra Personnel and the Cost thereof during 1937-38. (Sanctions accorded before the 10th September, 1937).

Name of Department.	Reasons.	Total cost during 1937-38. (Approximate).	Remarks.
		Rs.	
1. Legislative Assembly Department.	Sanctioned on the recommendation of the President of the Legislative Assembly in order to meet increased pressure of work.	16,080	
2. External Affairs Department.	For work connected with, the Quetta Earthquake, Afghan Refugees, Afghan Precis and revision of Aitchison's Treaties, Passport Manual, revision of Consular Procedure Book and general increase of work.	17,600	
3. Department of Commerce.	For work connected with the Indo-British Trade negotiations, investigation into the question of assistance needed by minor industries in India against foreign competition, examination tion of proposals for legislation connected with the Registration of Trade Marks, meetings of the Select Committee on the Insurance Bill and general increase of work in the Department of Commerce.	26,480	
4. Military Finance Department.	Creation of a temporary post of Additional Financial Adviser for about 2½ months in order to meet administrative convenience.	7,340	
5. Imperial Council of Agricultural Research Department.	Increase in work . . .	38,500	
6. Finance Department (Ordinary Branch).	Increase of work in the Department	67,270	
7. Department of Education, Health and Lands	Increase of work . . .	13,000	
8. Home Department	To deal with the question of recruitment of officers for the other Departments of the Central Government and for work connected with the introduction of constitutional reforms.	62,620	
9. Department of Industries and Labour.	1. Increase in the work of the Consulting Engineer to the Government of India (Roads) and for the work of the Indian Roads Congress. 2. General increase of other work.	9,110	
	Total .	2,58,000	

Information promised in reply to parts (c), (d), (e) *and* (g) *of starred question No. 492 asked by Mr. Ram Narayan Singh on the 13th September, 1937.*

RAILWAY ACCIDENT AT BIHTA ON THE EAST INDIAN RAILWAY.

(c) There were nine women, one child and two railway servants amongst those who died as a result of the Bihta Accident. There were no European amongst the dead.

(d) With the exception of three dead persons, *viz.*, (1) Lalji Sahay, (2) Alidad Khan, Travelling Ticket Examiner, and (3) Sheo Sakal Tewary, a Constable of G. R. P., Dinapore, who were identified at the site of accident, and of 14 out of a total of 16 persons who died subsequently in Hospitals, the remainder of the dead were not identified before their bodies were disposed of. Photographs, however, were taken of all the dead for purposes of identification, and the Government Railway Police are taking every step calculated to establish their identities. Photographs of those not identified have been sent to all the Provinces and to the Congress Association for the purpose of identification.

(e) On discharge from Hospital, the injured persons were provided with free passes to their destinations as well as travelling expenses according to their status.

(g) All property recovered at the site of the accident was taken charge of by the Police and a special Magistrate was deputed to arrange its disposal. No reports have been received to indicate that any looting or theft took place.

Information promised in reply to unstarred questions Nos. 79, 80, and 81, parts (a) *and* (b), *asked by Mr. Ram Narayan Singh on the 13th September, 1937.*

RACIAL DISCRIMINATION IN FACILITIES OFFERED TO DINING CAR CONTRACTORS ON THE NORTH WESTERN RAILWAY.

Unstarred question No. 79.—The Agent, North Western Railway, states that the Indian refreshment cars are more profitable than the dining cars for first and second class passengers, and that, therefore, there is no necessity for subsidising the former by paying for cleaners and contributing towards the supply and maintenance of utensils and table equipment. This method of subsidising will be withdrawn as soon as the Administration is satisfied that it is no longer necessary.

There is no discrimination as between European and Indian contractors; the contract for first and second class dining cars now held by an European firm was previously held by an Indian firm who received, in addition to what the European firm now gets a subsidy of Rs. 100 per dining car per mensem.

RACIAL DISCRIMINATION IN THE GRANT OF PASSES TO VENDORS AND CATERING CONTRACTORS ON STATE RAILWAYS.

Unstarred question No. 80.—East Indian Railway.—Passes are issued to all catering contractors and vendors, the number varying according to the extent of the area within which the contractor operates. There is no racial discrimination or differential treatment.

Eastern Bengal Railway.—Passes are issued to contractors as considered necessary to enable them to conduct their business, *e.g.*, they are not given to station vendors where the foodstuffs they vend are available locally, but they are given to contractors who have to obtain their supplies from other stations.

There are no European catering contractors, and the question of racial discrimination does not, therefore, arise.

Great Indian Peninsula Railway.—Passes are not issued to vending contractors licensed to supply meals or light refreshments at food or tea stalls, but are given to refreshment room contractors holding licenses at more than one station, and to restaurant and/or buffet car contractors to enable them to exercise adequate supervision.

There is no racial or other discrimination.

North Western Railway.—Passes are not issued to vending contractors. As regards other catering contractors, the Honourable Member is referred to the reply given to Pandit Nilakantha Das' question No. 360 on the 3rd February, 1937.

There is no racial discrimination or differential treatment.

RACIAL DISCRIMINATION IN THE GRANT OF PASSES TO CATERING CONTRACTORS ON THE NORTH WESTERN RAILWAY.

Unstarred question No. 81.—(a) and (b) The statements required by the Honourable Member are appended.

STATEMENT A.

Statement showing Passes granted and subsequently withdrawn from Catering Contractors.

Names of the Contractors.	Stations at which the Contractor is running the Refreshment Rooms.	Particulars of the passes granted prior to 1st February, 1937 and since withdrawn.	Reasons for withdrawal.
1. Messrs. Bishan Singh & Bros., Hindu Refreshment Room Contractor.	Ambala Cantt. & Shaharanpur.	One II class available between Lahore and Saharanpur. One Inter class available between Lahore and Saharanpur.	Different members of the same family are working the Refreshment Rooms. In such cases there is, therefore, not the same necessity for supervision and inspection by an agency from an outstation as in the case of refreshment rooms managed by servants. Besides this, these Refreshment Rooms are considered sufficiently remunerative to pay for any such little checking or supervision that may appear necessary.
2. Messrs. Sant Singh & Son, Hindu Refreshment Room Contractors.	Kalka, Barog and Wazirabad.	One II class available between Barog and Wazirabad. One Inter class available between Barog and Wazirabad.	Ditto.
3. Mr. Rahim Bux, Mohammadan Refreshment Room Contractor.	Ambala Cantt. & Saharanpur.	One Inter class available between Ambala Cantt. & Shaharanpur.	Ditto.
4. Mr. Imam Din, Refreshment Room Contractor.	Jakhal and Sampla.	One Inter class available between Jakhal and Sampla.	Ditto.
5. Mr. Mazar Mohd., Mohammadan Refreshment Room Contractor.	Barog and Jullundur.	One Inter class available between Barog and Jullundur.	Ditto.
6. Messrs. Mohd. Khan & Sons, Mohammadan Refreshment Room Contractors.	Wazirabad, Rohri and Khanpur.	One II class available between Wazirabad and Rohri. One Inter class available between Wazirabad and Rohri.	Ditto.
7. Messrs. Gurdit Singh & Sons, Hindu Refreshment Room Contractors.	Lalamusa, Malakwal & Khanewal.	One II class available between Khanewal-Malakwal and Lalamusa. One Inter class available between Khanewal-Malakwal and Lalamusa.	Ditto.

Names of the Contractors.	Stations at which the Contractor is running the Refreshment Rooms	Particulars of the passes granted prior to 1st February, 1937 and since withdrawn,	Reasons for withdrawal.
8. Messrs. Wadhoo Mall,& Sons, Hindu Refreshment Room Contractors.	Hyderabad, Rhori and Khanpur.	One II class available between Hyderabad and Khanpur.	Different members of the same family are working the Refreshment Rooms. In such cases there is, therefore, not the same necessity for supervision and inspection by an agency from an outstation as in the case of refreshment rooms managed by servants. Besides this, these Refreshment Rooms are considered sufficiently remunerative to pay for any such little checking or supervision that may appear necessary.

STATEMENT B.

Statement showing Stations where there are Refreshment Rooms and Tea Rooms worked in European Fashion by Indian Contractors known as Khansamahs.

List of Refreshment Rooms.

Serial No.	Stations.	Names of Contractors.
1	Abohar	Nand Lal Farrukh S/o Dhannoo Ram.
2	Bahawalnagar	Abdul Rehman S/o Wazir Mohd.
3	Bostan	Abdul Ghani.
4	Darya Khan	Mohd. Din S/o Kaloo.
5	Daud Khel	M. Nabi Bux S/o Taja Khan.
6	Harnai	M. Abdul Ghani.
7	Havelian	Ahmedji.
8	Hindubagh	M. Abdul Ghani.
9	Hyderabad (Sind)	Jalal Din S/o Mohd. Bux.
10	Jakhal	Imam Din S/o Ali Sher Khan.
11	Jind	Nawab Khan S/o Nadar Ali.
12	Khanewal	Ghulam Rasul.
13	Khushab	Allalok.
14	Kundian	Mohd. Suleman S/o Mian Bux.
15	Laki Marwat	Ghulam Hussain S/o Alla Ditta.
16	Lodhran	Ghulam Hussain.
17	Lyallpur	Mane Khan.
18	Mahmud Kot	Ghulam Sarwar Khan
19	Malakwal	Qammer Din Nazir-ud-Din.
20	Mandra	Ghulam Rasul S/o Juma Khan.
21	Mari Indus	Nabi Bux S/o Toja Khan
22	Montgomery	Ghulam Mohd. S/o Qasim Ali.
23	Multan Cantonment	Maneherji.
24	Ruk Jn.	Mohd. Ali S/o Mohd. Amin.
25	Samasta	Qammer Din S/o Qaimuddin.
26	Sangla Hill	Kaura Khan.
27	Sargodha	Messrs. Qammeruddin Nazir-ud-Din and Sons.
28	Shorkot Road	Abdul Majeed.

List of Tea Rooms.

Serial No.	Names of Stations.	Names of Contractors.
1	Gujar Khan	Mohd. Amir Alam.
2	Gujranwala Town	Messrs. Mohd. Khan and Sons.
3	Guler	Messrs. Teja Singh Bhan Singh.
4	Jammu (Tawi)	Messrs. Mohd. Khan and Sons.
5	Jand	Kallan, S/o Mirza Ahmad Beg.
6	Jullundur Cantonment	M. Nazir Mohd. and Bros., S/o H. Lal Mohd.
7	Karnal	Fazal Hussain.
8	Kasur	Alam Shah, S/o Syed Rajan Shah.
9	Meerut Cantonment	Noor Mohd., Tea Room *Khansama*.
10	Muzaffarnagar	Nazir Ali, S/o Akbar Ali.
11	Palampur (Punjab)	Messrs. Teja Singh Bhan Singh.
12	Panipat	M. Fazal Hussain, S/o Fida Hussain.
13	Sampla	Imam Din (Tea Room *Khansama*).
14	Sialkot	Messrs. Mohd. Khan and Sons.
15	Sohawa	Mohd. Amir Alam.

Information promised in reply to parts (a) *and* (b) *of starred question No. 550 asked by Mr. Kuladhar Chaliha on the 15th September, 1937.*

POST OFFICES OPENED AND CLOSED IN RURAL AREAS.

(*a*) *Post and Telegraph Offices in rural areas*

	Opened.	Closed.
	302	48
	678	32

(*b*) *Post Offices opened in the partially excluded and excluded areas in Assam*—

	Excluded areas.	Partially excluded areas.
1935-36	*Nil.*	*Nil.*
1936-37	1	*Nil*

Information promised in reply to starred questions Nos. 579, parts (*b*) *and* (*c*), *and 580 asked by Babu Kailash Behari Lal on the 16th September, 1937.*

LICENCES GRANTED TO VENDORS ON RAILWAY STATIONS IN BIHAR.

Starred question No. 579.—(b) The Agent, East Indian Railway, states that the system of granting licences to indigenous vendors of foodstuffs has been in force continuously for many years past, except on the Dinapore Division and partly on the Howrah Division. The position in regard to these Divisions was explained in the reply given to part (a) of the Honourable Member's question. The present arrangements on the Dinapore Division were introduced early in 1934, whilst the area contract on the Howrah Division has been operating since 1932.

The Agent of the Bengal and North Western Railway states that wholesale licences are not given to any one contractor, and that there has been no change in the system during the last few years.

(c) No Punjab firm has been granted a contract for vending at stations in Bihar on the East Indian and Bengal and North Western Railways.

NAMES AND ADDRESSES OF THE PERSONS KILLED IN THE BIHTA TRAIN DISASTER.

Starred Question No. 580—(*a*) and (*b*) The following methods were adopted to determine the names and addresses of the persons that were killed :

(i) Letters were written to the relations whose addresses were found on the bodies or in their luggage.

(ii) Congress authorities and the Press were informed of these addresses.

(iii) Photographs have been sent to all the Provinces.

(iv) Photographs of the unidentified dead bodies have been kept at the Government Railway Police Station, Patna Junction, and with the Magistrate-in-charge of the properties at Pirbahore, Patna, and also at Congress Head-quarters at Sadaqut Ashram, Patna, where they are freely shown to any body who comes to see them.

(*c*) Names and addresses of 53 persons who died have so far been ascertained.

(*d*) A statement giving names and addresses of the persons killed as far as ascertained is annexed.

Statement showing Names and Addresses, so far as ascertained, of the persons killed in the Bihta Train Disaster on 17th July, 1937.

Serial No.	Names.	Addressos.
	Probhas Chandra Bhomic .	Parmatma Bhomic, M. Sura Koan, Benares. Father of the deceased.
	Rudreshwari Prasad Verma Jugeshwari Prasad Verma . Gaya Prasad Verma . .	Identified by Pando Narsingh Sahay, P. P., Patna.
	Ramsahay Ahir . .	Ramsumaran Ahir of Fatehpur Saraiya, P. S. Kotwali Fyzabad. Brother of the deceased.
	Badruddin . . .	Md. Ibrahim, T. N. T. Office, B. N. Railway, Tatanagar. Son of the deceased.
	Must. Taro, w/o Suman Singh	Arjun Singh of Saryali Kalan, P. S. Saryali, Amritsar. Nephew of the deceased.
	Hazara Singh . . .	Labh Singh of Batala, P. S. Bias, Amritsar. Father of the deceased.
	Gujjar	Indu of Ghasi-Kaleri, P. S. Batala, Dist. Gurdaspore. Brother of the deceased.
10	Janda Singh . . .	Labh Singh *vide* Serial No. 8.
11	Ramkisun . . .	Sokhu Dhobi of Motihi, P. S. Ganwar, Dist. Ballia. Brother of the deceased.
12	Ramanand and his . .	Sheonandan Koeri of Sahatwar, P. S. Sahatwar, Dist. Ballia. Brother of
13	Wife	No. 12.
14	Santa Kurmi . . .	Gupta Kurmi of Sribali Singh, Katnawari, P. S. Dhanepur, Dist. Gonda.
15	Habibullah . . .	Garibullah of Shankerpur, P. S. Lamboa, Dist. Sultanpur.
16	Sahamat	Brother of Mukhimin and cousin of No. 15 (Habibullah).
17	Macdolone Christian . .	Slyvester of Bettiah, P. S. Bettiah, Dist. Saran. Husband of the deceased.
18	Chamru	Mohammed Ali of Gahmar, P. S. Gahmar, Dist. Ghazipur. Cousin of the deceased.
19	Sarda Prasad Missir . .	Sarju Parsad Missir of Bharauli, P. S. Shahpur, Dist. Shahabad. Brother of the deceased.
20	Md. Tandel	Ramjan, s/o Rahim Bux of Enauhna, P. S. Sheoratanganj, Sultanpur.
21	Sheosakal Tewary, Constable No. 181, G. R. P., Dinapore.	G. R. P. Staff.
22	Mosstt. Sahidan, w/o Dil Mohamed of Khajo-Kallan, Patna.	Yusuf, aged about 11 years, son of the deceased.
23	Abas Ali, s/o Abdul of Suleman, P. S. Patti, Dist. Partabgarh.	Garibullah—brother of his brother-in-law.
24	Most. Bhago, w/o Sardar Bhagat Singh of Khagwara Reasat Kapurthala, Jaunpur.	Butan Singh—son of the deceased.

Statement showing Names and Addresses, so far as ascertained, of the persons killed in the Bihta Train Disaster on 17th July, 1937—contd.

Serial No.	Names.	Addresses.
25	Nemo Christian, w/o Gujjar Singh.	Uddi Christian of Kachkahar, P. S. Wareta, Gurdaspur. Brother of the deceased's husband.
26	Mosst. Mukhimin, w/o Qyum Mian	Shahzadi, w/o Kali Mian of Singhara, U. P.
27	Mr. William Raha, No. 45, Cantonment Road, Lucknow.	Miss Raha, Lady Doctor of Ranchi Hospital. Sister of the deceased.
28	Bithalram Dusadh . . .	Mosst. Laro, Moh-Sultanpur, P. S. Kotwali, Dinapore, Patna.
29	Ganpat Singh	Parma Sanker, s/o the deceased Ganpat Singh, Vill. Dulhapur, P. S. Dhanepur, Gonda.
30	Pandohi Dubey, s/o Ramanand Dubey, deceased was a peon in D. M. O.'s Office, Howrah.	Surju Dubey, s/o Ramanand Dubey, Vill. Phurhun, P. S. Ganri, P. O. Baksundi, Gorakhpur.
31	Mohsin, s/o Habibullah . .	Habibullah of village Kooripur, P. S. Badlapur, Dist. Jaunpore. Father of the deceased.
32	Muzafor Khan, s/o Sarai Khan of Kochmuch, P. S. and Dist. Sultanpur.	Bandhu Khan of Vill. Chhatauna, P. S., P. O. and Dist. Sultanpur. Sarhoo of the deceased.
33	Maryam, w/o Mohsin . . .	Habibullah *vide* No. 32, Father-in-law of the deceased.
34	Nanhu Khan	Most. Piran of Nehalgarh, P. S. Jagdispur, Dist. Sultanpur, wife of the deceased.
35	Idris Khan, s/o Dina . . .	Wali Md., s/o Chamru of Karuni, P. S. Sultanpur Dist. Cousin of the deceased.
36	Durga Pd. Kalwar . . .	Lachminarain of Baghara Sonarpur, P. S. Bhalupur, Dist. Benares. House No. 7/218. Son of the deceased.
37	Satnarain Rajbhar, s/o Lakhan Roy of Vill. Gurasra, P. S. Bhadaura, Dist. Ghajipur.	Pergas, s/o Ram Lakha of Vi Garasra, P. S. Gahmour, P. O. Badhaura, Dist. Ghazipur. Brother of the deceased
38	Jokhu Kurmi	Jogrup Kurmi of Vill. Barkati, P. S. Dulhapur, Dist. Gonda. Son of the deceased.
39	Md. Hanif, s/o Md. Safi of Vill. Enhauna, P. S. Sheo-Ratanganj, Dist. Sultanpur.	Md. Safi—father of the deceased.
40	Md. Ishaque, s/o Abdul Ghani of Enhauna, P. S. Sheoratanganj, Dist. Sultanpur.	Abdul Ghani—father of the deceased.
41	Chingu Kahar, s/o Pala Kahar of Enhauna, P. S. Sheo-Ratanganj, Dist. Sultanpur.	Mosst. Maharaja Kaharin, mother of the deceased.
42	Aliar Kahar, s/o Gokhul Ram .	Moh. Dakhintola, P. S. Dumraon, Shahabad.
43	Murad Singh, s/o Uttam Ram .	Vill. Samtaran, Dist. Hussainpur, Punjab.
44	Mosstt. Singhara . . .	C/o Manalal Bania, Khosihalganj, P. O. and P. S. Maya, Fyzabad.
45	Alijan, Driver	E. I. Rly. Loco Shed, Moghalserai.
46	Ram Pratap Chhokra aged about 4 years.	Identified by Ram Sumeru Baola s/o Budhu, Fatehpur Saraia, Fyzabad.

Statement showing Names and Addresses, so far as ascertained, of the persons killed in the Bihta Train Disaster on 17th July, 1937—concld.

Serial No.	Names.	Addresses.
47	Kali Prasad Pando, s/o Keshwar Pando.	Bhaluhipur, P. S. Arrah Town, Shahabad.
48	Alidad Khan	T. T. E., E. I. R., Dinapore.
49	Laljee Sahai	Arrah.
	Makhan Singh	C/o Toj Singh, Vill. and P. O. Batora, P. S. Beas, Dist. Amritsar.
51	Ram Garaj Gour, s/o Pergas Ram, Vill. Garasra, P. S. Gahmar, P. O. Badhaura, Dist. Ghajipur.	Pergas Ram, s/o Bhagailo Ram, Vill. Gurasra, P. S. Gahmar, P. O. Bhadaura, Dist. Ghazipur. Father of the deceased.
	Abdul Shakoor	Vill. Anaitpur, P. S. Korever, Dist. Sultanpur.
	Kohar Singh, s/o Nahar Singh .	Vill. Badwal, P. S. Ludhiana, Dist. Ludhiana.

Information promised in reply to starred question No. 584 asked by Mr. Ram Narayan Singh on the 16th September, 1937.

LACK OF ARRANGEMENT FOR SUPPLY OF WATER ON STATIONS ON THE PATNA GAYA BRANCH AND SOUTH BIHAR RAILWAY.

Enquiries indicate that the arrangements for the supply of drinking water are adequate. The following statement shows the permanent and temporary staff provided during the hot weather at stations on the Patna-Gaya and South Bihar lines :—

	Permanent.		Temporary.	
	Hindu Waterman.	Bhisty.	Hindu Waterman.	Bhisty.
Patna-Gaya Line.				
Poompoon	1	..	..	..
Paregna	1	1	..	..
Jehanabad	1	1	1	1
Makhdumpur	1	1	..	..
Bela	1	..	..	..
Shakhand	1	1	..	..
South Bihar Line.				
Tuckeeserai	1	1	..	..
Sheikhpura	1	1	..	..
Kashichak	..	..	1	..
Narisaliganj	1	..	..	..
Nawadah	1	1	1	1
Silaiya	1	..	..	..
Nazirganj	1	..	..	..

2. It may be added that the proposals for the posting of additional staff during the hot weather months were circulated to the members of the Calcutta Local Advisory Committee at the meeting held on the 30th April, 1937.

Information promised in reply to parts (a) *to* (d) *of unstarred question No. 96 asked by Mr. C. N. Muthuranga Mudaliar on the 16th September, 1937.*

FREIGHT ON BETEL LEAVES ON THE SOUTH INDIAN RAILWAY.

(a) Prior to the 31st May, 1917, betel leaves, booked at owner's risk, were charged at half parcels rates and from the 1st June, 1917, at full parcels rates. When the latter rates were enhanced in February, 1921, the 1917—1921 scale was retained for betel leaves. It was reduced by about 15 per cent. with effect from the 1st January, 1929. From the 1st May, 1931, the 1929 scale was enhanced by about 15 per cent. and there has been no change since. The scale now applicable is published on pages 254-255 of the Indian Railway Conference Association Coaching Tariff No. 11, a copy of which is in the Library of the House.

Special rates equivalent to about half parcels rates are quoted between certain points on the South Indian Railway.

(b) Yes.

(c) Government have no information on the point.

(d) Up to the 31st May, 1917, betel leaves were included in the list of commodities, all perishables, charged at half parcels rates. It is now included in another list, also of perishables, charged at rates higher than half parcels, but lower than full parcels.

Information promised in reply to unstarred question No. 103, asked by Mr. Amarendra Nath Chattopadhyaya on the 16th September, 1937.

APPLICATIONS INVITED FOR THE POST OF ASSISTANT INSPECTOR IN THE WATCH AND WARD DEPARTMENT OF THE EAST INDIAN RAILWAY.

Government are informed as follows :

(a) Yes.

(b) After the Selection Committee had sorted the applications and decided who should be called for an interview, letters were despatched to those who were not to be called to advise them that their applications had not met with success. Unfortunately instead of telling these people that they had not been selected, they were told that the post had been filed, which at the time of writing the letter was not correct.

(c) As regards the first part, Government do not consider that any disciplinary action is called for. As regards the second part, the name of the person selected for appointment to the post of Assistant Inspector in the Watch and Ward Department is Mr. D. T. Campbell.

(d) As regards the first part, no particular educational qualifications were demanded, the only condition being that preference would be given to men with Police or Army experience. As regards the second part, the person selected had Police experience.

(e) In view of the reply to part (b) above, this does not arise.

Information promised in reply to starred questions Nos. 677 and 678 asked by Khan Sahib Nawab Siddique Ali Khan on the 21st September, 1937.

GOODS RETURNS OF OTHER THAN CLEARING HOUSE TRAFFIC.

Starred question No. 677.—(a) Yes.

(b) The volume of work in the last period of the month has increased, the periods now being from the 1st to the 10th, from the 11th to the 20th and from the 21st to the end of the month as against the 1st to the 12th, the 13th to the 24th and the 25th to the end of the month previously.

(c) As regards the late receipt of returns and invoices the reply is in the negative. Regarding the issue of Division sheets it may be pointed out that records beyond three years are not available. Prior to the accounts for February, 1937, the division sheets for the last period of each month were mostly issued late but from the accounts for February, 1937, the Division sheets are being issued on due date.

(d) No difficulty has been experienced because such of the returns as come very late are held over to be accounted for in the next period.

(e) No, the time of seven days stands as before.

(f) The question does not arise.

(g) The number of clerks engaged is the same as before. The question of finishing seven days' work in four days does not arise as explained in (d) and (e) above.

NON-RECEIPT OF FOREIGN PASSENGERS CLASSIFICATION OF CERTAIN STATIONS ON THE EAST INDIAN RAILWAY IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

Starred question No. 678.—(a) This happened in the case of one station only—Barakar.

(b) The failure of the station to comply with the Standing Orders was brought to the notice of the Divisional Superintendent concerned.

(c) It is true that the Inspector of Coaching and Goods, East Indian Railway, found out that there was a fraud at the station; the Station Master was afterwards found guilty and punished by a Court of Law. There is, however, no foundation for saying that there had been any forging of accounts in the Railway Clearing Accounts Office.

(*d*) The question does not arise.

Information promised in reply to part (b) *of unstarred question No. 129 asked by Mr. Ram Narayan Singh on the 21st September, 1937*

GRANT OF PASSES TO REFRESHMENT ROOM CONTRACTORS ON THE NORTH WESTERN RAILWAY.

(b) (i), (ii) and (iv) The Honourable Member is referred to statement A appended to the further reply since given to his question No. 81 of the 13th September, 1937.

(b) (iii) All the rooms referred to are open for all classes of passengers.

Information promised in reply to unstarred questions Nos. 139, 142 and 143 asked by Mr. Amarendra Nath Chattopadhyaya on the 21st September, 1937.

WATCH AND WARD DEPARTMENT OF THE EAST INDIAN RAILWAY.

Unstarred question No. 139.—Government are informed as follows :

(a) (i), (ii) and (iii) Yes.

(b) (i), (ii) and (iii) Yes.

(b) (iv) and (c) Traffic staff found responsible have been punished and made to contribute. Watch and Ward staff have been punished when they are found responsible but, for reasons of policy, not in the form of being made to contribute to losses which may have occurred on account of their negligence.

(d) and (e) If the Honourable Member will mention any specific cases, they will be examined.

(f) In view of the reply to part (c) above, this does not arise.

OFFICE BEARERS OF INSTITUTES ON THE EASTERN BENGAL RAILWAY.

Unstarred question No. 142.—Government are informed as follows :

(a) and (b) Yes.

(c) (i) Yes; provided the circumstances of the case warrant this in the opinion of the Administration.

(ii) Railway Administrations pay the subsistence allowances of their servants while under suspension for whatever cause.

(iii) No.

(iv) No.

SUPPLY OF COAL TO DRIVERS ON THE EASTERN BENGAL RAILWAY.

Unstarred question No. 143.—(a) No.

(b) Shortages are shown by the Calcutta District in common with all other Districts.

(c) Does not arise.

Information promised in reply to unstarred questions Nos. 148, 153, 154 and 155 asked by Mr. Muhammad Azhar Ali on the 21st September, 1937.

JOINING OF RAILWAY UNIONS AND FEDERATIONS BY RAILWAY EMPLOYEES.

Unstarred question No. 148.—(a) Government have since seen a copy of the paragraph of the East Indian Railway Gazette referred to.

(b) No such notifications have been issued by the Agents, Eastern Bengal and North Western Railways, as they did not consider it necessary to do so. Government are informed that the Agent, Great Indian Peninsula Railway, notified to staff, in 1932 through the weekly notices, certain terms in connection with the recognition of one of the Unions, relevant extract of which is laid on the table.

(c) So far as the State-managed Railways are concerned, Government are informed that there is no such prohibition. The other parts of the question do not arise.

An Extract from a Weekly Notice issued by the Agent, Great Indian Peninsula Railway, in 1932.

"The policy of the administration has been to facilitate the development of trade unions on constitutional lines. In pursuance of this policy, recognition was accorded to the Great Indian Peninsula Railway Workers' Union at the commencement of this year (1932) and various concessions were granted to assist the Union in becoming an efficient medium of representation between the staff and the Administration."

NON-PAYMENT OF CERTAIN ALLOWANCES TO TEMPORARY GUARDS IN THE DELHI DIVISION OF THE NORTH WESTERN RAILWAY.

Unstarred question No. 153.—Government are informed as follows :

The practice of granting out of headquarters (daily) allowance to station staff put out to work as guards temporarily was not uniform on all the divisions of the North Western Railway. Instructions have now been issued to Delhi Division to grant this allowance to the staff concerned.

NON-PAYMENT OF CERTAIN ALLOWANCES TO TEMPORARY GUARDS IN THE DELHI DIVISION OF THE NORTH WESTERN RAILWAY.

Unstarred question No. 154.—Government are infoirmed that, hitherto, except on one Division mileage allowance, earned by members of station staff put to work temporarily as guards, has not been counted as part of pay for calculating leave salary. Orders are being issued that mileage earned by station staff put to work temporarily as guards should not count as part of pay for calculating leave salary, except when the period exceeds 21 days.

WAITING ROOM CHARGES LEVIED BY MESSRS. G. F. KELLNER AND COMPANY, REFRESHMENT ROOM CONTRACTORS ON THE EAST INDIAN RAILWAY.

Unstarred question No. 155.—An extract from a letter from the Catering Manager of the refreshment room contractors is placed on the table.

Extract from letter No. 15, dated the 29th October, 1937, from the Catering Manager, Messrs. G. F. Kellner & Co., Ltd.

There appears to be a misunderstanding in connection with this particular cash bill. In the first place the "W" which is alleged to have been written on the cash bill in question, is actually intended to be a "U"—which implies "Undercharge". There is no such thing as a "Waiting Room" charge and under no circumstances whatever is any additional charge ever made when serving passengers in Waiting Rooms.

As a matter of fact, except in very exceptional circumstances, passengers are not supplied with meals or refreshments in the Waiting Rooms at Howrah. We believe there is a Station order in force to this effect. In case however of illness or disability this rule is naturally waived, but as the Waiting Room at Howrah was at that time a combined 1st and 2nd class, any such supplies made to passengers in the Waiting Room, were charged at 1st class rates.

In the case in question, a cup of tea with milk and sugar separate, was supplied to a passenger in the Waiting Room and the cash bill was in error made out for one anna only, which is the 2nd class rate, and when this mistake was discovered an additional entry was made on the original cash bill for an undercharge of one anna, which brought the total of the bill to two annas, the correct 1st class rate for the tea supplied.

Information promised in reply to unstarred question No. 159 asked by Mr. Kuladhar Chaliha on the 21st September, 1937.

IMPROVEMENTS MADE IN THIRD AND INTERMEDIATE CLASS COMPARTMENTS ON THE ASSAM BENGAL RAILWAY.

(a) Yes. The subject was discussed in detail at a meeting of the Local Advisory Committee and full consideration was given to the members' proposals.

(b) Cushions of an improved type have been provided in the existing intermediate class compartments. It is also proposed to build an improved type of intermediate class compartments accommodating six passengers. These will be provided with cushions in the upper berths and mirror and wash basins in the lavatories.

Third class carriages of a new type with transverse seats are being built.

520 intermediate and third class carriages have been provided with lights in lavatories and the sizes of 64 lavatories of such carriages have been increased to the standard size of 12 sq. ft.

(c) No, as the provision of electric fans in intermediate class compartments is not financially justified under present conditions.

(d) Paragraphs are inserted in the Assam Bengal Railway Weekly Gazette from time to time inculcating the spirit of service to the public and in the "Staff Manual" instructions on the same subject have been issued to the staff. Government are informed that there is no reason or justification for assuming that a reasonable time is not given to women, children and workers to board trains at wayside stations.

Information promised in reply to starred questions Nos. 711 and 712 asked by Rai Bahadur Seth Bhagchand Soni on the 22nd September, 1937.

MUNICIPAL ELECTIONS IN AJMER.

Starred questions Nos. 711 and 712.—The Honourable Member is referred to the following extract from a speech given by the Chief Commissioner of Ajmer-Merwara, on the 8th October, 1937.

* * * * * *

3. On an occasion like this I think it desirable to refrain from references to political matters, but as there is one question which is greatly exercising the minds of the Ajmer public I may be pardoned for alluding to the matter of the Municipal elections.

You have said in your address that "perhaps the Municipal Electoral Rules need a revision in order to bring them into line with progressive ideas". You are aware that I had decided to introduce an elected Municipal Committee on the 1st of April, 1938. When I made that decision the question of the electoral rules under which the election would be conducted had not arisen, and no proposal had been received from the Municipal Committee for any change in those rules. I have now received, however, a number of strongly worded applications from various organizations and persons in the city of Ajmer asking that the new elections should be made on a wider franchise than that permitted by the present electoral rules. Both the Commissioner and myself are in favour of widening the franchise. I have, however, hesitated to order that the coming elections should be held under the new rules as this will involve a postponement of the elections. Not only is it proposed by the Municipal Committee to alter the electoral rules but also to alter the constitution of the Committee and to overhaul completely the present system of distributing the town into wards.

4. The two latter changes will be of a most contentious nature, and their consideration will take much time before a solution can be arrived at which is both just and acceptable to the bulk of the people. In view, however, of the widespread request that the elections shall be conducted under new electoral rules even though some delay is involved, I have decided to amend the rules before holding the elections. In the words of the Presidents of the three Associations, namely, the Kaiserganj Merchants' Association, the Traders' Association and the Madar Gate Shop-Keepers' Association "no harm will be done if the period of the nominated Committee is extended by a few months if that is considered necessary". I do not think that it will be possible to complete the changes in the constitution of the Committee, in the electoral rules and in the redistribution of the city into wards before at least six months. It will then be necessary to draw up the electoral rolls under the new rules. The life of the present Committee will therefore require to be extended for at least six months, but you may rest assured that no avoidable delay will be made in carrying out the changes

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Information promised in reply to part (a) *of starred question No. 767 asked by Dr. P. N. Banerjea on the 23rd September, 1937.*

EMPLOYMENT OF PERSONS WITH QUALIFICATIONS IN ACCOUNTANCY AND COMMERCIAL SUBJECTS IN THE INCOME-TAX DEPARTMENT.

(a) A statement giving the number of officers with accountancy knowledge recruited since 1929 to date in the Income-tax Department in the various Provinces is enclosed herewith. It will be seen that in the majority of the Provinces there has been since 1929 a considerable increase in the recruitment of officers with accountancy knowledge.

Statement showing the Number of Officers with Accountancy knowledge recruited since 1929 in the Income-tax Department in the various Provinces.

Provinces.	Officers qualified to practise as Auditors under the Indian Companies Act.		Officers trained in Accountancy, *e.g.*, those holding degree of B. Com.	
	1929.	1937.	1929.	1937.
United Provinces	1	..	..	8
Central Provinces	1	..	8	6
Bombay	5	19	..	40
Assam	..	1	..	3
Madras	1	5	1	26
Punjab	..	..	..	1
Bihar and Orissa	..	..	..	2
Bengal	5	17	..	19
TOTAL	13	42	9	105

Information promised in reply to starred question No. 772, asked by Mr. Sri Prakasa on the 24th September, 1937.

THIRD CLASS PASSENGERS AVAILING OF RESERVATION FACILITIES AT HOWRAH.

(a) On the figures for the first seven days of October, 1937, the average is 979 seats per day.

(b) The space provided for each reserved seat varies according to the design of the compartment in which the reservations are made, but Government understand that it is invariably more than the scheduled accommodation provided for an ordinary third class seat.

(c) Yes.

Information promised in reply to parts (b) *and* (d) *of starred question No. 786, asked by Mr. Mohan Lal Saksena on the 24th September, 1937.*

PARKING OF TONGAS AND *EKKAS* AT LUCKNOW JUNCTION STATION.

(b) The contract system was introduced at Lucknow in 1933 and the amount now paid by the contractor is Rs. 2,300 per annum.

(d) A copy of the agreement signed by the contractor is annexed.

ANNEXURE.

Agreement for control of horse-drawn vehicles, taxies, thelas *cycles at Lucknow (Charbagh) Station.*

Memorandum of an agreement between the Divisional Superintendent of the East Indian Railway, on behalf of the Governor General in Council, hereinafter, called the Divisional Superintendent, Lucknow, of the one part and Messrs. Abdul Haq Jafar Khan, *Ekka* and Tonga Contractor, Charbagh, Lucknow, hereinafter called the "Contractor" of the other part.

1. The Contractor will pay Rs. 2,300 (Two thousands and three hundred) in advance in two instalments. The first instalment shall be paid on the date of signing the Agreement and the second instalment on 1st December 1937. The contract will automatically be cancelled if the amount is not paid by the specified dates.

The Contractor will pay Rs. 100 (One hundred) as security deposit for efficient working.

2. The Lessees hereby agree to allow the Licensee to collect taxes on hired vehicles at the following rates from 1st June, 1937 to 31st May, 1938 :—

	Rs.	as.	p.	
(a) Tonga . .	0	0	6	} per day.
(b) *Ekka* . .	0	0	3	
(c) Cycle . .	0	0	6	per trip. No charge will be made for the use of cycle stand provided near the Parcels Office.
(d) *Thela* . .	0	0	3	each per day.
(e) Taxi* . .	0	4	0	each per day.

3. The License will ordinarily be tenable for 12 months from 1st June 1937 but if at any time during the currency of the license, the Divisional Superintendent, Lucknow, decides for reasons which in his opinion, are sufficient to justify such a course, to terminate the License, he shall be at liberty to do so on giving the contractor one

* Serving as feeder to the Railway.

month's notice in writing without assigning any reason. The Contractor will thereupon peacefully relinquish the license. The decision of the Divisional Superintendent, Lucknow shall be final and binding and the Contractor shall have no right to appeal.

4. No passes will be issued by the railway for journeys.

5. The Contractor shall provide sweepers for the purpose of keeping the Tonga and *Ekka* stands clean.

6. The Contractor shall provide at his own cost and expense cycle stands of a design which shall be subject to the approval of the Divisional Superintendent.

7. The Contractor shall be responsible for good behaviour of his servants who must be medically fit and also have their characters verified by the Police on payment of Rs. 2 per head as verification fee.

8. The Contractor shall be subject in all matters relating to this contract to the control of the Divisional Superintendent, Lucknow. Should the Contractor fail to comply with all or any of the conditions hereof, he shall be liable to pay at the discretion of the Divisional Superintendent, Lucknow a fine not exceeding Rs. 25 for each irregularity.

9. The Contractor shall employ men to assist in collecting taxes. His men shall appear always in clean clothes, each wearing a Khaki drill coat and pagree and a badge on his left arm. The badge and uniform shall be provided by the Contractor at his own cost.

10. The contract must not be sublet or assigned without the permission of the Divisional Superintendent.

11. The Contractor will be responsible for sending up Ekkas and Tongas in turn to pick up passengers in the Upper Class and Third Class porticos at Lucknow station.

Any neglect on the part of the Contractor in this respect will be punishable by a fine not exceeding Rs. 25 in each case at the discretion of the Divisional Superintendent, Lucknow.

Sd./-

Contractor.

Sd./- R. MAIR.

Divisional Superintendent, Lucknow.

Witness—1. Sd./- A. AZIZ BEG.

2. Sd./ DWARKA PARSAD,

27/5/37.

Information promised in reply to unstarred question No. 172 asked by Mr. Kuladhar Chaliha on the 24th September, 1937.

APPEALS FROM OWNERS OF TEA ESTATES AND CASES SENT TO GOVERNMENT BY THE INDIAN TEA LICENSING COMMITTEE.

(a) and (c). It is presumed that the Honourable Member wishes to have information regarding the representations submitted by tea estates to the Governor General in Council in connection with the allotment of tea export quotas by the Indian Tea Licensing Committee. A statement prepared on this basis is laid on the table giving the necessary particulars for the years 1933-34 to 1936-37.

(b) It is not known to what cases the Honourable Member is referring, but if he has in mind representations regarding tea export quotas sent by the Indian Tea Licensing Committee, there have been, so far as is known, no such cases, because

it is the duty of the tea estates themselves to submit their representations to the Governor General in Council. Government also understand that tea estates have been advised to that effect by the Licensing Committee.

Representations to the Governor General in Council in the matter of Allotment of Tea Export Quotas.

	1933-34.		1934-35.		1935-36.		1936-37.	
	Successful.	Rejected.	Successful.	Rejected.	Successful.	Rejected.	Successful.	Rejected.
North India	..	..	2	4	3	**14	..	***4 (includes 1 estate which also represented in 1935-36).
South India	..	..	*2	1 (Travancore garden).	*1	1 (Travancore garden).	..	..
TOTAL .	..	..	4	5	4	15	..	4

* These were late applications for quota.
** Includes 3 estates which also represented in 1934-35.
*** This figure includes a representation about illicit planting.

Information promised in reply to starred question No. 825, asked by Mr. S. Satyamurti on the 27th September, 1937.

BRITISH OFFICERS WITHOUT RANK AT THE WAZIRISTAN OPERATIONS.

(b) In a few instances Viceroy's Commissioned Officers were placed under the command, charge, or supervision of British warrant officers who were "stepped up" to act as King's commissioned officers and placed in command of supply units under the authority of orders issued by the Government of India in August, 1937, with the approval of the Secretary of State.

In three instances also Viceroy's Commissioned Officers of Mechanical Transport Units have been "stepped up" to act as King's Commissioned officers and placed in command of Mechanical Transport Sections.

(c) The "stepping up" of British warrant officers in connection with the operations has been necessitated by actual deficiency of King's commissioned officers in the Royal Indian Army Service Corps, or by the filling of new appointments created for the operations.

The provisions of India Army Order No. 83 of 1932 refer to absences on temporary duty and privilege leave only and are, therefore, not applicable to the instances under reference.

(*d*) The General Officer Commanding-in-Chief, Northern Command, in exercise of the authority conferred on him by the Government orders referred to above when making these appointments selected the most suitable individuals.

Information promised in reply to starred question No. 849 asked by Mr. Badri Dutt Pande on the 28th September, 1937.

DEFICIT IN THE WATER SUPPLY DEPARTMENT OF THE DELHI MUNICIPAL COMMITTEE.

(a) Yes. In the absence of complete commercial accounts it is not possible to give exact figures for the deficit, but a statement showing the approximate figures is attached.

(b) The policy of metering water connections was adopted in order to minimise the waste of water and to render a twenty-four hour supply possible. Unmetered connections result in very considerable waste, and can be served only during limited hours. Recent discussions on the Terminal Tax Schedule are not connected with the water supply question.

(c) No.

Statement.

A. Cash results, *i.e.*, surplus or deficit resulting from comparison of revenue with expenditure other than expenditure of a capital kind.

	1934-35.	1935-36.	1936-37.
	Rs.	Rs.	Rs.
Deficit	42,507	31,633	15,487

B. Commercial results *i.e.*, surplus or deficits resulting from comparison of revenue with expenditure other than expenditure of a capital kind, *plus* assumed interest and depreciation charges.

	1934-35.	1935-36.	1936-37.
	Rs.	Rs.	Rs.
Deficit	2,04,091	2,44,783	1,85,934

Information promised in reply to parts (a) and (c) of starred question No. 857 asked by Mr. N. V. Gadgil on the 28th September, 1937.

DIRECT RECRUITMENT IN THE HIGHER POSTS OF THE INCOME-TAX DEPARTMENT, BOMBAY.

(a) Out of 61 vacancies to which appointments were made by the Commissioner of Income-tax, Bombay, in the year 1936-37, only six were filled up by direct recruitment and the remaining 55 by promotion from amongst men already in service.

(c) The figures given in reply to part (a) above show that the statement that "persons with equal qualifications and experience, although available among the existing staff, were not taken up in the higher appointments" is incorrect.

Information promised in reply to parts (a) and (b) of unstarred question No. 178 asked by Mr. Kuladhar Chaliha on the 28th September 1937.

LABOURERS IN THE DIGBOI OILFIELDS IN ASSAM.

The figures for the year 1936 were—

Men	3,258
Women	15
Children	3
Total .	3,276

Information promised in reply to starred questions Nos. 884 and 885 asked by Maulana Zafar Ali Khan on the 29th September, 1937.

GRIEVANCES OF THIRD CLASS MATRICULATES EMPLOYED ON THE NORTH WESTERN RAILWAY

Starred Question No. 884.—Government are informed as follows :

(a)(iii) Yes. I may, however, add that the condition of possessing Second Division Matriculation qualification or its equivalent for certain class of subordinate posts was introduced on the North Western Railway from 1st April, 1926. In the case of staff recruited prior to that date this condition does not apply, either for promotion or transfer to clerical posts provided they are otherwise considered suitable.

(a) (iv) Yes. Number Takers are working as clerks to Train Examiners and since 1st January, 1928, some of the posts of Number Takers have been converted to clerical posts to which the Number Takers were held eligible for promotion. The case of Typists, Stores Delivery clerks and Challandars is not similar to the case of Number Takers.

(a) (v) There is no restriction of First or Second Division in the case of staff employed under the Chief Accounts Officer, because their admission to the Accounts Department depends on their qualifying in a competitive examination specially held for the purpose.

(b) and (c) In view of the replies given to parts (a) (iii), (iv) and (v) above, these do not arise.

GRIEVANCES OF THIRD CLASS MATRICULATES EMPLOYED ON THE NORTH WESTERN RAILWAY.

Starred Question No. 885.—The introduction from 1st April, 1926, of the minimum educational qualification of the Second Division Matriculation Examination or its equivalent as a standard for appointment to certain classes of subordinate posts on the North Western Railway, was dictated by the need for improving the quality of the material previously recruited to such posts, and it is not proposed to relax this standard.

Information promised in reply to starred questions Nos. 894, 895 and 896 asked by Mr. K. S. Gupta on the 29th September, 1937.

ASSAULT OF AN INDIAN GOVERNMENT SERVANT IN THE VIZAGAPATAM PORT.

Starred Question No. 894.—(a) An incident which may be regarded as a case of a technical assault occurred, but the assailant was not a guest of the Traffic Manager.

(b) and (c). The Port servant was reported for being asleep while on duty by the Agents' representative and the tally clerk complained of ill treatment by him. After considering both the reports, the Traffic Manager passed an order to the effect that if it were not for the fact that the steamer Agent apparently took the law into his own hands, he would have punished the tally clerk heavily for his conduct. The Traffic Manager did not threaten the Port servant.

(d) Government do not consider that this incident calls for any special instructions.

RACIAL DISCRIMINATION IN THE SUPERVISORY CADRE IN THE VIZAGAPATAM PORT.

Starred Question No. 895.—(a) On the principle of efficiency.

(b) The reply to the first part of the question is in the affirmative and to the second in the negative.

(c) No special educational or technical qualifications are prescribed.

(d) The minimum educational qualification required from tally clerks is the Secondary School Leaving Certificate, but there are a few of the existing staff who have not got this qualification. They were appointed before this rule was introduced.

(e) No.

(f) Two shed clerks with short service and no previous experience are being allowed to act in a higher grade, on less than the minimum pay of the grade, in preference to recruiting more experienced men from outside who would have to be paid according to grade pay.

(g) Tally clerks have not the experience to qualify them for promotion to the Supervising Staff.

(h) No, Sir. The second part of the question does not arise.

DENIAL OF PROVIDENT FUND BENEFITS TO WORKERS IN THE VIZAGAPATAM PORT.

Starred Question No. 896.—The benefits of the Provident Fund are not denied to any staff who are eligible for such benefits under the rules.

Information promised in reply to starred question No. 898 asked by Mr. Sham Lal on the 29th September, 1937.

RETRENCHMENT OF CERTAIN PERSONS OF THE TRAIN LIGHTING STAFF ON THE NORTH WESTERN RAILWAY.

Government are informed as follows :

(a) The Honourable Member is, presumably, referring to 35 surplus labourers of the Train Lighting Branch on the Lahore Division who were selected for discharge in March, 1937, on the basis of comparative efficiency.

(b) Of the 35 labourers referred to 28 were, in error, given leave preparatory to discharge, for different periods up to 28 months.

(c) On the error coming to notice, the leave wrongly granted was cancelled and the men were treated as discharged from the service from due dates and were given one months pay in lieu of notice as admissible.

(d) Only the leave salary paid in excess through over-sight was recovered.

(e) and (f) The two men had been selected for discharge on the basis of comparative efficiency and not for inefficiency. When vacancies subsequently occurred they offered themselves and were appointed on the revised scales of pay.

Information promised in reply to starred question No. 901 asked by Mr. C. N. Muthuranga Mudaliar on the 29th September, 1937.

DENIAL OF FACILITIES TO MR. V. V. NARASIMHAM TO ATTEND THE SITTINGS OF THE MADRAS LEGISLATIVE ASSEMBLY.

(a) Yes.

(b) to (d) Government understand that Mr. V. V. Narasimham applied for permission from the Madras and Southern Mahratta Railway administration to stand as a candidate for election to the Madras Legislative Assembly. This permission was refused in writing. In spite of this Mr. Narasimham stood as a candidate and was elected. The Madras and Southern Mahratta Railway Administration then told him that he must decide whether he would retain his seat in the Assembly or remain an employee of the Company, as he would not be permitted to do both. He did not comply with this order but applied for long leave of absence without pay, with the obvious intention of continuing both as an employee of the Madras and Southern Mahratta Railway and a Member of the Madras Legislative Assembly. Thereupon,

the Madras and Southern Mahratta Railway administration advised him to resign his job as otherwise he would be discharged. He was eventually discharged from railway service. I may add that the policy laid down in June, 1937, by the Government of India is that subject to the necessary legislation being enacted by a Provincial Government for the removal of disqualification under section 69 (1) (a) of the Government of India Act, 1935, employees on State-managed Railways should not be prevented from standing for election from railway labour union constituencies in provinces where they exist and from other labour union constituencies where separate railway labour union constituencies do not exist. Government have also agreed that an employee who may be elected from a labour union constituency or from a non-labour union constituency under the circumstances stated above should be granted leave due or leave without pay so long as he holds a seat in the Legislature and provided no additional expenditure is incurred thereby by the railway on which he may be employed. Government are not prepared to go further than this. In the case of the Madras and Southern Mahratta Railway, which is a Company-managed Railway, the Government are not in a position to issue instructions in a matter of this nature. I would, however, add that the Madras and Southern Mahratta Railway Administration have acted in accordance with the policy of the Government of India in this matter.

Information promised in reply to starred questions Nos. 907 and 908 asked by Mr. Mohan Lal Saksena on the 29th September, 1937.

GRATUITY WITHHELD FROM CERTAIN EMPLOYEES IN THE JAMALPUR RAILWAY WORKSHOP.

Starred Question No. 907.—Government are informed as follows :

(a) During the past two years one employee, namely Garib Cupola tapper of the Jamalpur Workshop who served from the 19th August, 1918, to the 24th August, 1936, and was removed from service on account of repeated offences and general unsatisfactory conduct which showed no improvement, although he was warned, in March, 1935, was granted half the gratuity which he would normally have been eligible for.

(b) As regards the first part, during the last two years six employees of the Jamalpur Workshop did not qualify for gratuities, because the strike periods were deducted from the total length of service. As regards the second part Government are not prepared to make an exception in the case of these employees.

(c) Presumably the Honourable Member is referring to Jamalpur Workshop. If so, there are only two female sweepers employed there and no female employee has been discharged on medical grounds during the past two years.

PROSECUTION OF EMPLOYEES OF JAMALPUR RUNNING SHED AND STOPPAGE OF ALLOWANCE OF PERMANENT WAY STAFF AT JAMALPUR.

Starred question No. 908.—Government are informed as follows :

(a) Since January, 1935, two employees have been prosecuted by the Police on their own initiative under section 101 of the Indian Railways Act and one under section 120 of the Act. Two were acquitted and one was convicted. Of the two drivers, who were prosecuted under section 101 and acquitted, one was given partial pecuniary assistance towards his legal expenses and the other was given no pecuniary assistance as he was departmentally held responsible for causing the accident.

(b) As regards the first part, all the drivers were retained in service. The second part does not arise.

(c) As regards the first part, the allowance was temporarily stopped due to objections from the Accounts Department. As a result of further reference to that Department, arrangements have been made for payment of the allowance to permanent way staff who are due such allowance. The latter parts do not arise.

Information promised in reply to parts (a) *and* (b) *of unstarred question No. 179 asked by Dr. Sir Ziauddin Ahmad on the 29th September, 1937.*

ABSENCE OF A SHED FOR *EKKAS* AND TONGAS AT THE ETAWAH RAILWAY STATION.

(a) Yes, there are no *ekka* and tonga sheds, and no water troughs for ponies at the railway station at Etawah.

(b) The answer is in the affirmative. It is the intention of the Railway Administration to utilise the money received from the contract towards providing amenities for ponies and *ekka* and tonga drivers, *viz.*, water troughs and shelters.

Information promised in reply to starred questions Nos. 962, parts (b) *to* (d), *963 and 964 asked by Mr. Lalchand Navalrai on behalf of Sardar Sant Singh on the 1st October, 1937.*

TENDERS FOR KILOKRI EXTENSION SCHEME, DELHI.

Starred question No. 962.—(b) Tenders were called for from all firms in India known to deal in the special type of plant required. The tenders were opened by the Superintending Engineer, Health Services, and were submitted to the Government of India for orders.

(c) and (d). Messrs. Duncan Stratton and Co. have had to enter into several sub-contracts because for a work of this magnitude one manufacturer cannot supply everything; the main contractor sub-contracts with one firm for cement, another for cables, a third for motors, a fourth for valves, and so on. All provisions for sub-contracting are set out in the tender and contract documents. Government understand that Tata steel is being used, but they have no information that any company allied with Messrs. Tata and Sons, Limited is interested in a sub-contract. In any case, as already explained in answer to part (e) of Mr. Ganga Sing's question No. 808 asked on 31st March, 1937, the pivotal part of the work is the mechanical plant and contract for this could not have been given to any sub-company. That the bulk of the work was given to one contractor was due to the desire to ensure unity of control and expedition in execution. Messrs. Duncan Stratton and Co. are in such control and have a staff of qualified engineers and specialists permanently on the work.

TENDERS FOR KILOKRI EXTENSION SCHEME, DELHI.

Starred question No. 963.—(a) Firms asked to tender and amounts are :

Firms.	Principals.	Amounts.
		Rs.
Messrs. Glenfield and Kennedy Limited, Bombay.	Activated Sludge Ltd. (Activated Sludge type.)	27,50,000
Messrs. Duncan Stratton and Co., Bombay.	Messrs. Ames Crosta, Ltd. (Simplex type.)	23,01,000
Messrs. Jessop and Co., Ltd. Calcutta.	Messrs. Dorr Oliver Ltd.	For a small section only did not submit tender.

(b) Reference is invited to the answer to (b) of starred question No. 962. As it happened no Indian firm deals in the special type of plant required. There was no question of racial discrimination.

(c) Yes. The residential and office buildings have been moved to a higher and more healthy site within the area of the land acquired. The Superintending Engineer, Health Services, sanctioned this change; there was no change in the design of the buildings, and no change in cost is contemplated. The change of site will result in a saving of a few thousand rupees on the local sewerage and water supply lay out.

(d) In so far as items covered by lump sum contracts are concerned, yes. Until a change in design occurs, the question of adjusting prices does not arise. If changes become necessary measurements will be taken and adjustments will be made in accordance with the rules.

(e) No. In order to increase the stability of certain walls, rubble stone masonry instead of earth filling has been placed, in addition to cement concrete and no extra charge is being made by the contractors for the extra work.

(f) Yes.

(g) No.

(h) The Resident Engineer's present and past emoluments are as follows :

	Present.	Past (Bihar & Orissa).
	Rs.	Rs.
Pay	450 (fixed).	320
Conveyence Allowance . .	70 (fixed).	Travelling Allowance according to the rules.

The post was advertised and the applicant who, in the opinion of the Superintending Engineer, Health Services, was most qualified, was offered the post. Basic pay was fixed by Government.

TENDERS FOR KILOKRI EXTENSION SCHEME, DELHI.

Starred question No. 964.—(a) and (b). Advertisements appeared in the *Statesman*. Copies of tender notices were sent to the Central Public Works Department offices for posting and the Superintending Engineer, Health Services, personally drew the attention of several well known contractors of Delhi to the fact that tenders for the work were being called for.

(c) This can hardly be the case as contractors came from outside Delhi to tender.

(d) Tender forms issued. Total 6.

To local contractors. 4.

Tenders received. Total 3.

From local contractors. 1.

(e) Yes. The tender was the lowest and the contractor being known to the Superintending Engineer, Health Services, as reliable, the tender was accepted.

Information promised in reply to starred questions Nos. 970, 971 and 972 asked by Dr. Sir Ziauddin Ahmad on behalf of Mr. H. M. Abdullah on the 1st October, 1937.

UTILISATION OF GOVERNMENT IMPLEMENTS AND BULLOCKS, ETC., FOR PRIVATE CULTIVATION BY THE AGRICULTURAL ASSISTANT IN THE DELHI PROVINCE.

Starred question No. 970.—(a) No.

(b) No.

(c) Does not arise.

SHIFTING OF THE HEADQUARTERS OF THE AGRICULTURAL ASSISTANT IN THE DELHI PROVINCE.

Starred question No. 971.—(a) Yes.

(b) Because in the past it was thought that the Agricultural Assistant would do more useful work at a village headquarters.

(c) It has already been decided to move his headquarters to Delhi in connection with a schemee for expanding the activities of the Agricultural Department in the Delhi Province.

MUSLIM DIVISIONAL ACCOUNTANTS SERVING UNDER THE ACCOUNTANT GENERAL, PUNJAB.

Starred question No. 972.—(a) 100 of which 24 are Muslims.

(b) 44 out of which 19 have been filled by Muslims.

Information promised in reply to parts (b) *and* (c) *of starred question No. 1028 asked by Mr. Kuladhar Chaliha on the 6th October, 1937.*

INCOME-TAX REALISED FROM ASSAM AND THE MANAGING FIRMS OF TEA ESTATES IN CALCUTTA.

(b) Rs. 11,78,234 in 1936-37.

(c) As the offices of the managing agents are located at Calcutta where the businesses are controlled, the companies are assessed at Calcutta under section 64 (*1*) of the Indian Income-tax Act, 1922. The principle of allocation, under which the income-tax assessed and realised in Calcutta is apportioned between Assam and Bengal in the proportion of 85 :15 for the purpose of Devolution Rule 15, was settled by mutual agreement between the two Governments concerned. From the current year 1937-38 (owing to the repeal of Devolution Rule 15) the question of apportionment no longer arises.

Information promised in reply to parts (b) *to* (i) *of unstarred question No. 196 asked by Mr. Amarendra Nath Chattopadhyaya on the 6th October, 1937.*

TRAINING OF INDIANS IN COMMERCIAL AVIATION, ETC.

(b) Government have encouraged the development of flying clubs in India, now numbering seven, by the grant of an annual subsidy of roundly Rs. 1½ lakhs. These flying clubs *inter alia* enable those wishing to obtain the commercial pilot's license to get experience in practical aviation. Government have also financed the advanced training of certain individuals and have spent roughly Rs. 3½ lakhs on individual assistance to enable Indians to qualify for higher paid posts under the Civil Aviation Department and as wireless operators, etc. Directly related to commercial aviation was the assistance given to an Indian for a pilot instructor's course in 1932 and to two Indians for a similar coures in India in 1936-37 and assistance is now being given to an Indian to train in England to qualify as a first officer for Indian Trans-Continental Airways. In the current year assistance is also being afforded to six pilots of other operating companies for training on multi-engined aircraft.

(c) The expenditure on aviation prior to the formation of the Civil Aviation Department is not separately recorded. The expenditure on Civil Aviation since the financial year 1926-27 will be found in the Finance and Revenue Accounts of the Government of India.

(d) and (f) In the original Indian Aircraft Rules, 1920, no specific period of flying experience was laid down. The Indian Aircraft Rules, 1920, in so far as they related to licences, were revised in 1930 and 100 hours solo flying experience was laid down as a condition of the issue of a commercial pilot's ('B') licence. The rules were further amended in 1932 when the flying experience required was increased to 200 hours.

A minimum of 200 hours was considered to be essential to ensure that the pilot could safely be entrusted with the lives of passengers. The Indian Aircraft Rules do not specify the cost of flying.

(e) Applications for training are not received by the Department of Civil Aviation, but are made direct to the flying club or training institution concerned. Government have no information as to the number of such applications.

The number of Indians who have been licensed as commercial pilots ('B' licence) year by year since 1930 is :

1930	1
1931	4
1932	7
1933	4
1934	4
1935	9
1936	13
1937	13 (9 months).
	55

(g) The bare minimum cost of training a commercial pilot in India may be put at Rs. 8,000 excluding living expenses during the necessarily long period of training—1½ to 2 years. The cost of training a commercial pilot at one well-known school in England is not less than Rs. 15,000 for a 3½ years course. No information is available with regard to Japan, and the cost of training in America is not definitely known.

(h) A number of pilots who returned to India after having qualified for the British Air Ministry 'B' licence had subsequently to complete their qualifications for the Indian 'B' licence before they could obtain employment as commercial pilots. The following table gives the number year by year :

1931	2
1932	5
1933	1
1934	2
1935	5
1936	1
1937	5 (9 months).
	21

The Civil Aviation Department do not employ commercial pilots as such, but some of these pilots originally trained in England have been successful in securing employment in different capacities in the Civil Aviation Department. The majority have obtained employment either as commercial pilots or in some other capacity in civil aviation.

(i) Candidates who have obtained the Air Ministry 'B' licence within the previous two years are not required to take the Indian technical examination except the examination in Indian Aircraft Rules and Notices to Airmen, but they cannot apply for the Indian licence until they have completed the necessary flying experience of 200 hours, including five hours night flying. As stated in the answer to part (h), 21 such pilots have qualified for the Indian licence. There is no record of any such pilot failing to qualify for the Indian licence. Examinations are held at any time, when candidates have completed their training, subject to the technical examining officers being present at the station in question.

MOTIONS FOR ADJOURNMENT.

Mr. President (The Honourable Sir Abdur Rahim): I have received notices of adjournment motions from several Honourable Members. The first adjournment motion stands in the name of Mr. A. C. Datta, who is not in the House. The next motion stands in the name of Mr. Avinashilingam Chettiar. Does the Honourable Member wish to move it?

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, I do not wish to move the first two adjournment motions standing in my name.

MECHANISATION OF THE BRITISH PORTION OF THE INDIAN ARMY.

Mr. President (The Honourable Sir Abdur Rahim): The same Honourable Member has given notice of another motion for adjourning the business of the House in order to discuss a definite matter of urgent public importance, namely, "the mechanisation of the British portion of the Indian army". Does the Honourable Member wish to move it?

Mr. T. S. Avinashilingam Chettiar: Yes, Sir.

Mr. President (The Honourable Sir Abdur Rahim): Is there any objection to it?

Mr. C. M. G. Ogilvie (Defence Secretary): I have no objection.

Mr. President (The Honourable Sir Abdur Rahim): The motion will be taken up at 4 O'clock.

GOVERNOR GENERAL'S ASSENT TO BILLS.

Secretary of the Assembly: Information has been received that the following Bills, which were passed by both Chambers of the Indian Legislature during the last Session, have been assented to by His Excellency the Governor General under the provision of sub-section (1) of section 68 of the Government of India Act, as continued by section 317 of the Government of India Act, 1935:

1. The Petroleum (Bearer Extension) Act, 1937.
2. The Rules and Regulations Continuance Act, 1937.
3. The Federal Court Act, 1937.
4. The Muslim Personal Law (*Shariat*) Application Act, 1937.
5. The Indian Tariff (Second Amendment) Act, 1937.
6. The Indian Securities (Amendment) Act, 1937.
7. The Indian Mines (Amendment) Act, 1937.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, the following message has been received from the Council of State:

"I am directed to inform you that the Bill to consolidate and amend the law relating to the business of insurance which was passed by the Legislative Assembly

at its meeting held on Saturday, the 2nd October, 1937, was passed by the Council of State at its meeting held on the 25th November, 1937, with the amendments shown in the enclosed statement.

The Council of State requests the concurrence of the Legislative Assembly in the amendments."

Sir, I lay on the table the Bill, as amended by the Council of State.

Statement showing the amendments made, in the Bill to consolidate and amend the law relating to the business of insurance, by the Council of State at its meetings held in November, 1937.

A. The clauses, sub-clauses and forms in the Bill were re-numbered and re-lettered as necessitated by the amendments made in the Bill during its passage by the Legislative Assembly and the changes consequential thereon in all references throughout the Bill were made.

B. In the Bill as so re-numbered, re-lettered and consequentially changed—

1. In clause 2—

(*a*) in sub-clause (*3*), in the definition of "approved securities", for the words "municipal corporations in any Presidency-town" the words "municipal corporation" were substituted; and

(*b*) in item (*b*) of sub-clause (*9*)—

(*i*) for the words and figures "incorporated under the Indian Companies Act, 1913" the words "incorporated under any law for the time being in force in British India" were substituted; and

(*ii*) for the words "that Act", where they first occur, the words and figures "the Indian Companies Act, 1913," were substituted.

2. In clause 3—

(*a*) the proviso to sub-clause (*1*) was omitted;

(*b*) in sub-clause (*2*)—

(*i*) in item (*c*), after the word and figure "section 7", the words and figures "or section 97" were inserted;

(*ii*) in item (*d*), after the word and figure "section 6", the words and figures "or section 96" were inserted; and

(*iii*) for item (*f*), the following item was substituted, namely:

"(*f*) a certified copy of the published prospectus, if any, and of the standard policy forms of the insurer, the assured rates, advantages, terms and conditions to be offered in connection with life insurance policies, together with a certificate by an actuary that such rates, advantages, terms and conditions are workable and sound; and";

(*c*) in sub-clause (*3*), after the words "law or practice of the country" the words "relating to, or applied to, insurance" were inserted; and

(*d*) in sub-clause (*4*), after the word and figure "section 7", the words and figures "or section 97" were inserted.

3. In clause 4—

(*a*) after the word and figure "Part III", the words and figure "or a Co-operative Life Insurance Society or a Mutual Insurance Society to which Part IV" were inserted;

(*b*) after the words "on any policy of life insurance", the words "issued after the commencement of this Act" were inserted;

(*c*) after the words "five hundred or less", the words "exclusive of any profit or bonus" were inserted;

(*d*) the portion ending with the words "of any amount" was re-numbered as sub-clause (*1*) of clause 4; and

(*e*) the following sub-clause was added, namely :

"(*2*) Nothing contained in this section shall apply to group policies, that is to say, policies in respect of a group of persons engaged in the same occupation or kindred occupations under a single employer, for an aggregate sum of not less than rupees five thousand, under which an insurer pays or undertakes to pay a gross sum of rupees five hundred or less on an individual life."

4. In sub-clause (*2*) of clause 5—

(*a*) for the words "on the application of the second-mentioned insurer and if called upon to do so by the Superintendent of Insurance" the words "if called upon to do so by the Superintendent of Insurance on the application of the second-mentioned insurer" were substituted; and

(*b*) in the proviso, for the figures and words "26th day of January" the figures and words "27th day of January" were substituted.

5. In clause 6 the words "or commences" were omitted.

6. In clause 7—

(*a*) in item (*j*) of sub-clause (*1*), the word "and/" in "and/or" was omitted.

(*b*) in sub-clause (*2*)—

(*i*) after the words "Central Government", the word "in" was inserted; and

(*ii*) after the words "Society of Lloyd's", the words "or other association of underwriters" were omitted;

(*c*) in sub-clause (*3*)—

(*i*) for the figures and words "26th day of January, 1937" the figures and words "27th day of January, 1937" were substituted; and

(*ii*) for the words "not less than the same amount as the second instalment", in both places where they occur, the words "not less than the minimum amount required as the second instalment" were substituted;

(*d*) in sub-clause (*4*), after the word and figure "section 2", the words "and not being an insurer incorporated in or domiciled in the United Kingdom," were inserted;

(*e*) in sub-clause (*5*)—

(*i*) for the words and figures "incorporated after, or commencing business in British India after, the 31st day of December, 1936," the words and figures "neither incorporated before nor carrying on insurance business in British India before the 27th day of January, 1937," were substituted;

(*ii*) for the words "one-third the balance", where they occur the second time, the words "one-half the residue" were substituted; and

(*iii*) in the proviso, after the word and figure "section 2", the words "and not being an insurer incorporated in or domiciled in the United Kingdom" were inserted;

(*f*) in sub-clause (*6*), after the word, brackets and figure "sub-section (*1*)", the words, brackets and figure "or sub-section (*2*)" were inserted;

(*g*) in sub-clause (*8*)—

(*i*) after the words "accruing due", the words "and collected" were inserted; and

(*ii*) after the words, brackets and figure "under sub-section (*1*)", the words, brackets and figure "or sub-section (*2*)" were inserted; and

(*h*) in sub-clause (*9*), the words, "and if the Reserve Bank of India requires him to replace securities maturing for repayment shall." were omitted and to that sub-clause the following was added, namely :

"and the Reserve Bank of India shall, if so requested by a depositor, invest in approved securities the whole or any part of a deposit made originally in cash or the whole or any part of cash received by the Bank on sale of or on the maturing of securities lodged by the depositor."

7. In sub-clause (*1*) of clause 8, for the words "nor shall it be liable to attachment in execution of any decree except a decree obtained in respect of such policies" the words "nor shall it be liable to attachment in execution of any decree except a decree obtained by a policy-holder of the insurer in respect of a debt due upon a policy which debt the policy-holder has failed to realise in any other way" were substituted.

8. In sub-clause (*3*) of clause 10, after the words "or indirectly", the words and figures "save as provided in section 49" were inserted.

9. In clause 12, for the words "have the powers exercise the functions vested in and discharge the duties be subject to liabilities and penalties" the words "have the powers of, exercise the functions vested in, and discharge the duties and be subject to the liabilities and penalties" were substituted.

10. In sub-clause (*1*) of clause 15—

(*a*) after the words "to which they refer", the following was inserted, namely :

"The Superintendent of Insurance may extend the time allowed for furnishing the abstract and statement referred to in section 13 by a period not exceeding three months."; and

(*b*) in the proviso, the word "British", where it occurs the first and third times, was omitted.

11. In items (*a*) and (*b*) of sub-clause (*2*) of clause 16, the word "British" was omitted.

12. In clause 19, for the words and figures "incorporated under the Indian Companies Act, 1913" the words "or body incorporated under any law for the time being in force in British India" were substituted, and the words "of the company" were omitted.

13. To sub-clause (*1*) of clause 20 the following words were added namely :

"any five figures being deemed equivalent to one word."

14. In item (*d*) of sub-clause (*1*) of clause 21, for the words "before the expiry of one month from the date on which requisition asking for correction or supply of deficiency was delivered" the words "before the expiry of one month from the date on which the requisition asking for correction of the inaccuracy or supply of the deficiency was delivered" were substituted

15. In clause 27—

(*a*) in sub-clause (*1*)—

(*i*) after the words "Every insurer incorporated or domiciled in British India shall", the words, brackets and figure 'subject to the provisions of sub-section (*3*)" were inserted;

(*ii*) after the words "equivalent to", the words "not less than" were inserted;

(*iii*) the word "British", where it occurs the second time, was omitted; and

(*iv*) for the words "of the reserve necessary to meet outstanding claims" the words "required to meet the liability" were substituted;

(*b*) in sub-clause (*2*)—

(*i*) after the words "An insurer incorporated or domiciled elsewhere than in British India or the United Kingdom shall", the words, brackets and figure "subject to the provisions of sub-section (*3*)" were inserted;

(*ii*) after the words "equivalent to", the words "not less than" were inserted;

(*iii*) the word "British", where it occurs the second time, was omitted;

(*iv*) for the words "of the reserves necessary to meet outstanding claims" the words "required to meet the liability" were substituted; and

(*v*) for the words and figures "as to 33 1/3 per cent. thereof in Government securities, and as to the balance" the words "thirty-three and one-third per cent. of the said sum in Government securities and the balance" were substituted;

(*c*) in sub-clause (*3*), for the words "at the time of commencement of the Act" the words "at the commencement of this Act" were substituted; and

(*d*) in the *Explanation* to sub-clause (*4*), for the words "the members of the Governing Body" the words "the members of whose Governing Body" were substituted, and for the words "of domiciles other than those of British India" the words "domiciled elsewhere than in British India" were substituted.

16. In sub-clause (*1*) of clause 28—

(*a*) for the words and figures "on or before the 30th day of June and on or before the 31st day of December" the words and figures "within fourteen days of the 30th day of June and within fourteen days of the 31st day of December" were substituted; and

(*b*) for the words "the investments made" the words "as at the said dates the assets held invested" were substituted.

17. In clause 29—

(*a*) after the words "personal security", the words "or otherwise" were inserted; and

(*b*) in the second proviso, after the word "Provided", the word "further" was inserted; after the word "contrary", the word "shall" was inserted; the words "date of", where they first occur, and the words "the date of" after "from the expiry of one year from", were omitted; for the words "or officer", in both places where they occur, the words "officer or partner" were substituted; and for the words "hold such office from the expiry" the words "hold office on the expiry" were substituted.

18. In clause 31, for the words "except in so far as they are required" the words and figure "except in the case of deposits made with the Reserve Bank of India under section 7 or in so far as assets are required" were substituted.

19. In clause 32—

(*a*) in sub-clause (*1*), for the words "managing agents" the words "a managing agent" were substituted;

(*b*) in sub-clause (*2*), for the words "managing agents", where they first occur, the words "a managing agent" were substituted; for the words "managing agents", where they occur the second time, the words "managing agent" were substituted; and for the words "no compensation shall be payable to them by the insurer by reason only of the premature termination of their employment as managing agents" the words "no compensation shall be payable to him by the insurer by reason only of the premature termination of his employment as managing agent were substituted; and

(*c*) in sub-clause (*3*), for all the words occurring after the words "for his services as managing agent more" the following was substituted, namely :—

"than two thousand rupees per month in all, including salary and commission and other remuneration payable to and receivable by him, for his services as managing agent".

20. In clause 33—

(*a*) for sub-clause (*2*) the following sub-clause was substituted, namely :

"(*2*) The Court may, on the application of an insurer and after giving notice to and hearing the Superintendent of Insurance, forbid such action by the Superintendent, if the insurer satisfies the Court that it is unnecessary in the circumstances."; and

(*b*) in sub-clause (*3*), after the word "insurer", a semi-colon was inserted, and for the words "and a copy of each to" the words "and a copy of such report shall be furnished to the" were substituted.

21. In sub-clause (*4*) of clause 35, for the word, brackets and figure "sub-clause (*3*)" the word, brackets and figure "sub-section (*3*)" were substituted and the word "the" before the words "registration" was omitted.

22. In clause 38—

(*a*) in sub-clause (*1*), the word "either", where it first occurs, was omitted;

(*b*) in sub-clause (*2*), for the word "India" the words "British India" were substituted; and

(*c*) to sub-clause (*3*) the following was added, namely :

"as between persons interested in the policy; and where there is more than one instrument of transfer or assignment the priority of the claims under such instruments shall be governed by the order in which the notices referred to in sub-section (*2*) are delivered".

23. In clause 40—

(*a*) for sub-clause (*1*) the following sub-clause was substituted, namely :

"(*1*) No person shall, after the expiry of six months from the commencement of this Act, pay or contract to pay any remuneration or reward whether by way of commission or otherwise for soliciting or procuring insurance business in India to any person except an insurance agent licensed under section 42 or a person acting on behalf of an insurer who for the purposes of insurance business employs licensed insurance agent.";

(*b*) for sub-clause (*2*) the following sub-clause was substituted, namely :

"(*2*) No insurance agent licensed under section 42 shall be paid or contract to be paid by way of commission or as remuneration in any form an amount exceeding, in the case of life insurance business, forty per cent. of the first year's premium payable on any policy or policies effected through him and five per cent. of a renewal premium, or, in the case of business of any other class, fifteen per cent. of the premium :

Provided that insurers, in respect of life insurance business only, may pay, during the first ten years of their business, to their insurance agents fifty-five per cent. of the first year's premium payable on any policy or policies effected through them and six per cent. of the renewal premiums."; and

(*c*) for sub-clause (*3*) the following sub-clause was substituted, namely :

"(*3*) Nothing in this section shall prevent the payment under any contract existing prior to the 27th day of January, 1937, of gratuities or renewal commission to an insurance agent or to his representatives after his decease in respect of insurance business effected through him before the said date."

24. In clause 41—

(*a*) for sub-clause (*1*) the following sub-clause was substituted, namely :

"(*1*) No person shall allow or offer to allow, either directly or indirectly, as an inducement to any person to effect or renew an insurance in respect of any kind of risk relating to lives or property in India, any rebate of the whole or part of the commission payable or any rebate of the premium shown on the policy, nor shall any person taking out or renewing a policy accept any rebate, except such rebate as may be allowed in accordance with the published prospectuses or tables of the insurer."; and

(*b*) for sub-clause (*2*) the following sub-clause was substituted, namely :

"(*2*) Any person making default in complying with the provisions of this section shall be punishable with fine which may extend to one hundred rupees, unless the default is made by a person effecting or renewing a policy in which case he shall be punishable with fine which may extend to fifty rupees only."

25. In clause 42—

(*a*) in sub-clause (*1*), after the words "Superintendent of Insurance", the words "or an officer authorised by him in this behalf" were inserted;

(*b*) in sub-clause (*3*), for the words "but if the applicant does not suffer from any such disqualifications" the words "but shall if the applicant does not suffer from any of the disqualifications hereinafter mentioned" were substituted; and

(*c*) in item (*d*) of sub-clause (*4*), for the words "it shall appear that he has been found guilty of or has knowingly participated in or connived at any fraud, dishonesty or misrepresentation against the insurer or the assured" the words "it has been found that he has been guilty of or has knowingly participated in or connived at any fraud, dishonesty or mis-representation against an insurer or an assured" were substituted.

26. In clause 43—

(*a*) in sub-clause (*1*), after the word "insurer", the words "and every person who acting on behalf of an insurer employs licensed insurance agents" were inserted; and

(*b*) for sub-clause (*2*) the following sub-clause was substituted, namely:

"(*2*) Any individual not holding a licence issued under section 42 who acts as an insurance agent shall be punishable with fine which may extend to fifty rupees, and any insurer who, or any person acting on behalf of an insurer who, appoints as an insurance agent any individual not so licensed, or transacts any insurance business in India through any such individual, shall be punishable with fine which may extend to one hundred rupees."

27. For clause 44 the following clause was substituted, namely:

"44. Notwithstanding anything to the contrary in a contract between any person and an insurance agent licensed under section 42 forfeiting or stopping payment of renewal commission to such insurance agent, no such person shall in respect of life insurance business done in India refuse payment to an insurance agent of commission on renewal premiums due to him under the agreement by reason only of the termination of his agreement except for fraud:

Provided that such agent has served such person continually and exclusively for at least ten years, and provided further that, after his ceasing to act as agent, he does not directly or indirectly solicit or procure insurance business for any other person."

28. In clause 45, for the word "insurance", where it first occurs, the words "life insurance effected after the coming into force of this Act" were substituted.

29. In sub-clause (*1*) of clause 48, for the words "holding policies of insurance" the words "holding policies of life insurance" and for the words "holders of policies of insurance" the words "holders of policies of life insurance" were substituted, respectively.

30. In clause 49, after the word "shall", the words "in respect of such life insurance business" were inserted.

31. For clause 50 the following clause was substituted, namely:

"50. An insurer shall, within three months of the lapsing of a policy of life insurance, give notice to the policy-holder informing him of the options available to him."

Notice of options available to the assured on the lapsing of a policy.

32. In clause 51, for the words "and answers" the words "put to him and his answers thereto" were substituted.

33. In clause 52—

(*a*) for the first paragraph the following was substituted, namely:

"No insurer shall after the commencement of this Act begin, or after three years from that date continue to carry on, any business upon the dividing principle, that is to say, on the principle that the benefit secured by a policy is not fixed but depends either wholly or partly on the results of a distribution of certain sums amongst policies becoming claims within certain time-limits, or on the principle that the premiums payable by a policy-holder depend wholly or partly on the number of policies becoming claims within certain time-limits:

Provided that nothing in this section shall be deemed to prevent an insurer from allocating bonuses to holders of policies of life insurance as a result of a periodical actuarial valuation either as reversionary additions to the sums insured or as immediate cash bonuses or otherwise :"; and

(*b*) for the proviso the following proviso was substituted, namely :

"Provided further that an insurer who continues to carry on insurance business on the dividing principle after the commencement of this Act shall withhold from distribution a sum of not less than forty per cent. of the premiums received during each year after the commencement of this Act in which such business is continued so as to make up the amount required for investment under section 27."

34. In item (*b*) of the proviso to sub-clause (*2*) of clause 56, for the words "policy owners" the word "policy-holders" was substituted.

35. In clause 60, after the word "company", where it first occurs, the words "for the purposes of a cash distribution of the assets" were inserted.

36. In clause 63, for the words, brackets and letter "in the matters specified in (*f*) above" the words, brackets and letter "in the matters specified in clause (*f*) above" were substituted.

37. In clause 64, the word "British", where it last occurs, was omitted.

38. In clause 65—

(*a*) the word "which", where it occurs the second time, was omitted ;

(*b*) in sub-clause (*a*), the word "or" was omitted and after the word "person", the words "or the survival by a person of a stated age or contingency" were added ;

(*c*) sub-clause (*b*) was omitted ; and

(*d*) to sub-clause (*h*) the words "with the approval of the Central Government" were added and for the word "authorised" in that sub-clause the words "which may be authorised" were substituted.

39. After clause 70, the following clause was inserted, namely :

Prohibition of managing agents.

"70A. The provisions of section 32 shall apply to provident societies as they apply to insurers."

40. In sub-clause (*1*) of clause 72 (now clause 73), after the words "until the total amount so deposited and kept", the words "in approved securities" were omitted.

41. In sub-clause (*1*) of clause 79 (now clause 80), for the words "have the powers of and exercise the functions vested in, discharge the duties" the words "have the powers of, exercise the functions vested in, and discharge the duties" were substituted.

42. In clause 84 (now clause 85)—

(*a*) in sub-clause (*2*), after the words "provident society", the words and figures "except a deposit made under section 72" were inserted ; and

(*b*) in sub-clause (*3*), after the words "held in the society", the words "and within its surrender value" were inserted.

43. In clause 86 (now clause 87)—

(*a*) in sub-clause (*1*), after the word "visit", the words "personally or depute a suitable person to visit" were inserted ; and

(*b*) in sub-clause (*3*), before the words "shall be sent", the words "a copy of the report" were inserted.

44. In sub-clause (*4*) of clause 91 (now clause 92), after the words "a suitable person", the words "in place of or" were inserted.

45. In sub-clause (*2*) of clause 93 (now clause 94), after the word "child", the word "grand-child" was inserted.

46. In Part IV, for the words "Co-operative Insurance Societies" and "Co-operative Insurance Society", wherever they occur, the words "Co-operative Life Insurance Societies" and "Co-operative Life Insurance Society" were substituted, respectively.

47. In clause 94 (now clause 95)—

(*a*) in sub-clause (*b*)—

(*i*) for the words "carry on business in life insurance" the words "carries on the business of life insurance" were substituted; and

(*ii*) after the words "constitution only", the words "original members on whose application the society is registered" were inserted;

(*b*) the clause was numbered as sub-clause (*1*) of clause 94, and after that sub-clause, the following sub-clause was added, namely :

"(*2*) Notwithstanding anything contained in sub-section (*1*), other co-operative societies may be admitted as members of a Co-operative Life Insurance Society, without being eligible to any dividend, profit or bonus."; and

(*c*) after sub-clause (*2*), the following sub-clauses were added, namely :

"(*3*) A Provincial Government may, subject to any rules made by the Central Government, empower the Registrar of Co-operative Societies of the Province to register co-operative societies for the insurance of cattle or crops or both under the provisions of the Co-operative Societies Act in force in the Province.

(*4*) A Provincial Government may make rules not inconsistent with any rules made by the Central Government to govern such societies, and the provisions of this Act, in so far as they are inconsistent with those rules, shall not apply to such societies."

48. In clause 99 (now clause 100), for the words "a Mutual Insurance Company and Co-operative Insurance Society" the words "a Mutual Insurance Company or a Co-operative Life Insurance Society" were substituted.

49. In clause 100 (now clause 101), for the words "Every Mutual Insurance Company and every Co-operative Insurance Society" the words "Every Mutual Insurance Company and every Co-operative Life Insurance Society" were substituted.

50. In sub-clause (*1*) of clause 102 (now clause 103), for the words and figure "or section 7" the words and figures "section 7, section 96 or section 97" were substituted.

51. In clause 106 (now clause 107), for the words "Save and except where it is instituted" the words "Except where proceedings are instituted" were substituted.

52. In sub-clause (*1*) of clause 110 (now clause 111), after the words "or sent by", the word "registered" was inserted.

53. In clause 112 (now clause 113)—

(*a*) in sub-clause (*1*)—

(*i*) the words "In cases" were omitted; and

(*ii*) for the *Explanation* the following *Explanation* was substituted, namely :

"*Explanation.*—For the purposes of this sub-section the paid up value of a policy shall be an amount bearing to the total sum assured by the policy the same proportion as the total of the premiums already paid on the policy bears to the total of the premiums payable under the policy."; and

(*b*) for sub-clause (*2*) the following sub-clause was substituted, namely :

"(*2*) A policy kept alive to the extent of its paid up value under sub-section (*1*) shall not participate in any profits of the insurer earned after the conversion of the policy into a paid up policy."

54. In sub-clause (*2*) of clause 113 (now clause 114)—

(*a*) in item (*c*)—

(*i*) after the words "including the", the words "receipt of" were inserted; and

(*ii*) after the words "withdrawal of", the word "and" was inserted; and

(*b*) for the proviso the following proviso was substituted, namely :

"Provided that every rule made under this section shall be laid before both Chambers of the Central Legislature as soon as may be after it is made; and, if within one month from the later date on which the rule has so been laid both Chambers agree in making any modification in the rule or both Chambers agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or shall be of no effect, as the case may be."

55. In clause 115 (now clause 116)—

(*a*) for the word, brackets and figure "sub-section (*1*)" the word, brackets and figure "sub-section (*2*)" were substituted; and

(*b*) the word "British" was omitted.

56. To clause 117 (now clause 118) the following was added, namely :

"or to any insurance business carried on by the Central or by a Provincial Government, or to any provident fund to which the provisions of the Provident Funds Act, 1925, apply, or, if the Superintendent of Insurance so orders in any case, and to such extent as he specifies in such order, to—

(*a*) any fund in existence and officially recognised by the Central Government before the 27th day of January, 1937, maintained by or on behalf of Government servants or Government pensioners for the mutual benefit of contributors to the fund and of their dependents, or

(*b*) any mutual or provident insurance society composed wholly of Government servants or of railway servants which has been exempted from any or all of the provisions of the Provident Insurance Societies Act, 1912."

57. In clause 118 (now clause 119), after the word "all", the word "standard" was inserted.

58. After clause 118 (now clause 119), the following clause was inserted, namely :

Determination of market value of securities deposited under this Act.

"118A. The market value on the day of deposit of securities deposited in pursuance of any of the provisions of this Act with the Reserve Bank of India shall be determined by the Reserve Bank of India whose decision shall be final."

59. In the First Schedule—

(*a*) in Part I—

(*i*) to regulation 6 the words "in India" were added; and

(*ii*) in regulation 8, for the word "Controlled" the word "Subsidiary" was substituted; and

(*b*) in Part II, in Form AA, the item "(2) Indian Treasury Bills" was omitted.

60. In the Third Schedule—

(*a*) in Part I—

(*i*) in regulation 6, for the word "Superintendent" the words "Superintendent of Insurance" were substituted; and

(*ii*) in regulation 9, after the words "Where an insurer carries on", the word "the" was inserted; and

(*b*) In Part II—

(*i*) to Form D the following foot-note was added, namely :

"(*f*) In the case of an insurer having his principal place of business outside British India the expenses of management for business out of India and total business need not be split up into the several sub-heads, if they are not so split up in his own country."; and

(*ii*) in the second foot-note to Form DDDD, the word "the", where it last occurs, was omitted.

61. In the Fourth Schedule—

(*a*) in Part I, in regulation 3 (2) (*b*), for the word and figure "paragraph 5" the word and figure "paragraph 4" were substituted; and

(*b*) in Form G in Part II—

(*i*) the word "British", where it occurs in two places at the head of columns, was omitted; and

(*ii*) the following foot-note was added at the end, namely :

"(*d*) In the case of an insurer having his principal place of business outside British India the expenses of management for the total business need not be split up into the several sub-heads, if they are not so split up in his own country."

C. The clauses and sub-clauses of the Bill were re-numbered as necessitated by the amendments made in the Council, and all references to the numbering of the clauses were corrected as required by such re-numbering.

THE TRADE DISPUTES (AMENDMENT) BILL.

APPOINTMENT OF CERTAIN MEMBERS TO THE SELECT COMMITTEE.

Mr. A. G. Clow (Labour Secretary): Sir, I move :

"That Mr. N. M. Ayyar, Khan Sahib Shaikh Fazl-i-Ilahi and the Mover be appointed to the Select Committee on the Bill further to amend the Trade Disputes Act, 1929, for certain purposes, in place of Mr. S. N. Roy, Mr. C. B. Nagarkar and the Honourable Sir Thomas Stewart."

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

"That Mr. N. M. Ayyar, Khan Sahib Shaikh Fazl-i-Ilahi and the Mover be appointed to the Select Committee on the Bill further to amend the Trade Disputes Act, 1929, for certain purposes, in place of Mr. S. N. Roy, Mr. C. B. Nagarkar and the Honourable Sir Thomas Stewart."

The motion was adopted.

THE WORKMEN'S COMPENSATION (AMENDMENT) BILL.

APPOINTMENT OF CERTAIN MEMBERS TO THE SELECT COMMITTEE.

Mr. A. G. Clow (Labour Secretary): Sir, I move :

"That Mr. N. M. Ayyar and the Mover be appointed to the Select Committee on the Bill further to amend the Workmen's Compensation Act, 1923, for certain purposes, in place of Mr. S. N. Roy and the Honourable Sir Thomas Stewart."

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

"That Mr. N. M. Ayyar and the Mover be appointed to the Select Committee on the Bill further to amend the Workmen's Compensation Act, 1923, for certain purposes, in place of Mr. S. N Roy and the Honourable Sir Thomas Stewart."

Mr. M. S. Aney (Berar: Non-Muhammadan): Sir, I want to suggest that the name of Mr. N. M. Joshi may also be added to the names of the members of the Select Committee.

Mr. President (The Honourable Sir Abdur Rahim): Is there any objection to it?

(No objection was taken.)

The question is :

"That Mr. N. M. Ayyar, Mr. N. M. Joshi and the Mover be appointed to the Select Committee on the Bill further to amend the Workmen's Compensation Act, 1923, for certain purposes, in place of Mr. S. N. Roy and the Honourable Sir Thomas Stewart."

The motion was adopted.

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

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"That the Bill further to amend the Indian Companies Act, 1913, for certain purposes, as reported by the Select Committee, be taken into consideration."

Sir, in this connection, I need not make any speech because the small changes which have been made are explained in the Report of the Select Committee.

Sir, I move.

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

"That the Bill further to amend the Indian Companies Act, 1913, for certain purposes, as reported by the Select Committee, be taken into consideration".

The motion was adopted.

Clauses 2 to 8 of the Bill were added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): Clause 9.

Mr. J. Bartley (Government of India: Nominated official): Sir, I beg to move:

"That for clause 9 of the Bill the following be substituted:

'9. In section 134 of the said Act,—

(*a*) in sub-section (*1*),—

(*i*) after the words 'profit and loss account' the words 'or the income and expenditure account as the case may be' shall be inserted; and

(*ii*) for the words 'a copy of the balance-sheet' the words 'three copies thereof' shall be substituted;

(*b*) in sub-section (*2*), for the word 'copy' the word 'copies' shall be substituted'."

Sir, the purpose of this amendment and of the other two amendments which are tabled in my name is the same, namely, to secure that instead of one copy of the documents which a company is required to supply to the Registrar under the provisions of section 134 and other sections of the Indian Companies Act, 1913, three copies should be supplied. The documents affected are (a) the documents referred to in section 134, namely, the balance-sheet, the profit and loss account or the income and expenditure account, as the case may be, (b) the documents referred to in section 277, which are the same documents as those referred to in section 134, but with reference to companies established outside British India, and (c) the monthly statement which a bank is required to supply of the cash reserve held by it on the Friday of each week against its time liabilities and demand liabilities. The purpose of requiring three copies instead of one is merely to save the Registrar trouble without giving trouble to anybody else. It will be just as easy for the banks and companies to supply three copies to the Registrar as it is to supply one and it will save the Registrar from having to make copies of these documents in his own office. As there are hundreds of banks and many hundreds of companies, the saving of trouble to the Registrar will be

very considerable. A further justification for the change is that in the Insurance Bill, which is at present before the Legislature, similar documents are supplied in quadruplicate to the Superintendent of Insurance whereas the Companies Act only requires one copy to be supplied. That is the object of these three amendments. The rather complicated form that they take, namely, substituting a clause for the clause already in the Bill is merely for drafting convenience. I find that to insert this small additional amendment requires the clause as drafted in the Bill to be slightly modified and the simplest way of carrying out that modification is to re-write the clause. But the substance of the clauses as already contained in the Bill is in each case reproduced in the revised form of the clause which I have proposed to substitute.

Sir, I move.

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

"That for clause 9 of the Bill the following be substituted:

'9. In section 134 of the said Act,—

(*a*) in sub-section (*1*),—

(*i*) after the words 'profit and loss account' the words 'or the income and expenditure account as the case may be' shall be inserted; and

(*ii*) for the words 'a copy of the balance-sheet' the words 'three copies thereof' shall be substituted;

(*b*) in sub-section (*2*), for the word 'copy' the word 'copies' shall be substituted'."

The motion was adopted.

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

"That clause 9, as amended, stand part of the Bill."

The motion was adopted.

Clause 9, as amended, was added to the Bill

Clauses 10 and 11 were added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): Clause 12.

Mr. J. Bartley: Sir, I beg to move:

"That for clause 12 of the Bill the following be substituted:

'12. In section 277 of the said Act—

(*a*) in sub-section (*1*),—

(*i*) after clause (*d*) the following clause shall be inserted, namely:

'(*e*) the full address of that office of the company in British India which is to be deemed the principal place of business in British India of the company;'; and

(*ii*) for the words 'or in such address' the words 'or in any such address' shall be substituted;

(*b*) in sub-section (*3*)—

(*i*) in sub-clause (*i*), for the words 'a copy of that balance-sheet' the words 'three copies of that balance-sheet' shall be substituted, and after the words 'such supplementary statements' the words 'in triplicate' shall be inserted;

(*ii*) in sub-clause (*ii*), after the words 'such a statement' the words 'in triplicate' shall be inserted'."

Sir, the object of this amendment is that which I have already explained in connection with clause 9 and the remarks that I made there apply to this amendment also.

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

"That for clause 12 of the Bill the following be substituted:

'12. In section 277 of the said Act—

(*a*) in sub-section (*1*),—

(*i*) after clause (*d*) the following clause shall be inserted, namely:

'(*e*) the full address of that office of the company in British India which is to be deemed the principal place of business in British India of the company;'; and

(*ii*) for the words 'or in such address' the words 'or in any such address' shall be substituted;

(*b*) in sub-section (*3*),—

(*i*) in sub-clause (*i*), for the words 'a copy of that balance-sheet' the words 'three copies of that balance-sheet' shall be substituted, and after the words 'such supplementary statements' the words 'in triplicate' shall be inserted;

(*ii*) in sub-clause (*ii*), after the words 'such a statement' the words 'in triplicate' shall be inserted'."

The motion was adopted.

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

"That clause 12, as amended, stand part of the Bill."

The motion was adopted.

Clause 12, as amended, was added to the Bill.

Mr. A. Aikman (Bengal: European): Sir, I beg to move:

"That in clause 13 of the Bill, for the words 'To section 277D of the said Act' the following be substituted:

'In section 277D of the said Act, the words and figures 'to 117 both inclusive and 120' shall be omitted, and'."

Sir, when this Bill as introduced was sent to the Select Committee, there were pointed out certain difficulties arising out of sections 120, 277D, and 277E of the Act of 1936. One of these was the difficulty of giving a meaning to the expression "registered office of the company" and "Registrar" for the purpose of applying sections 109 to 125 of the Companies Act, 1913, to companies registered outside British India. The difficulty was realised by the Select Committee in their report and it has been met, so far as sections 109-117 and 120-125 are concerned, by the amendments which are proposed in sections 12 and 13. But the Bill has overlooked the fact, which the report did not, that in sections 118 and 119 reference is made to "the Registrar"; so that, although by reason of the proposed amendment to section 277D, a meaning is now given to the word "Registrar" where it appears in sections 109-117 and 120-125 of the Act in the case of non-Indian companies, that word where it appears in section 118 or 119 is still without a meaning. The purpose of this amendment is to put right what is apparently an oversight. Sir, I move:

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

"That in clause 13 of the Bill, for the words 'To section 277D of the said Act' the following be substituted:

'In section 277D of the said Act, the words and figures 'to 117 both inclusive and 120' shall be omitted, and'."

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): Sir, I beg to oppose this motion of amendment because it is an obvious mistake and it is a clear misfit. By omitting the words which the Honourable the Mover of the amendment intends to do, the section would run, so far as the material particulars are concerned, as follows: That the provisions of sections 118 and 119, among others, shall extend to charges on properties in British India which are created, etc. If you turn to sections 118 and 119 it is obvious that they do not refer to any charges whatever; they refer to the appointment of a receiver in exercise of the power contained in a mortgage. Therefore, the numerals 118 and 119 were advisedly omitted from section 277D, because any such mention would be entirely inappropriate. You will find that there is a reference to Registrar for the purpose of registering, first, in the case of section 118, that a receiver has been appointed and, in the case of section 119, the accounts which are to be filed with the Registrar. You will see that section 118 at the end says: "The Registrar shall, on payment of the prescribed fee, enter the fact in the register of mortgages and charges." Section 119 says:

"Every receiver of the property of a company who has been appointed . . . . . shall file with the Registrar an abstract," etc.

In other words, it is quite true that you do want some reference in the form in which the proviso to clause 13 now stands. The only way in which the position can be correctly met is by leaving section 277D read with clause 13 as it now stands and add a proviso to section 277E in terms similar to the first part of the proviso to clause 13; because, then it will carry out the purpose of the Honourable the Mover. But if sections 118 and 119 are added to section 227D, I submit that it would make entirely inappropriate reading in that they do not extend to charges at all.

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

"That in clause 13 of the Bill, for the words 'To section 277D of the said Act' the following be substituted:

'In section 277D of the said Act, the words and figures 'to 117 both inclusive and 120' shall be omitted, and'."

The motion was negatived.

Mr. A. Aikman: Sir, I beg to move:

"That to clause 13 of the Bill the following further proviso be added at the end:

'Provided further that this section shall be deemed not to have come into force until the commencement of the Indian Companies (Amendment) Act, 1938'."

Following on what the Honourable Mr. Desai has said, I propose to ask permission to arrive at some formula for dealing with the first amendment; and consequently if this is kept in mind, the present proposal would regularise the difficulty which has arisen by reason of there being no meaning for the words 'registrar' and 'registered officer'—it was impossible for companies to do what was contemplated by reason of the absence of that meaning. But if that is cleared up in this Bill when it becomes an Act, it will be very much better if these instructions do not become law until clarification has been made; otherwise, there will be a period of time when instructions. . . . .

Mr. J. Bartley: On a point of order, Sir. I think the Honourable Member is really discussing his next amendment. The amendment he is moving now is to add a proviso to clause 13, postponing the operation of section 277D.

Mr. A. Aikman: They are bound up together, Sir.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): On a point of order, Sir: I think this amendment is not in order, because there is no provision in this Bill that clause 13 should come into operation before the commencement of this Act, if it refers to section 277D of the original Act which is already in operation, we cannot suspend it. In either case, this amendment is out of order.

Mr. President (The Honourable Sir Abdur Rahim): You mean that this section is already in operation?

Mr. K. Santhanam: Clause 13 of this Bill will come into operation only on the commencement of the Act and, therefore, it is meaningless.

Mr. President (The Honourable Sir Abdur Rahim): That is what the amendment seeks to provide.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, the position is this: section 277D was added by the Act of 1936 and it says that companies outside British India shall also register the charges on properties in British India. The Bill now introduced by the Honourable the Leader of the House is only to remove some difficulties which have crept in, which are of a purely clerical nature in the Act: but this is a substantial amendment which the European Group wants to put in. Section 277D came into operation in 1936. Taking advantage of this Bill, the European Group, which has not come forward with its own Bill, wants surreptitiously to introduce this clause to defeat section 277D from coming into operation. No doubt there may be reasons for their proposal, but it is absolutely outside the scope of the Bill.

Mr. A. Aikman: The suggestion that section 277D should not come into operation until the passing of this Bill is because it was impossible to carry it out.

Mr. President (The Honourable Sir Abdur Rahim): That is another matter. The question is whether it is within the scope of this Bill. The Bill seeks, I understand, to provide rectification of certain omissions more or less in the nature of clerical omissions, is it not?

The Honourable Sir Nripendra Sircar: May I point out, Sir, that section 277D is being amended by this Bill in clause 13 so that it can hardly be said that it is not within the scope of the amending Bill.

Mr. President (The Honourable Sir Abdur Rahim): I know: but in what respect? It is more or less of a verbal character, is it not?

The Honourable Sir Nripendra Sircar: Not exactly verbal. I admit it is not very substantial.

Mr. President (The Honourable Sir Abdur Rahim): The whole section is now under review, is it?

The Honourable Sir Nripendra Sircar: The position is this: as the House will realise, 'registered office' and so on, had no application when the companies were incorporated outside British India; and for that reason all these changes have been made, and equally for that reason this amendment ought to be accepted. Otherwise you cannot put it into operation. How are they going to go before a Registrar? Their office is not under the jurisdiction of any Registrar and so I think the House ought to have no objection to accept this amendment.

Mr. President (The Honourable Sir Abdur Rahim): Having heard the point of order raised and also the Leader of the House as regards the scope of the amendment, I hold that the amendment is in order, since the section is already being amended.

Amendment moved:

"That to clause 13 of the Bill the following further proviso be added at the end:

'Provided further that this section shall be deemed not to have come into force until the date of the commencement of the Indian Companies (Amendment) Act, 1938'."

Mr. M. Ananthasayanam Ayyangar: Sir, I beg to oppose this amendment. It is a substantial amendment. The object of the framer of the present Bill is to remove some clerical errors: wherever the words 'profit and loss account' were used for these companies, the words 'income and expenditure account' were substituted. Similar mistakes which have arisen in various portions of the original Act are sought to be amended by this Bill. The present amendment is a substantial amendment in this way: section 277D was a new section introduced by the Act of 1936: that section seeks to make it incumbent on companies established outside British India to keep the charges, if any, on properties acquired in British India registered within British India: that section sought to make sections 109 to 117 and 120 to 125 applicable to companies established outside British India which have a place of business in British India, and it came into operation from the commencement of the Act of 1936. This Bill may be passed in 1938. Between 1936 and 1938, if such companies have not registered the charges in contravention of section 277D, it is sought by this amendment to absolve them for their neglect instead of imposing a penalty upon them. No doubt it is true that the word "Registrar" was not properly defined there. In sections 109 to 117 and 120 to 125 Registrar applies to any Registrar in any province. The word "Registrar" applies to any Registrar in any province. It is open to any company incorporated outside India to have their documents registered anywhere within British India before any Registrar. There can't be any difficulty of that kind. I would therefore submit, Sir, if it is necessary to obviate the difficulty that has arisen on account of there being no definition of the word "Registrar" or the meaning of it being indefinite, those companies ought not to be exempted from getting the charges created or acquired between 1936 and 1938 registered now at least. Though this amendment will compel them to register the charges created hereafter they may not

[Mr. M. Ananthasayanam Ayyangar.]

register the charges which were acquired between 1936 and 1938. A distinction ought not to have been made between companies incorporated outside British India and those incorporated within British India in the way of registration of charges, whether acquired or made originally under the old Act. That was remedied in 1936 by enacting section 277D. Now, to make section 277D nugatory until this Bill comes into operation, I would submit, is contrary to the intentions of the framers of that section. Secondly, I submit that if really there was so much inconvenience felt, the European Group should have come forward with a measure and placed before this House the inconveniences felt by them in not having a Registrar before whom they could go. They have not done so. They waited for this opportunity. I now ask, Sir, whether it is desirable to allow the European Group to take advantage of this opportunity and introduce substantial matter contrary to the intentions of the framers of that Act. I, therefore, oppose this amendment which makes a radical difference in section 277D.

Mr. S. C. Sen (Government of India: Nominated Official): Sir, I am afraid there has been some misapprehension in this matter. It is not the intention of this amendment to render nugatory section 277D. My Honourable friend, Mr. Ayyangar, has not realised that section 277D, as it now stands, cannot, unless the words "Registrar" and "the registered office" are further amended, be properly complied with by companies incorporated outside British India. This difficulty is going to be removed by the other two amendments, to which I understand there is no objection. How would it have been possible for those companies to comply with the provisions of section 277D before these irregularities, formal or informal, are put right? Therefore Sir, inasmuch as we are putting right the difficulties in section 277D to make it possible for companies, incorporated outside British India by this amendment, to comply with the provisions of section 277D, it follows equally that we should alter the provision so as to apply it as from the date of these amendments. That is the whole object. It does not seek to render nugatory section 277D, and I am afraid my friend's apprehensions are wholly unfounded.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): What happened to those charges between 1936 and 1938?

Mr. S. C. Sen: The position was that by reason of these difficulties which are now sought to be put right, the companies incorporated outside British India could not comply with the provisions.

Mr. M. Ananthasayanam Ayyangar: Will those charges between 1936 and 1938 be registered now?

Sir Cowasji Jehangir: What will happen to those charges? Will they comply with this section now? Is it the intention that all companies registered outside British India between 1936 and 1938 should register all the charges between this period, or will they not do so at all? If that is not their intention, then how are they going to be compelled to do so?

Mr. A. Aikman: In practice, companies have endeavoured to register their charges. They have written to the Registrar who has stated that he

does not know what the proper procedure is. I presume the solution would be for the company to register the charge with every Registrar in British India.

Sir Cowasji Jehangir: But how are you going to be compelled to carry out the spirit of this section between 1936 and 1938. We trust you will do so, but how are you going to be compelled to do so?

Mr. Bhulabhai J. Desai: Sir, I oppose this amendment, and I am quite certain that when the grounds for the opposition are realised, my friend, the Mover, as well as Mr. Sen will see that there is no question of misapprehension at all. Section 109 and the subsequent sections relate to the registration of charges, and they are of vital importance in that the charges must be so registered, because the object of section 277D was that, in so far as non-Indian companies were concerned, they should comply with the provisions as to registration inasmuch as the Indian companies were obliged to comply with those provisions. The question is as to whether they were registered or whether they have created some difficulty, but that did not prevent registration. For instance, what is now provided is, that for the purposes of registration, the Registrar should be deemed to be the Registrar who is functioning in the province in which the principal office is situated. In fact even without that proviso, and with due deference, any man with common sense carrying on the business of a company in the principal place in British India would have gone to that Registrar and to no other, and it is no excuse to say that because there might have been some difficulty, therefore the section remained uncomplied with. In any event, the result of the amendment, when passed, would be that all charges remaining unregistered between 1936 and 1938 would remain unregistered for all time, and I, therefore, object to the amendment on a very substantial ground. I would have had no objection if the amendment had provided for this. My friend, Mr. Ayyangar, pointed out in passing a short while ago that, though this may not come into operation until the amending Act is passed, there should at least be a proviso to the effect that all charges covered by the sections 109 to 125 shall be registered on a date, shall we say, within a week or a fortnight after the commencement of the operation of this Act,—the substantial point being that registration which has hitherto been omitted should be registered, because it was not impossible to register it without this explanatory proviso. As I said, the natural place for it to register would have been the place nearest to the principal office of the foreign company. I, therefore, oppose this amendment unless my friend is prepared to add substantial words to the effect that all mortgages and charges since 1936 would within a certain date from the operation of the amending Bill be registered with the Registrar indicated in the proviso, otherwise there will be a good deal of mischief done by the non-registration of the mortgages and charges between 1936 and 1938. If the amendment is proposed in the terms in which it stands now, then it is my duty to oppose it.

Sir Cowasji Jehangir: Better postpone it till after lunch.

The Honourable Sir Nripendra Sircar: May I say, Sir, that both this amendment and No. 3 can be put in a shape which will meet with the approval of all the parties, but that means a little time. I do not know whether the Chair will be inclined to postpone this matter till half-past two.

Mr. President (The Honourable Sir Abdur Rahim): Very well, I will do that. Then we will take clause 14.

Clause 14 was added to the Bill.

Mr. J. Bartley: Sir, I have an amendment to introduce a new clause after clause 14; but in view of the fact that it may be necessary to introduce a new clause after clause 13, I would like to modify the wording of my amendment a little bit and leave out the portion about re-numbering. I would like to move simply, that after clause 14 of the Bill a new clause be inserted as it is found here, and then subsequently, with your permission, I would move an amendment for the re-numbering of the Bill so far as re-numbering is rendered necessary. I move:

"That after clause 14 of the Bill the following new clause be inserted, namely:

'In sub-section (*1*) of section 277L of the said Act, before the words 'a statement' the words 'three copies of' shall be inserted'."

The object of this is to secure that three copies of the document referred to in section 277L instead of one should be supplied to the Registrar. We will add the number of the clause later.

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

"That after clause 14 of the Bill the following new clause be inserted, namely:

'In sub-section (*1*) of section 277L of the said Act, before the words 'a statement' the words 'three copies of' shall be inserted'."

The motion was adopted.

New clause after clause 14 was added to the Bill.

Clauses 15, 16 17, 18 and 19 were added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): Further consideration of the Bill will stand over till 2-30 P.M. today.

The Honourable Sir Nripendra Sircar: Subject to what other Members may suggest, I would rather have it as first thing tomorrow than at 2-30 today. It will not take more than a few minutes for the House to dispose of it, and if you take it tomorrow it will give a little time for us to discuss the form of the amendment.

Mr. President (The Honourable Sir Abdur Rahim): If that suits the convenience of the House, this Bill will be taken up again tomorrow.

THE REPEALING BILL.

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

"That the Bill to repeal certain enactments be taken into consideration."

This is the kind of Bill with which this House is troubled from time to time. The whole object of this Bill is to cut off the dry branches as it were, that is to say, formally remove from the Statute-book those Acts which have now become obsolete and effete by reason of circumstances.

There is a long Schedule. The matter has been very carefully gone into by Mr. Bartley and by others and I do not know that I need make a speech beyond saying that there is no desire nor is it the effect of the Bill, to cause any change in any law. Sir, I beg to move.

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

"That the Bill to repeal certain enactments be taken into consideration."

The motion was adopted.

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

"That the Schedule stand part of the Bill."

Mr. J. Bartley (Government of India: Nominated Official): Sir, I move:

"That in Part I of the Schedule to the Bill the entries relating to—

The Indian Trusts Act, 1882 (Act II of 1882),

The Land Improvement Loans Act, 1883 (Act XIX of 1883),

The Civil Procedure (Amendment) Act, 1922 (Act IX of 1922), and

The Indian Forest Act, 1927 (Act XVI of 1927)

be omitted."

The reason for this amendment is this. Take, for instance, the Indian Trusts Act first. Our proposal was to repeal section 2 and the Schedule of the Indian Trusts Act. Section 2 says:

"The Statutes and Acts mentioned in the Schedule hereto annexed shall, to the extent mentioned in the said Schedule, be repealed, in the territories to which this Act for the time being extends."

But by section 1 of the same Act power was given to Provincial Governments to extend the Act from time to time by notification in the official Gazette. We are not absolutely certain that all the Provincial Governments who might use that power have actually exercised it, nor are we certain that certain Provincial Governments may not in the future wish still to exercise that power. The same point arises as regards the other three Acts I have mentioned. I do not know that any harm would be done by removing them from the Statute-book, but I am not certain that inconvenience may not be caused. Therefore, when on going through the list of these Acts very carefully subsequently we found these four Acts about which we are not certain, we decided to omit them from the Schedule. Sir, I formally move.

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

"That in Part I of the Schedule to the Bill the entries relating to—

The Indian Trusts Act, 1882 (Act II of 1882),

The Land Improvement Loans Act, 1883 (Act XIX of 1883),

The Civil Procedure (Amendment) Act, 1922 (Act IX of 1922), and

The Indian Forest Act, 1927 (Act XVI of 1927)

be omitted."

The motion was adopted.

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

"That the Schedule, as amended, stand part of the Bill."

The motion was adopted.

The Schedule as amended, was added to the Bill.

Clause 2 was added to the Bill.

Clauses 3 and 4 were added to the Bill.

Mr. J. Bartley: Sir, I move:

"That in clause 1 of the Bill, for the figures "1937" the figures "1938" be substituted."

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

"That in clause 1 of the Bill, for the figures "1937" the figures "1938" be substituted."

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 move:

"That the Bill, as amended, be passed."

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

"That the Bill, as amended, be passed."

Mr. M. Ananthasayanam Ayyangar (Madras Ceded Districts and Chittoor: Non-Muhammadan Rural): Though the clauses of this Bill are few, the schedule consists of nearly 300 or 400 Acts. This is the first day on which we are meeting. I had not even time to give notice of a motion for referring this Bill to Select Committee. Much less had we time to go through the several Acts. They are so many. Of course, I would like all the Acts to be repealed. There is no question about it. If you want to decide the point whether they ought to continue on the Statute-book or whether they should be removed, more than ordinary intelligence has to be exercised. However, intelligent and careful one of the Government Members might be, who is in charge of the Bill, it is possible that something might escape his notice. When a similar Bill was under discussion in Simla, there was a regular storm, when an amendment was introduced regarding the Merchant Shipping Act. Some modification was sought to be introduced by way of an amendment. Some days were spent in discussing whether it was a formal amendment or whether substantial changes were sought to be introduced by going behind the provisions of an Act. Similar difficulties might arise. As a matter of fact it has been noticed by the Government itself with respect to two or three Acts that they ought to have continued them on the Statute-book so as to allow the Provincial Governments to exercise some rights vested in them. In cases of that kind, Government must move a motion for reference to a Select Committee. Perhaps there may be no more such repealing Bills coming up. We had one in September. I would suggest to the Government not to rush Bills in this way but move for reference to Select Committee, so that greater attention might be bestowed on them.

The Honourable Sir Nripendra Sircar: May I explain the position of Government? My friend is not, of course, opposing my motion but is only airing his grievance. This Bill was introduced in September and he could have given notice of the motion for Select Committee within the last six months.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): My Honourable friend, the Leader of the House, is using his "cleansing" broom with a certain amount of thoroughness. All I would like to say is that I hope and trust that the broom does not carry away anything that ought to have been left. It is absolutely impossible for us to study a Bill of this character . . . .

The Honourable Sir Nripendra Sircar: You have had six months.

Sir Cowasji Jehangir: Even then, it is absolutely impossible to be able to say what legislation ought to remain. I notice among the Bills that are to be repealed some income-tax Bills. I trust that at the Finance Member's back, the Leader of the House is not sweeping away all the income-tax legislation in this country. At any rate, if he would make an attempt in that direction, he would receive the cordial assistance of many Honourable Members. The responsibility for such legislation lies entirely on the shoulders of Government, and we trust that they will not have to move later on for reinstating Acts which they are now repealing.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): I am really sorry that the Honourable the Law Member should have intervened, because that forces me to have my say. The grievance of the Law Member is that though this Bill has been before the House for six months, none of us cared to table any amendment. The position is this. One never knows the course of Government business. They are in the happy position of needing no ballot. They can change their programme exactly as suits their purpose or convenience. Nobody could have reasonably expected that this enormous Bill would be brought up on the very first day. When the Legislative Assembly office sent out the agenda for today, it did not send out copies of the Bill, along with other papers. If we had received the Bills even two days earlier we could have tried to table some amendments. The Law Member can say that we should carry all the bundle of papers that are shoved upon us by the office always on our backs; but our backs are not strong enough and the papers are too numerous. We do not know when a particular Bill will come up.

Mr. President (The Honourable Sir Abdur Rahim): Copies of the Bill were circulated long ago. They were thrown away?

Mr. Sri Prakasa: They are all very carefully kept in my file at home; but I did not know that it was coming up today when I left Benares. When I arrived here I found out that this thing is coming up today and, therefore, could not table any amendments. Of course, I could have found a flaw on every line and every page of this Bill. Therefore, without going into the merits of the question, I should like to add my little

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voice to that of my friend, Mr. Ayyangar. Of course, I am in favour of repealing everything. Mr. Ayyangar said that no more Acts will now need to be repealed. I don't agree: the Government of India Act itself has got to be repealed. I have not given up hopes of that and generally I favour the repeal of every Act that this Government passes. The difficulty, however, in the present case, is that this repeal is only a misnomer. What it really means is that certain formalities have been fulfilled by amending Acts and the original Acts have got those amended sections incorporated in them, and, therefore, these separate Acts are no more necessary.

1 P. M. You will remember that when a similar Bill came before the House on an earlier occasion I wanted to omit one Act, the Act about repression, because that particular Act had been passed over the head of the Assembly by the Governor-General under special powers vested in him: a Bill that had been thrown out by the Assembly was put on the Statute-book as an Act. I feared a later generation might feel that that Act was actually passed by the Legislature if it was repealed under the Repealing Act in that particular form when the clauses of the new Bill had been incorporated in the earlier Act which had been originally passed by the Legislature. I wanted the fact of the exercise of special power to stand in its naked horror for all time. I am sorry that that amendment of mine did not find favour with this House, though I see that Mr. Bartley's amendment about omitting three Bills from this enormous list has been accepted by the House. Anyway, I feel that some protest should be raised on this side of the House and I am glad my friend, Mr. Ananthasayanam Ayyangar, and even Sir Cowasji Jehangir have raised their voices against the action of Government. Sir, I join in that protest.

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

"That the Bill, as amended, be passed."

The motion was adopted.

THE INDIAN TEA CONTROL BILL.

Mr. H. Dow (Commerce Secretary): Sir, I move:

"That the Bill to provide for the control of the export of tea from, and for the control of the extension of the cultivation of tea in, British India, be referred to a Select Committee consisting of Mr. Kuladhar Chaliha, Mr. Brojendra Narayan Chaudhury, Raizada Hans Raj, Mr. Thirumala Rao, Mr. Badri Dutt Pande, Dr. Sir Ziauddin Ahmad, Mr. Akhil Chandra Datta, Mr. P. J. Griffiths, Mr. F. E. James, Maulvi Abdur Rasheed Chaudhury, Mr. H. A. Sathar H. Essak Sait, Mr. G. D. Walker, Sir Girja Shankar Bajpai, Mr. A. K. Chanda 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, in view of the nature of my amendment and of the fact that this Bill merely seeks to continue legislation which has been in force for the last four or five years and I think with the general approval of the community, the House will not expect a very long speech from me. My friend Sir Girja Shankar Bajpai, to whom it fell to introduce the Bill

in 1933, pointed out that the Government had tried to give effect to three main principles in drawing up the Bill, *viz.*, firstly, that the industry on whose behalf the Bill was put forward should be responsible for providing the machinery and for paying for its administration; secondly, that the scheme should be made to work equitably on behalf of all the interests involved whether they were European or Indian and whether they were big or small, and, thirdly, that the operation of the measure should not press more hardly on India than it did on the other countries who joined in the agreement to which this Bill is to give force.

Sir, the present Bill follows the lines of the last Bill very closely, and it may be a matter of some surprise that since that Bill when it was first introduced was passed through the House without referring it to a Select Committee, Government should now think it necessary to send this Bill to a Select Committee. But Government are well aware that there are very many matters, some of them important and some of them not so important, but all of them requiring very careful consideration, which have cropped up in the course of the administration of the Act.

I will only refer now to one such matter which has been very prominently before Government, and that is that there has been a certain amount of dissatisfaction expressed particularly by the smaller Indian growers. One of the principal duties entrusted to the Committee is the distribution of quotas. Appeals on that matter have come to Government and in the course of the last few years Government have had to deal with a very large number of these appeals. I myself have dealt with these appeals and have taken a very considerable personal interest in them. I would like to say that I believe the Committee, in its administration of this part of the Act, have tried to show fairness to all parties. But on the part of the smaller growers in outlying places there is a very natural feeling that, perhaps, the Committee does not deal with them quite fairly. The reasons are that the Committee consists largely of a body of people who get their living out of tea, and are very interested in the restriction scheme. Then, too, they are people for the most part without knowledge of local conditions and of district administration, and the smaller cultivators feel, I think, that their difficulties are not always thoroughly understood. For that reason, I understand that there will be a move for the appointment of a full-time Chairman of the Committee, and one of the principal duties of this full-time Chairman, in addition to presiding at meetings, would be to deal particularly with these cases of appeals against export allotments, and it would be his duty to tour, and to understand exactly the point of view which is being put forward by the appellants. So far as Government are concerned, they are inclined to support this move, but it is the intention of Government, if this change is made, to appoint to this post after consultation with the Committee, an official who should be an Indian officer with district experience. Government attach very considerable importance to these smaller Indian growers of tea not only getting a square deal, as I believe they generally do, but feeling that they get it. That is the only point to which I want to refer specifically. I understand that there will be a large number of other amendments brought forward, and therefore, we propose this somewhat large and representative Committee to deal with this small Bill. That is all I need say at this stage. Sir, I move.

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

"That the Bill to provide for the control of the export of tea from, and for the control of the extension of the cultivation of tea in, British India, be referred to a Select Committee consisting of Mr. Kuladhar Chaliha, Mr. Brojendra Narayan Chaudhury, Raizada Hans Raj, Mr. Thirumala Rao, Mr. Badri Dutt Pande, Dr. Sir Ziauddin Ahmad, Mr. Akhil Chandra Datta, Mr. P. J. Griffiths, Mr. F. E. James, Maulvi Abdur Rasheed Chaudhury, Mr. H. A. Sathar H. Essak Sait, Mr. G. D. Walker, Sir Girja Shankar Bajpai, Mr. A. K. Chanda and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): Mr. President, I rise to oppose this Bill if I can and to point out at least some of the most important defects in it. I find that even Mr. Dow, who is so very anxious to pay a compliment to the Indian Tea Licensing Committee for its impartiality as between the big tea growers and the small tea growers, has himself been obliged to admit that there is a considerable amount of feeling in the ranks of the small Indian tea growers that they have not been dealt with fairly by this Committee. He seems to think that it is only a feeling. If it is so, there is no need why he should go out of his way to offer the appointment of an Indian I. C. S. officer as a full-time Chairman of this Committee, because it is in keeping with the Government traditions that they need not care so much for the feelings of the people as long as such feelings do not pinch them too hard. The truth seems to be the other way about, namely, that the Indian small tea growers have come not only to feel but have come to experience a terrible lot of unfairness at the hands of this Committee in the distribution of the quotas as between themselves and these big people.

It is a well-known fact that it is only since 1920 that the growing of tea has become more and more popular with the small tea growers. Whether you go to Assam or to the Nilgiris, you will find the same thing, namely, that a greater number of small tea growers have taken to tea growing and have found it a profitable occupation. They have, therefore, tried to turn more and more land to tea growing so that they could increase their own incomes. But they have found to their surprise and to their disappointment that this Tea Licensing Committee has come to exercise extraordinary powers over them and expects them to maintain a number of registers to satisfy a number of queries and to obey a number of orders emanating from this Committee.

It is not surprising that in 1933 such a Bill as this was passed by this House without even a reference being made to the Select Committee, but it is certainly surprising that the Government should even now give their apology for trying to send this Bill to a Select Committee. It is such an important Bill that it needs no apology at all for a reference to the Select Committee. Sir, as a result of the last Bill that was introduced and passed into Act, a new zamindar has come to be established in this country.

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, Sir Cowasji Jehangir (one of the Panel of Chairmen) in the Chair.

Prof. N. G. Ranga: Mr. Chairman, Sir, I was saying before we dispersed for lunch that even under this Bill the Government do not seek to improve the position of the small grower. In fact this Bill seeks to establish a more efficient system of zamindari than we have had till now in various provinces. It is well known how the zamindars have been given the right of entry into any peasant's lands, to prosecute any peasant if they find the peasants contravening any of the sections of the laws according to which, they, the zamindars, have come to exercise their powers of collecting land revenue and so on in various provinces. It is also very well known how most of the zamindars have come to misuse their powers. That is why in various provinces today attempts are being made to enquire how and to what extent the powers of the zamindars could be restricted and the zamindari system could be prevented from playing this mischief upon the lives of our peasants. Then at this juncture to try to re-establish this particular Tea Expansion Board with all its powers is indeed a surprise to me, used as I have been to unpleasant surprises even from this Government of India.

Sir, this Board is to have the right to demand written notices from various tea growers for various purposes for the areas on which they grow tea for the amounts of tea that they produce, for the amount of tea that they seek to export and they have also the right to penalise peasants for not keeping these registers properly and adequately, and it is not only the right to prosecute these peasants for not complying with the various provisions of this Bill that the Tea Expansion Board claims, but it has also the right to impose conditions. It is both the prosecuting authority as well as the Judge. What is worse, there is to be no appeal at all against any of its decisions to an ordinary Court of law. If anyone is dissatisfied with its decisions, he has no other option but to seek the assistance, in one case, only the intervention of the Provincial Government and, in all other matters the intervention of the Central Government.

Sir, are we to be asked now to confer such arbitrary powers upon this Tea Expansion Board? If we are to confer such vast powers upon this Board, it is only relevant that we should pause and scrutinize the proposed constitution of this particular Board. There seems to be very little difference between the manner in which the existing Board has been constituted and the future Board that is proposed to be constituted. Except for a few unimportant changes the constitution seems to be the same whether it is for the past or for the future. There are to be twelve members, out of whom I am told on very good authority by my Honourable friend who hails from Assam as many as nine will be Europeans. A Board consisting of 12 members is to have nine Europeans. Such a Board cannot really be expected to inspire confidence in any responsible body of Indians, not to speak of the large numbers of Indian tea growers themselves.

Sir, it would have been some sort of apology for the re-establishment of this Board if Government had come forward with any proposal of increasing the strength of Indians on this and tried to show us conclusively that a majority of this Board ought to be Indians and not Englishmen. But even if a majority of this Board were to be Indians, will we be satis-

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fied, can we be satisfied? My answer is in the negative. It is for this reason. Such vast powers ought not to be given to any authority barring the Government themselves; and even if it is the Government that is given these powers it must be a responsible and not an irresponsible Government like the one that we have today.

Sir, it is a notorious fact that most of our peasants are not able to keep accounts, many of them are illiterate, most of them are too poor to engage any Accountants. They are not in a position to keep all the intricate ledgers and other accounts that are expected to be kept according to this Bill. If they fail to keep any of these accounts properly, it is left to the discretion of any of the officers of this particular Board to take cognisance of that particular failure of his and then get his own Board to condemn him for failure to keep that account and then get him fined Rs. 1,000. It may be said that this particular figure of Rs. 1,000 is only the maximum. Normally speaking, it will not go as high as that, but when the maximum figure is as high as Rs. 1,000, it is common-sense to expect that a fine of Rs. 100 cannot be considered to be too high from the point of view of the Board, but from the view-point of the grower himself, a fine of even Rs. 50 is disastrously high, if such a power should be given to such a Board.

There is the question of responsibility of the Government in the whole affair Why is it that Government is not itself anxious to discharge this particular function directly? Why is it that Government is so very anxious to have the mediation of this Expansion Board? Is it because the Government wants to be irresponsible even in this regard? Is it because Government do not want this House to have any sort of control over the activities of the thousands and thousands of officers and others who are to be appointed by this Board in order to carry out the objects of this particular Bill? If it is not that, why is it that Government wants to leave it to this particular Board? It may be that the Government wants to say that it wants to leave it entirely to the tea growers themselves who are interested in this. If Government is really serious about it, why is it it has reserved to itself the right of dissolving the Board whenever it likes, disallowing any of its activities, cancelling any of the fines or any of the actions of this Board? If Government has reserved to itself such vast powers of even dissolving this particular Board and taking as its own the revenues, whatever balance may be left with this Board, why is it that the Government does not openly come out and say "We are not responsible for discharging all these responsibilities, we shall be held responsible by the Legislature and by the public themselves for the manner in which we try to protect the interests of the growers"?

The whole thing comes to this. This Board is intended to be established for the protection of the tea-growers. If that is so, why not the Government come forward and say that they are prepared to protect these people and for that purpose they are anxious to have necessary powers to control the expansion or restriction or the diminution of the area under tea and they are going to exercise those powers according to rules framed by them and approved by this House? Instead of that there are to be one set of rules to be framed by this Government and enforced without the mediation of this House and another set of rules or bye-laws to be framed by this Tea Expansion Board over which also this House has no

control. Sir, the establishment of this Board is going to be no different from the establishment of the Statutory Railway Board. Government wants to enjoy all the powers without giving itself an opportunity of rendering an account from time to time to this House or to the public at large in this country.

Then, Sir, if we come to the growers themselves, even if the Tea Expansion Board were to be allowed to be kept completely under the sway of these tea growers, how do we find the fate of the small growers? How do they figure in it? I find from the proposed constitution of it that only one member is to be nominated by the Travancore Government, another member by the Central Government to represent the tea growers of Southern India. I know how these nominations are usually made. They usually go to these big fry; it is these big people who are able to catch the eye of Government and it is they who get themselves represented. They are already represented too well through these various organisations that they have organised themselves into, and on the top of it some of them will get an opportunity of getting themselves nominated by these various Governments as members of this Board, with the result that the smaller man or the smallest man is really squeezed out. It is the smaller people who are not properly organised. I may be told indeed that the Travancore Government as well as the Central Government are expected to nominate only some small grower from amongst the small growers of these various places,—Travancore and the Madras Presidency. But in actual practice it has so happened till now that even in regard to that, Government have tried successfully in getting those people, who are least representative of the small growers, to try to constitute such an irresponsible, irresponsive and unrepresentative Board and then to confer upon it such vast powers over the fate of these small growers and others; and then to ask us to give our sanction to it is really asking for too much.

Let us see whether this particular Expansion Board is expected to increase even the efficiency in the production of tea. We find no mention of it here. It is only intended to restrict the total area under tea, controlling and trying to interfere in the economic life of large numbers of our tea growers in this country. We find that the lowest production is 357 lbs. per acre whereas the maximum goes up to as much as 657. No effort is sought to be made to raise this minimum to a higher figure and try to achieve a better average of production in this country. Indeed I find that no effort made or sought to be made to improve crop planning in regard to this as between these various provinces. We find that one province—Assam—alone has got nearly 50 per cent. of the total production for itself. There are other provinces. Between 1885 and 1936 many provinces which did not figure prominently in the earlier days have come to develop tea growing for the benefit of their own tea growers. But thanks to this Tea Expansion Board and the steps taken by these various European tea planters, many of these new provinces have been prevented from effecting as much expansion of tea growing in their own provinces as really they need. To take only my own province of Madras, you will find that in 1885 they had only 5,558 acres, whereas our growers came to have 51,864 acres in 1926. The acreage has increased tenfold within that period, and between 1926 and 1930 it has again gone up to 69,000. But between 1930 and 1935, that is, the past five years in which definite efforts had come to be made

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with the help of the State by the European tea growers, the acreage has not shown as great an increase as one would have expected. It only rose by about 7,000 or a little more than 7,000 acres. The same thing can be said of many other provinces. There is a great need for the expansion of tea in various other provinces apart from Assam and Bengal, and yet because of this tight control over the expansion of tea and no effort being made for redistribution of the area under tea as between different provinces, many of these provinces which really are badly in need of tea growing have had to suffer very seriously for want of any other equally profitable crop. Therefore unless the Government makes itself responsible for the expansion or the restriction of the area under tea all over India, adequate justice cannot be expected to be done either to small growers or to various provinces which have not come to be major tea growing provinces.

Then we come to the question of staff. I do not know how many thousands of people this Board is already employing either at the top or at the lower rungs of its own services. But we know that most of the people at the top are today Europeans. They are paid very high salaries and provided with munificent allowances and in addition, they are already having some thousands of employees. How they employ these people, through what means, with what qualifications, nobody knows. They do not even publish a report of their activities with adequate details, and we are to have many more people employed on this basis. If these officers about whose qualifications we are not given any sort of assurance are to have such vast powers as to go and interfere in the economic life of our peasants at so many points, and if these officers are to have no qualifications at all or such as cannot be considered to be satisfactory, and if there is to be no real governmental control over their activities, then it bodes ill for our peasants indeed. If Government really wills the welfare of our peasants, what it ought to do is to have a sort of board like this only as an advisory board to help with its advice and experience, but that Government itself should undertake all the responsibility that is today being discharged by this Board, so that we may know how Government appoints all these officers, who they are and what they are doing and how they behave themselves. If any of them behaves badly, it should be possible for any Honourable Member in this House to rise in his seat and raise a question or even question the authority of the Government for having allowed this man to behave badly either towards the peasants or towards anybody else in the country. Therefore, I am opposed to the very principle underlying the establishment of this Board and the powers that are to be conferred upon it; and if by any chance the House accepts the principle underlying this Bill, then I would like the House to have a close eye on the various dangerous powers that are sought to be given to this board and see that the Government is made responsible for every major activity and major decision of this Board and for every action of the employees of the Board.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I rise to a point of order: in the Statement of Objects and Reasons you will find that this Bill deals with subjects which are in the Provincial List. As a matter of fact chapter III of this Bill deals with items 20, 21 and 29 of the Provincial Legislative List. When this

Legislature deals with such subjects, such legislation is governed by sections 103 and 106 of the Government of India Act. The statement of Objects and Reasons of this Bill itself states that under section 106 they have got the consent of the Provincial Governors for this legislation. You will find that section 106 refers only to legislation undertaken by the Federal Legislature by reason only of the entry in the Federal Legislative List relating to the implementing of treaties and agreements with other countries. The whole point which I want to raise is whether this Bill is based on a treaty or agreement with other countries by the Government of India. I submit that it is not. This is only an official recognition of some agreements between the vested interests concerned in the tea industry. It cannot be construed as a treaty or agreement on behalf of this country with other countries executed by the Government of India; and unless it is such an agreement, this legislation cannot be governed by section 106: it has to be governed by section 103. According to section 103, the Provincial Legislatures have to approve of such legislation and pass resolutions authorising the Central Legislature to enact a law on the subject. I submit that as the consent of the Provincial Legislatures has not been obtained and as this is a matter which concerns the subjects in the Provincial Legislative List, this Bill is not in order.

Mr. Chairman (Sir Cowasji Jehangir): I understand that this is merely a Bill to continue the present Act which is in existence.

Mr. H. Dow: As regards that point that you have raised, Sir, this is a Bill to continue in all its main features an Act which is at present in force.

Mr. Chairman (Sir Cowasji Jehangir): Leaving aside your point of order, this is a Bill which is intended to continue an Act which will lapse; and if such a resolution as you contend is required, it ought to have been required for the Act which is in existence even now.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): It is the divison of subjects in the new Act of 1935 on which the point is based: the respective jurisdictions of the two Legislatures are in the Schedule—the Concurrent List and the two exclusive lists.

Mr. H. Dow: I think the Honourable Member's point is that this agreement to which the Bill seeks to give effect is not an international agreement: that it is merely an agreement between sectional interests in the countries concerned. While it is true that there is such an agreement between the interests concerned, the various Governments concerned, in each of those countries, have also undertaken to give legislative effect to these agreements in so far as it is necessary for implementing them, and, therefore, there is an international agreement within the meaning of the Act.

Mr. M. Ananthasayanam Ayyangar (Madras Ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, the point is this. I understood the Government to say that this agreement was entered into by the Government of India with the Ceylon Government and the Government of the Netherlands. But unless the Government of India as the Government of India enters into an agreement with other Governments, that agreement cannot be implemented by a statute of the Federal Legislature or by the Central Government because it is only such agreements that can be implemented under section 106. That section says:

"The Federal Legislature shall not by reason only of the entry in the Federal Legislative List relating to the implementing of treaties and agreements with other countries have power to make any law for any Province except with the previous consent of the Governor, etc., etc."

The point is now that this Bill does not seek to implement any agreement entered into by the Government of India. Implementing treaties and agreements with other countries does not refer to agreements entered into by any section of the tea trade in this country with a section of the trade in any other country nor even by a section of trade in this country with the Government of any other country. If agreements are entered into by this country with Ceylon or Netherlands, then it is open to the Federal Legislature to implement them, though those agreements might affect subjects which are included in the Provincial List. This subject of the control of the extension of growing of tea in the several provinces is certainly in the Provincial List because it relates to agriculture and to land also. Therefore, Sir, but for the provision of section 106 relating to the implementing of agreements and treaties with other countries where the Government of India as a whole may represent all the Provincial Governments,—the Government of India on the one side on behalf of the Provincial Governments and foreign Governments on the other,—the Government of India can be the spokesman. That is included in List No. 1. If you will kindly refer to that list and the way it is worded,—it is at page 299, schedule VII, Item 3, External Affairs,—you will see it is stated there—"implementing of treaties and agreements with other countries.....",—we are concerned with the second one,—the implementing of treaties with other countries,—and though the subjects coming under agreements are included in the Provincial List, yet by section 106, it is specifically provided that the Federal Legislature may pass laws and the implementing of such laws and agreements shall be with the consent of the Governor; that is to say, though these treaties and agreements might relate to subjects which are specifically provided for in the Provincial List, they could be controlled by agreements by the Central Government. To that extent, an exception is made in favour of the Federal Legislature, but before the Federal Legislature can have jurisdiction, the agreement, according to my friend, Mr. Santhanam, who raised the point of order, must show that the Government of India as the Government of India entered into it. It is not clear from the Statement of Objects and Reasons. On the other hand, it seeks to say that those agreements have been entered into by the respective trades and tea growers. Please refer to paragraph 2 of the Statement of Objects and Reasons where it is stated:

3 P.M.

"Representatives of the tea industry in India, Ceylon and the Netherlands Indies have executed an agreement providing for the renewal of the scheme for a further period of five years from the 1st April, 1938. After careful consultation with the various

interests affected and the Provincial Governments as well as the Indian States concerned, the Central Government have decided to give official recognition to the renewed tea control scheme. The specific consent of the Provincial Governments has also been obtained to legislation being undertaken."

It does not state . . . .

Mr. H. Dow: Has the Honourable Member read the preamble to the Bill?

Mr. M. Ananthasayanam Ayyangar: Yes, I have read it. I shall again read it. "Whereas it is expedient, for the purpose of implementing the agreement which the Central Government has entered into with the Governments of Ceylon and the Netherlands Indies to give effect to the provisions of the International Agreement....." Therefore, it is easy for my Honourable friend to say that the Government of India has entered into an agreement . . . .

Mr. H. Dow: I have said so.

Mr. M. Ananthasayanam Ayyangar: Yes, but before you pass it, let us make sure that the Government of India also has entered into it, because there seems to be a difference between the preamble and the Statement of Objects and Reasons. Let us therefore have a look into the agreement before we proceed further.

Mr. Chairman (Sir Cowasji Jehangir): Whether you see the agreement or not, it is a matter of arrangement between the Opposition and the Government. The fact is, there is an agreement, which is mentioned in the preamble, and I hold that the point of order is not valid.

Mr. M. Ananthasayanam Ayyangar: Sir, I rise to another point of order. I want to know if the consent of the Governor has been obtained, and if so, I would like to see the consent of the Governor, because, Sir, I find that the Governor, under the Government of India Act, except where it is provided that he can act on his discretion or his individual judgment, shall always consult the Ministers and without his Ministers he has absolutely no jurisdiction to give his consent . . . .

Mr. Chairman (Sir Cowasji Jehangir): What is your point of order?

Mr. M. Ananthasayanam Ayyangar: My point is, if the Governor has given his consent in consultation with his Ministers, and if so, I want to see the consent itself. The Governor has absolutely no right to give his consent except in consultation with his Ministers, and he is bound by their advice under section 50. Under section 106, clause (1), with the previous consent of the Governor, etc., it is not stated it is in his discretion or individual judgment. If you will please refer to section 50, it is stated there that 'there shall be a Council of Ministers to aid or advise the Governor.....'. The second clause relates to his individual judgment. Therefore, it is not clear whether he has given the consent in consultation with his Ministers whose opinion shall be final.

Mr. Chairman (Sir Cowasji Jehangir): If you will look at the back of the Bill, you will see this.

Mr. M. Ananthasayanam Ayyangar: I have seen it. It is stated there "The previous consent necessary under sub-section (1) of section 106 of the Government of India Act, 1935, for the enactment of the provisions of Chapter III of this Bill has been given by the Governors of the provinces concerned", and it is signed by the Secretary.

Mr. Chairman (Sir Cowasji Jehangir): Your point is that this statement may be incorrect, that it may not be a properly qualified consent. As far as the Chair is concerned, it must take it for granted that when it is certified that the consent is in order, then it is in order. It is for the Honourable Member to prove that it is not in order. Unless the Honourable the Leader of the House is prepared to make a statement and confirm the statement just made by the Opposition, the Chair must hold that the consent is in order. The Chair is quite prepared to allow him to make a statement if he wants to.

The Honourable Sir Nripendra Sircar (Law Member): I have no difficulty in confirming what has been stated at the back of this Bill. When we receive a consent, we must presume that it is a consent validly given. We cannot presume that some Ministers have not been consulted and therefore it is invalid, and if there is any substance in that, it is more for my friend to prove it by some evidence.

Mr. M. Ananthasayanam Ayyangar: Here even with respect to nominations by the Government of Madras, the Central Government has taken over their right to nominate a member under the clauses of the Bill.

Mr. Chairman (Sir Cowasji Jehangir): That is another point.

Mr. M. Ananthasayanam Ayyangar: I wonder if the Government of Madras, which means the Governor and his Ministers who are in a majority will endorse that their right of nomination can be taken away by the Government of India. If the Governor himself gives a consent or sanction, it is not valid. I want to know if the Governor as such with his other Ministers and at a meeting of the Ministers voted for this, otherwise his consent is invalid.

The Honourable Sir Nripendra Sircar: Under section 59 of the Government of India Act, all executive action of the Government of a province shall be expressly taken in the name of the Governor. This executive action has been taken in the name of the Governor, and we presume, unless the contrary is shown, that it has been properly done. We cannot go behind it.

Mr. Chairman (Sir Cowasji Jehangir): So far as the Chair is concerned, it must take it for granted that the sanction was obtained legally, and it is according to the Act. There is no evidence to show it is not, and the Chair must accept the statement of the Government. It was a sanction obtained in a proper manner.

Mr. M. Ananthasayanam Ayyangar: There is intrinsic evidence that it is not . . . . .

Mr. Chairman (Sir Cowasji Jehangir): The Chair has given its ruling that the sanction has been obtained in a proper manner, unless you can prove the contrary. The Chair is quite prepared to listen to the Honourable Member.

Sardar Mangal Singh (East Punjab: Sikh): Sir, I wish to make only a few observations on this measure. This Bill, Sir, as the Honourable the Mover has pointed out, seeks to continue the previous arrangements made in regard to the export and cultivation of tea. So far as the restriction on the export of tea is concerned, I have no quarrel, but as regards the restriction on the cultivation of tea, I submit the provision made is rather drastic. Most of the tea planters in this country are Europeans, and by this measure Government wants to safeguard and perpetuate their vested interests. Sir, I would request the Honourable the Mover of the Bill, while in the Select Committee to see that no restrictions are put on the small tea growers, while some restriction is put on big tea growers.

As regards the Licensing Committee, there was only one Indian on the previous Committee out of twelve members and the Chairman was elected by that Committee. As the Honourable the Mover has himself admitted, there were several complaints on the part of small Indian tea growers and the matter often came up before the Government of India. There have been serious complaints about the assessment of the quotas. I do not say that there has been corruption, but I have no hesitation in saying that there has been a certain amount of favouritism and jobbery. On the new Committee there will probably be 3 or 4 Indians, but I submit that that number is quite insufficient and I hope that the members of the Select Committee will so amend the clause that the Indians are in a majority on that Committee. The Europeans may be larger in number as tea planters, but, after all, this is our country and most of the consumers are Indians and it is but natural that on this Committee Indians should be in a majority. I welcome the announcement by the Honourable the Mover of the Bill that the Chairman of this Committee will be an Indian. Through the Chairman who will, I hope, be appointed by the Government of India, the latter would be able to exercise more control over this Committee.

During the past five years this industry has been enjoying perfect autonomy in this country. I do not know whether the Government of India have interfered in the affairs of that Committee. Merely because this Bill seeks to continue the previous arrangements it will not do to say that this Bill is not important, nor will it do to say that on the last occasion when this Bill was passed it was not referred to a Select Committee. I submit that this Bill is very important and it introduces certain drastic provisions in the economy of our country. I carefully listened to the speech of the Honourable the Mover of the Bill, but he did not say anything about speculation in the matter of selling of quotas. It is common knowledge that the quotas are sold to speculators, and in this respect the greater the speculation the more do the tea growers suffer. I hope that the Select Committee will introduce suitable provisions so that the selling of quotas to more than third party is prohibited. The quota may be sold to one person but he should not be allowed to transfer his right to export tea to another man. I hope I have made myself clear. If we allow the selling of quotas indefinitely, there is great danger of speculation and it can be so manipulated that the price of the quota is kept down

[Sardar Mangal Singh.]

artificially and the result will be that the tea grower will suffer whom this Bill wants to benefit. I therefore submit that a provision should be introduced in this Bill by which speculation will be prevented.

As regards the composition of the Committee, I do not see any member from Dehra Dun or the Kangra side. I hope that my Honourable friend, Mr. Hansraj, who is on the Select Committee will press this point. As is well-known, tea is grown, though not in such large quantities as in Assam, on the Dehra Dun side and in the Kangra valley, and there should be somebody to look after their interests on this Committee. With these observations, I support the Bill.

Mr. Brojendra Narayan Chaudhury (Surma Valley *cum* Shillong: Non-Muhammadan): Having been proposed for the Select Committee, I had not intended to speak on this motion, but what has transpired in this House urges me to rise and say a few words. We have not yet been assured whether there is any agreement or treaty between the three Governments, those of India, the Netherlands and Ceylon.

Mr. H. Dow: This is a matter on which you have already given a ruling, Sir.

Mr. Brojendra Narayan Chaudhury: I should like to know the date of that agreement. In the absence of a definite assurance, in the absence of proof that a treaty between the three Governments and not merely an agreement between certain interests has been entered into, it would be quite unsafe for this House to go on with this control scheme. Supposing at the end of the year the growers in Ceylon or in the Dutch Indies were to back out of this agreement and begin to flood the world market, our Indian producers would suffer immensely because we have restricted our production. I would ask this House before it proceeds to vote on this Bill, to be fully assured by facts and figures and by date of the treaty that there is an actual treaty in the real sense between the three Governments. Another thing that I wish to draw attention to is the presence of my Honourable friend, Mr. Griffiths, who represents the European tea interests, just behind Mr. Dow and instructing him. Appearances are said to be deceptive. But they are not so always. I am afraid that the reply to be given by Mr. Dow will largely be the version of the European planters regarding the Control Board. I think it proper that this House must not be misled by one version of facts. I would like to place before the House the Indian version. My Honourable friend, Mr. Dow, began by saying that the Tea Control Board has not been unjust to the Indian planters. But the small planters have complained against the treatment of the Board and our principal object now should be to legislate so that those complaints may disappear. The Control Board has not always been just.

May I draw the attention of Mr. Dow to a criminal case which was, a few months ago, launched in the criminal court in South Sylhet against a small Indian concern for extending the cultivation of tea against the provisions of this Act. The court has found it was old cultivation and the prosecution was unjust. I believe that was the first criminal prosecution under the Act. I quite agree that some sort of criminal provision

is necessary in order to stop unauthorised cultivation; but my complaint is not against the provisions of this Bill but against the way in which the Board works. This House should not think that simply because the Indian planters have not created a row therefore there are no complaints against the Control Board. At any rate the Control Board as constituted under the last Act cannot be allowed to go on. It has been proposed to put an Indian official as Chairman. That may go a little way towards improving the position but not much because most of the members of the Board will be elected by the European tea interests. These are generally very busy businessmen with big ideas. They cannot understand the difficulties of the small Indian planter. They do not realise the difficulties of the small man. By the way, I may tell the House that there are very few big Indian tea planters. Their number can be counted on one's fingers. The basic fact is not realised that the vast majority of Indian planters began their career late, only just a few years before the depression began, and, therefore, they have their financial difficulties as well as the difficulties of small cultivation which cannot pay unless and until the amount of cultivation is raised to a certain minimum. I know that under the rules of the Government of India a certain minimum size for tea gardens is fixed but that minimum may be required to be raised. I believe that is what my friend, Mr. Mangal Singh, wants—that we should be more liberal towards the small planters in granting permits for extension of cultivation and refuse all extensions to the big estates.

One thing that will strike Honourable Members of this House is the provision for the representation of the Indian planters in the Assam and Surma Valleys by nomination at the hands of the Government. We have provincial autonomy in the provinces on a very wide franchise and it is rather archaic in the year of Grace, 1938, that the Indian planters of the Assam and Surma valleys should not be allowed to elect their own representatives. Complaint has also been made by the tea planters in the Native State of Tipperah. They want that they should elect member to the Board. The Government of Travancore have prevailed upon the Government of India to give the tea growers in that State representation but I do not know how far Tipperah State has moved or will be successful. On behalf of the planters in Tipperah, I do claim representation for them.

The most important thing dealt with by this Bill is the crop basis. It is proposed in the new Bill to leave this matter to be determined by the rules to be made under the Act. We suspect, and our suspicions are often correct, that these rules will be made by somebody outside the Government of India and that Mr. Dow will simply sign it and pass it on after looking at the draft for a few minutes. I think that the basis on which the quantity of the crop is to be determined ought to be provided for in the Act itself. It may be said that this is intricate and going too much into details. Against that argument, I would point out that in the Workmen's Compensation Act there are far more detailed matters dealt with in the schedule to that Act than what the crop basis requires. To err is human. Some of the decisions of the Control Board are sure to be wrong and there should be an authority to which appeals should be made There is a board of appeal working very successfully in Ceylon. My friend, Mr. Ranga, has thrown out some good suggestions. But at the same time, I am sorry to say, he has misconceived some of the provisions of this Bill. This Bill is not intended to extend the cultivation of tea. On the other hand its object is indirectly to restrict the crop and directly to restrict

[Mr. Brojendra Narayan Chaudhury.]

further extension of cultivation. So far as the existing state is concerned, every planter is growing as much tea as he wishes. Prudence dictates him to voluntarily restrict the crop for fear of glutting the internal market; only, he must not bring in new areas under cultivation. The control is on the export side, so that the foreign prices may not drop. As a result of not restricting by law the production and internal sale, my friend, Professor Ranga, has his tea in the wholesale auction market at five annas a pound whereas we are selling tea for export at ten annas a pound. Therefore, the consumers of India are being benefited at the expense of the foreign countries. With these words, I support the reference to a Select Committee.

Mr. Badri Dutt Pande (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, there has been a sugar control convention very recently; then we have this tea control Bill; then there will be a milk control, and then birth control and then will be the salvation of India! (Laughter.) Sir, whether all this will lead to the economic or political salvation of India we do not know. Sir, I rise because I come from a hill district growing tea. Tea was growing wild there before the advent of the English, so we have not learnt this vice from the English but the hill-men were drinking it long before the advent of the English here. But, the three tea-growing districts—Kangra, Dehra Dun and Kumaon—do not come into the picture at all; they are not represented at all here, although to my knowledge, Kangra produces about five lakhs of maunds, Dehra Dun about ten lakhs, and Kumaon about three to four lakhs of maunds. No representation has however been given to these three districts and I think they should also be given representation on the Committee.

Recently various points have been brought to notice by other speakers but what I have to bring to the notice of this House is one important statement of our great national leader, Pandit Jawaharlal Nehru, who went to Assam very recently. This is what he says: "I will only now say this that the tea grower does not come into the picture at all either in this Bill or anywhere else or in the Government of India Act, because provision has only been made for the forty-fourth cousin of the bureaucrat and not for the man who produces tea there and sweats and labours all the while." (Laughter.)

I would seek the apology of the House for reading out this statement of Pandit Jawaharlal Nehru in extenso:

"The tea gardens cover a good part of Assam and the Province might, indeed, be called the land of tea. I passed by innumerable such gardens, especially in Upper Assam, and they had a prosperous look about them. A tea garden can be judged to some extent from its external appearance and I must say that most of these gardens in the upper valley looked clean and efficient, more so than the gardens I had seen some years ago in Ceylon. The bushes were neat and close together and their surfaces formed an unbroken and uniform expanse.

But the shine of the shoe is not a test of its fitness or the comfort it gives to the wearer. I suppose the garden labourers are not looked upon as the wearers of the shoe in question. But I was more interested in them than in the quality of the tea produced or the dividends of the companies. And the look of these labourers, men and women, was not good and their complaints were many. Some progress has been made in law at least, from the days when these workers were indentured coolies and practically in bondage. But, in effect, I doubt if the change has made a material difference to their lives. They had a hunted look about them, and fear peeped out of their eyes. They were poor, of course.

They have no organization and not allowed to have any."

Sir, that is a serious accusation:

"I am told that outsiders are not encouraged to go there or to their lines and they live more or less secluded lives. They have been given special representation in the Provincial Assembly, but the measure of their helplessness is this, that their so-called representatives represent the interests of their employers and always side with them. They dare not elect the people of their choice. This is a deplorable state of affairs and to remedy this utter helplessness is far more important than some paternal legislation to remove minor grievances."

Then, another thing which he says is this:

"I was surprised to learn that the tea companies paid exceedingly little in the way of revenue to the State for the land occupied by them. They pay far less than the ordinary agriculturist. Why this particular favour should be shown to them I do not know. It seems unfair to the State and to the agriculturists."

Sir, these are the complaints of our great national leader, Pandit Jawaharlal Nehru. I say that one representative should also be given to the labourers there who constitute the bulk of those affected. It is out of their sweat that we get our afternoon or morning tea, and the toilers should also have their representatives in this Committee. Sir, everywhere the poor under-dog does not come into the picture but only those people who have their dances, dinners and drinks every day who come into the forefront; their whiskies and sodas are all reserved but not the needs of the under-dog, who has got only one friend here, Professor Ranga, who however, is absent just now, and I say that one representative at least should be given to them. (*An Honourable Member*: "What about Mr. Joshi?") Whether it is Professor Ranga or any other man does not matter, I say, but all the niceties of life are what you call the monopolies of those Benches and all the trash is given to this side (Laughter): that is, income on *that* side, and tax on *this* side. So what we want is that the under-dog who produces tea should not be ignored and he should be allowed to organize himself. And why not? This is only prevented by the planters' *zoolum* and *zaberdusti*. Why should not the labourer be allowed to organize himself and to represent his grievances? Sir, I think one representative should be given to Kangra, Dehra Dun and Kumaun, the three districts which grow tea, among others, in the hills. And then there should be no restriction in the agriculture; there may be restriction in the export of tea,—because commercially tea grows wild and some people may be hauled up for illicit growing but that would create hardships for the small grower. As far as possible laws should not be coercive but should only be preventive and permissive. With these words, I support the motion.

Maulvi Abdur Rasheed Chaudhury (Assam: Muhammadan): Sir, I had no mind to speak at this stage of the Bill. But on second consideration I thought that I should speak something. The last Tea Control Bill was passed as a result of an agreement between the three tea-producing countries. We hear that this agreement has been renewed and that it is on account of this agreement that this Bill is going to be enacted. I think the House has got the right to know on what condition this agreement has been renewed. I would like to know whether it has been renewed on the conditions prevailing in 1933. I must admit that the Tea Control Act of 1933 came to the rescue of the tea industry, especially of the small tea gardens owned by Indians. I must also admit that the Committee appointed under the Act also performed their duties fairly

[Maulvi Abdur Rasheed Chaudhury.]

nicely. But this does not mean that nobody has got anything to speak against the working of the Licensing Committee or the working of this Act.

There are complaints against this Committee, some of which are serious and others are of a minor character. First of all, I wish to refer to the saleability of the export quota. I have a great complaint about the export quota being made saleable. First of all, it has a tendency to weaken the small tea estates which are in need of money and are ready to sell their tea at whatever price they can get. But this is not so serious. The worst thing is that the saleability of the export quota is trying to make the growers unlearn what they have learnt in the line of making tea. There are many gardens who will not make any tea at all but would sell their rights to others and just pay for the wages of coolies but would not make any tea. I am afraid if this state of things is allowed to continue, many tea growers will forget the art of making good tea for which there is so great a demand at present.

Then, Sir, the working of this Licensing Committee seems to me to be rather arbitrary. We do not know on what consideration the crop basis was determined on the crops of 1929 to 1933. How was it that the crop of previous years was not taken into consideration? Take, for instance, some of the tea gardens which in 1925 might have been producing a crop which they could not produce in 1929 to 1933.

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

If the basis of 1925 to 1928 were taken into consideration, many of the gardens would have been benefited.

Then, Sir, as regards the constitution of the Committee. In the previous Act, so far as Assam was concerned, two members were to be nominated by the Local Government. According to the present Act, this nomination is now to be made by the Government of India and not by the Local Government. Had it been made in consultation with the Local Government there would have been something in it. I do not know how the Government of India can find out a suitable man for the Committee without the help of the Local Government.

Then, Sir, over and above the tea grown in the province of Assam, there are tea gardens in the estates of Tipperah and Chittagong. I believe the acreage of Tipperah Hills is not an insignificant acreage and in all equity Tipperah should have a representation on the Committee along with Chittagong. Both the places should be represented on the Committee alternatively.

The rigour of the whole Act has fallen on the extension. The big estates can manage without an extension for a decade or for two decades or for even half a century but small estates are bound to suffer. If the small estates are not allowed to expand themselves, then their extinction is sure because they will not be able to do any plantation on virgin soil.

Then, the other mysterious thing is the distribution and the quantity of this extension to individual gardens. I do not know on what basis they have classified economic estates and economic companies. So far as my knowledge goes, an economic estate, if it is owned by a proprietor, can extend to the area of 150 acres and if it is owned by a company, then it

can extend to 300 acres. I think there ought to have been some other basis on which the extension should have been allotted to different estates. This economic and uneconomic basis is not sufficient. The old estate, take for instance, of 125 acres is now exhausted and if the proprietor cannot extend his estate, it is sure that his estate will go in the course of a decade or so. So, we are quite justified in our complaints so far as the distribution of the extension area is concerned.

These are the main points on which I wanted to speak at this stage. I hope to have another opportunity of speaking when the Bill is taken clause by clause.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, the object of the Tea Cess Committee is primarily to raise the price level of tea, because we have seen that in the days of depression the price of tea had fallen to uneconomic level and that the tea producers got no profit and good many of them were frightfully in debt. The Tea Cess Committee has really saved a large number of tea growers, both Indians as well as Englishmen. There is no doubt that the work which they are doing is very valuable and we have only to examine the details of their working.

There was one point raised by my friend, Mr. Pande, and I would like to refer to it. I have already referred to it several times on the floor of the House and whenever I get an opportunity I will press it. The point is that we have been catching the wrong end of the stick in settling the questions between the employers and the employees. The fundamental point which I think we ought to take up is this that the labourers must get the minimum wage which is necessary for their existence, and they should participate in profits. The capitalist should get bank rate of interest and the depreciation charges and a share in profit. Whatever is left as profit after paying wages, interest and depreciation charges ought to be distributed in certain proportion between the employers and the employees. This principle which I pressed on many occasions I take the liberty of pressing again on this occasion, that the workmen and the tea planters must have some share in the profits which they earn on account of the working together for common object, *i.e.*, the success of the industry.

Question was raised about the unfair treatment to certain tea growers. May I draw attention to clause 31, where a provision is made that in case a person is aggrieved, he can always appeal to the Local Governments and now the Local Governments are the governments of the people and we cannot say at this moment that they will do injustice to any class of tea planters. The provision to meet such emergency is already there.

One other question was raised and it is also very important, that is about quota. I think that we ought to have quota system. It is unavoidable, but the quota should not be a fixed proportion of the entire land, this proportion ought to be a variable quantity. In the case of big planters, we should give them comparatively small ratio and in the case of smaller planters, we should give a bigger figure. I submit that this ratio of quota should be different in different cases. We should work it out on some principle. There was one objection raised by my Honourable friend about the sale of the export quota. This thing has got some advantage and I think we should not ignore it. That is, that small tea planters cannot have access to the export business and the best way they can export it is to sell

[Dr. Sir Ziauddin Ahmad.]

it to some bigger firms who will export for them. This provision, I submit is a fair one and it is in the interest of the smaller tea planters, but at the same time there is a danger of its being misused. It is quite possible that some class of money-lenders may spring up in this trade as we find in the case of agriculturists. These money-lenders not having any interest in tea itself may perhaps begin to purchase the export quota from the various tea estates on uneconomic basis and thus create certain difficulties. This danger which exists ought to be avoided and I hope the Select Committee will look into the matter.

There is one other point to which I should like to draw attention. From my personal experience I can say that this Committee is doing very good and useful work in increasing the sale of tea in the country itself, and thus helping in an indirect manner the larger production. One point I should like to draw the attention of the House to—I did not know myself before, probably a good many Honourable Members do not know—that the same tea does not produce a good cup of tea in all waters. The tea made of well water at a certain place is inefficacious when made in river water at another place. Really we have to classify the water at different places in order to obtain good results. I myself had some experience of this. I had very good prescription of tea mixture at one particular place and I took the same tea to some other place where I found it was not so good. Not knowing the scientific secret of chemical composition of water, I laid the blame on my cook thinking that perhaps the water was not properly boiled or that the tea pot was not clean. I ignored entirely the chemical changes in different kinds of water. This reminds me of a very good illustration in the history of astronomy and that is about the inclination of the moon's orbit. We know that it is an angle of five degrees. But it has a periodic motion. A number of Arab astronomers attempted to measure this angle. Some of them found it five degrees; others more than five degrees and sometimes it was found to be less than five degrees. They failed really to see that it was really due to the periodical change in the value of this angle, but they always attributed the variation to bad instruments which they were using or to the defects in their observation. So this periodic motion was left un-noticed for a considerable time and the change attributed to defects in observation and instruments. I think the same is the case with our tea, that is, we have ignored for a considerable time the fact that changes in the chemical composition of water at different places are essential to determine the class of tea which we should use. So really we have to classify water and if the classification is worked out in greater detail, I am absolutely certain that the sale will increase and more people will enjoy their tea.

We should appreciate the work which the Committee is doing.

Mr. H. Dow: Sir, there is very little, I think, that I need say in reply to the debate at this stage. Most of the gentlemen who have spoken, especially towards the end of the debate, are Honourable Members whose names have been put forward as Members of the Select Committee and I feel that the best thing for them would be to bring their complaints before the Select Committee. I must say with regard to my Honourable friend, Mr. Brojendra Narayan Chaudhury, that it seemed to me that there was a good deal of what he said which merited attention, but unfortunately he has rather the habit of dropping his voice at the end of each sentence

so that, I am afraid generally I missed the points of what may have been a very illuminating speech. So in the few minutes left to me, I think it well that I should run over the points that were made by Prof. Ranga and Sardar Mangal Singh. It is rather flattering to me as a Government servant to feel that Prof. Ranga should think that Government and its officers could run the whole Committee so much better without consulting the industry. But I do not think that attitude will commend itself generally to the House. There have been occasions on which Government have embarked on a course of action without taking non-official advice and we have usually been told that we ought to have taken non-official advice; and in a large number of Advisory Committees, we are told that we ought to make them into executive committees. It seems to me that a Committee of this character is one that ought generally to appeal to the House in view of the principles they are always putting forward.

Another thing that I was pleased to see was the stress laid by Prof. Ranga on the fact that there ought to be a certain weightage in favour of smaller interests. In the tea industry as you know, the number of Indian gardens is comparatively small. If you will analyse carefully the committee which has been set up in this Bill, you will find that from whatever way you look at it, Government have done their best to give considerable weight to the smaller interests. If you take the North versus the South, the greater part of the tea industry is in the north; the representatives proposed for the north come to eight and for the south, four. The interest of South India in the trade is only, I believe, about one-sixth. If you take European and Indian interests, you will find that this Committee will probably result in the selection of seven Europeans as against five Indians. I cannot, I am afraid, give you the exact figures of Indian and European interests, but taking roughly the capital employed in the industry, the companies incorporated in the United Kingdom have a paid up capital of about £30 millions and the capital of the companies incorporated in India is only about £10 millions; and as Honourable Members are all aware, even those companies are for the most part European companies, so that you will see that Indian representation is very much more than is justified merely on a consideration of the figures.

There is still a third aspect from which you might consider the same point. If you take the interests of British India and of the States, the interest of the States is very small, but the States will get two representatives out of a Committee of twelve.

The only other point that I need refer to, which was made, I think, by Prof. Ranga, was in reference to the vast staff of this Committee. There unfortunately he was talking about the wrong Bill. . . . .

Mr. President (The Honourable Sir Abdur Rahim): Order, order. It being now four of the Clock, the Adjournment motion will be taken up.

MOTION FOR ADJOURNMENT.

MECHANIZATION OF THE BRITISH PORTION OF THE INDIAN ARMY.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North-Arcot: Non-Muhammadan Rural): Sir, I move that the House do now adjourn.

4 P.M. Let me first state that we are for increasing the efficiency of the Indian army. And efficiency today means mechanization. Therefore, we are for mechanization of the Indian army; but we are for

[Mr. T. S. Avinashilingam Chettiar.]

mechanizing or increasing the efficiency of that portion of the Indian army which is really Indian. So, today, by this motion of adjournment I seek to point out to the Government that that policy of mechanizing the British portion of the Indian army does not meet with our support. A statement, issued by the Defence Department on the 29th November last, gave the following details of the scheme of modernisation which has now received the approval of the Government of India. I read from the "Information Series" dated the 30th November issued by the Director of Public Information of the Government of India:

"Four out of the five horsed British cavalry regiments stationed in India are to be converted into cavalry light tank regiments, and four British infantry battalions will be converted into mechanized machine gun battalions. All the remaining British infantry battalions in India will become 'rifle' battalions and will cease to be equipped with heavy machine guns though they will retain their light machine guns."

A little below they give details of the mechanization of the infantry:

"The infantry units to be converted into mechanised machine gun battalions are : 1st Bn. The Royal Fusiliers, Jhansi," etc.

A little before that are the following lines:

"It may be recalled in this connection that a statement was made by His Excellency the Viceroy in the course of his address to the joint Session of the Central Legislatures on September 13, announcing the proposed mechanization of certain units of the British army in India and that the Imperial Government was being approached by His Excellency to make a grant referred to above."

I submit to you that this statement is not true. What His Excellency stated in his speech on the 13th September last was something quite different from what is stated later on. Let me quote from his speech at page 1540 of the proceedings:

"In consultation with the Commander-in-Chief I have been giving the closest consideration to the question of Army organisation and the re-equipment of the army in India so as to maintain its efficiency at the highest possible pitch having regard to recent developments elsewhere in the matter of mechanization and the like. The expenditure involved is inevitably considerable. I have caused representations to be made in the matter to His Majesty's Government for assistance in carrying out the reorganisation owing to the very heavy cost involved, and it is my hope that we shall receive a favourable reply."

The report says that there was applause after this. I am sure that those who were in the House that day and applauded this statement of the Viceroy thought sincerely that this mechanization would be for the Indian portion of the Indian army. Had they thought that this would be confined to the British portion,—a portion which we have time and again proclaimed as an army of occupation and oppression,—none in the House, to whatever party he might belong, would have greeted this statement with applause as is given in this report. We have claimed on many occasions that this army kept here, even on the admission of many British statesmen, is an army kept for Imperial purposes. We claim a contribution from the British exchequer for the maintenance of this army. Wherever there is trouble, either in Abyssinia or in China or wherever the British flag flies, the Indian army is exported there to protect the British flag. And for that reason it is kept here: and we have always claimed,—and we are glad to say that many British statesmen out of office have accepted that claim,—that it is just that the British exchequer should

contribute a portion of the cost of the Indian army. When His Excellency made a statement that he has claimed from the British exchequer a portion for the mechanization of the Indian army we sincerely thought that we were going to get a contribution from the British revenues for the duty which was long overdue for many years; and so we expected that this money will come and will be used without any discrimination. And today it is being used with the utmost discrimination. Every pie received from that fund goes to mechanize the Britsh portion of the Indian army exclusively.

And not only that. We have very often asked by means of questions and Resolutions that the British portion of the Indian army should be reduced. It was only in the last Simla Session that we tried to move an adjournment motion saying that the British portion of the army is not required in this country for internal security purposes and asking whether the Defence Department would dare to enquire of the present Provincial Governments whether they want the British portion of the army for their internal security purposes. They refused, and the adjournment motion was not allowed to be moved or discussed in this House. We, therefore, thought that we have impressed the Government of India that we are against increasing the strength of the British portion of the Indian army. And what is being done today?

Mechanizing the British portion of the Indian army means increasing its power a thousandfold as compared to the Indian portion of the army. Mechanization of the British portion of the army means that today that portion is much more powerful than the Indian portion of the army. Therefore this not only creates discrimination and not only strengthens the British portion of the Indian army but keeps the Indian portion of the army weak without mechanization.

Sir, I am not here to discuss about the small profits that will accrue to the Government of India out of the mechanization of certain units of the Indian army. I saw a somewhat detailed communique which was published in the press and it showed how there will be a saving of money in certain portions and how a few lakhs will be saved to the Indian exchequer. I am not concerned today with the few lakhs of rupees that will be saved for the Government of India out of this mechanization of the British units of the Indian army. But I am concerned with the greater question that an army which does not belong to India, an army which is really alien and an army by means of which the British Government is at present ruling India,—that that portion of the army should not be mechanized and made stronger than the Indian portion of the army. We resent this. Sir, I move.

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

"That the House do now adjourn."

Sardar Mangal Singh (East Punjab: Sikh): Sir, I whole-heartedly associate myself with the remarks just made by the previous speaker. The Government of India deserve to be condemned for, I should say, deceiving the people by saying that they are making the Indian Army efficient and that the British Government has made a gift to us. If we understand the real motive behind this so-called mechanization, the point will be quite clear. In England they have got in all about 26 regiments. Thirteen of

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them are stationed there, and 13 abroad. Out of those 13, four are in India, one in Egypt, one in Palestine, and five or six in the Far East. Now, they wanted to mechanize their forces; but if they did not at the same time mechanize the forces which are stationed outside England, their mechanization would not be complete and, therefore, they have decided to mechanize all their units, whether stationed in England or abroad. In support of this observation, I shall quote the speech of the War Secretary in Parliament on the 16th March last year. He said:

"In order that the army might be sufficiently strong and sufficiently well-equipped to be despatched at a moment's notice to take on any adversary in any part of the world, the War Office is engaged in making a tremendous change in the equipment of the Army. We are mechanizing the Army throughout. We are applying to it in a very few years all that the advance in mechanical and scientific invention that has taken place since the War—we are doing in two or three years the work of fifteen years. As the Army in India is only a counterpart of the British Army under the Cardwell system, the decision applied automatically to the British Army in India."

I submit it is to carry out the British plan of mechanizing their army that they have given this money to the Indian Government, to mechanize the British section of the army here. It is no gift, I say. It is no grant. But it is their legitimate expense which they should have incurred in their own country. To say that they are giving us this £600,000 is, as I have already said, deceiving the world. When the Viceroy said in Simla that he would try and persuade the British Government to give some grant to the Indian Government many people thought that probably the burden on the tax-payer in India would be lessened. But when we saw this gift announced in the papers and when we see what lies behind the gift, the motive is quite clear. They are carrying on their own programme and they are saying that "We are helping India" . . . .

Mr. M. Asaf Ali (Delhi: General): You must admit that it is a very clever move!

Sardar Mangal Singh: That is what I say: they are deceiving the outside world that they are helping this country, while the real motive is to mechanize their own army, so that they may use it in any part of the world they like.

My second point is that it is against the interests of this country to make one part of the army abnormally efficient, while the other part is neglected. In this country, the Indian part of the army is more than one lakh, while in the British regiment there are about 60,000 soldiers. If we make this portion of the army abnormally strong, the Indian portion of the army would be reduced to mere camp followers. They would not command respect: they would not be looked upon as combatants, but they would be regarded for all practical purposes as mere drivers and followers. At the present time, the modernisation of the weapons of war has increased. We have seen how insufficiently armed Chinese regiments have been pushed back by properly armed and properly equipped Japanese armies, although in numbers they were smaller. And if we keep this Indian army insufficiently equipped and insufficiently armed, I say it would not be able to defend this country, and we shall always have to depend on the British army for the defence of this country. Tomorrow they will come forward

and say that we cannot remove the British regiments from this country because without them the Indian army would not be sufficiently strong . .

Mr. M. Asaf Ali: On the contrary if a war breaks out, they will withdraw their men and you will be left with nothing!

Sardar Mangal Singh: As my Honourable friend says, if a war breaks out tomorrow, all these mechanized regiments would be sent post haste to France or Germany or wherever they may be required. So I was developing this point that from the point of view of our national defence it is extremely unwise to mechanize one section of the army and neglect the other. They have taken upon themselves the responsibility of defending our country.

Already in the Indian army, if we look to the various arms, there are several sections where Indians are not admitted: for instance, ordnance: up to this time this section has been regarded as a close preserve of the Europeans. Recently they have admitted Indians only up to the rank of warrant officer. In the wireless section, there is no Indian. In artillery and Royal Engineers and signallers, they have recently admitted a few Indians, but this is quite insufficient. In tanks and armoured cars, there are no Indians. My point is this: that at the expense of the Indian tax-payer, the Government of India is equipping one section of the army and neglecting the other part. I object to this policy: in the first place, this gift is not given to us but is meant to carry on the British plan of mechanization. Secondly, the whole of the money will be spent in England: it will be spent there to help the ordnance factories and other commercial firms. Thirdly, and, this is more serious, this money would not be sufficient even to mechanize those regiments for which it is claimed it would be used. The burden, I am afraid, would fall on the Indian taxpayer again. My point is that the money given by the British Government would not be sufficient even to mechanize these regiments, and the remainder of the burden would fall on the tax-payer in this country.

In this connection, Sir, I am reminded of a short Indian story. Once an Indian Rajah was pleased with a *Mirassi*, and he gave him an elephant as a gift. The poor *Mirassi* took the elephant to his house feeling all the time very happy that he had got a very valuable gift from the Rajah. But when he took the elephant to his house, he found it very difficult to maintain the animal, and so after some time he came to the Rajah and begged of him to take back the gift from him. I think, Sir, this so-called gift from the British Government, I mean the six hundred thousand pounds would require more money from this country to maintain that section of the army which is required to be mechanized. The Government of India should be honest enough and say that they are carrying on our programme of mechanization.

Let the British Government mechanize these forces in England and send out to this country mechanized regiments instead of horsed regiments. Where is the difficulty? If you want to mechanize the whole of your army, we have no objection, but why should the cost fall on the Indian taxpayer? Why is it not possible for these regiments to go back to England, according to the Cardwell system? Let these regiments be trained there at the expense of the British taxpayer, and if the British Government does not see the justification of withdrawing their army from this country, if they want to send out their army to this country, let that army be properly equipped at their expense. But the Government of

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India being the agents of the British Government would not readily admit that fact. I know the Honourable the Army Secretary would get up and explain by platitudes that they mean this and they mean that, but the plain fact is clear. We have seen during the last century that the initiative in army matters has always come from England, from the Imperial War Council, and the army authorities in this country are merely looked upon as their agents or subordinates. Sir, in this House during the last several years we have been protesting that the Government of India is unsympathetic, that they do not pay any attention to the views and opinions expressed in this House. . . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has got only one minute more.

Sardar Mangal Singh: Very well, Sir, I shall conclude now. This House has repeatedly and emphatically expressed its view that Indians should be associated with the administration of the army in this country, and the Government of India was once inclined to accept, but the War Council had ruled it out of order that the Indian Government had no business to associate Indians with the army. Sir, with these few remarks, I support the motion before the House.

Mr. C. M. G. Ogilvie (Defence Secretary): Sir, I must say at the outset that, when I received the adjournment motion that has been brought forward by my friend, Mr. Chettiar, I was a little surprised. I did not think that a gift horse would be so carefully looked at in the mouth. After I have heard his speech and that of Sardar Mangal Singh, I feel convinced that the whole question has been raised due to a misunderstanding. To start with, the reasons for the change, I think, seem to have been misunderstood. Modern developments do require a measure of mechanization even in India. Experience has shown us that even for purely Indian purposes a measure of mechanization is very valuable. The British Army has, in accordance with modern developments, undertaken a large degree of mechanization. It is obviously necessary that, while a portion of that army is stationed in India, that it also should conform to the remainder in equipment and organization. It would, for example, be quite useless to send out drafts from England, who were trained how to drive light tanks, and armoured cars, to ride troop horses in India. We, therefore, had to follow suit to the extent justified by Indian conditions, and the extent of mechanization resolved upon here is that four of the British cavalry regiments stationed in India should be mechanized, the fifth should be returned to the United Kingdom, and that four Infantry battalions only should be converted to machine gun battalions. This change involves a very heavy initial outlay. It involves the purchase of light tanks, armoured machine gun carriers and other motor vehicles. Another way by which they can be procured in this country is they have to be bought from outside before they are made here. In that connection, I may say that it is the policy of the Government of India to purchase everything possible from India if good light tanks . . . .

Mr. M. Asaf Ali: Why don't you manufacture them here?

Mr. C. M. G. Ogilvie: That is a long story. This initial expenditure is, it is true, compensated for by a very substantial recurring saving, but even so it is hard to meet, and, therefore, in accordance with our invariable policy, we are asking His Majesty's Government to help us. For our general policy in this matter, I may refer Honourable Members of this House to the Honourable the Finance Member's speech of the 3rd September last year on the adjournment motion of Sardar Sant Singh. At this juncture the chances were unfavourable owing to the enormous expenditure in which the United Kingdom is involved owing to re-armament programmes, but still we did approach them, and they very generously agreed to give us six hundred thousand pounds . . . .

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): What is the total cost?

Mr. C. M. G. Ogilvie: Now, the total cost of the present measure of mechanization will be some 215 lakhs. Six hundred thousand pounds equals approximately to 80 lakhs, so that the amount to be found from the Indian revenues will amount to roughly 135 lakhs . . . .

Sir Cowasji Jehangir: For the British Army?

Mr. C. M. G. Ogilvie: Of course. The amount to be found from the Indian revenues will be roughly 135 lakhs of rupees, and as a result of that initial expenditure, a recurring saving on British troops of 16½ lakhs per annum will be achieved. That, I think, every one here will realise is a very good business proposition from our point of view.

Mechanization is by no means a new thing. It has been going on for years in India. Apart from mechanical transport, certain Indian army units, Indian signals and sappers and miners companies are to all intents and purposes as fully mechanized as their counterparts in the British service. Some few years ago, all cavalry regiments, both British and Indian, received certain elements of mechanical equipment. The only new development is a complete mechanization of certain cavalry and infantry regiments and that owing to the change in equipment in England. It is a good thing for India in every way. It does, as the Honourable speakers before me realised, increase India's efficiency and it is also a good business proposition. It will save India an appreciable amount.

Mr. Manu Subedar (Indian Merchants' Chamber and Bureau: Indian Commerce): What is the value of the orders placed in the United Kingdom?

Mr. C. M. G. Ogilvie: Orders must be placed in the United Kingdom as none of the articles are made in this country.

Mr. Manu Subedar: What is the total value?

Mr. C. M. G. Ogilvie: The process of mechanizing entire combatant units may shortly, I think I may say, probably will shortly, have to be extended to the Indian army. There is no idea whatever of discrimination between the British army in India and the Indian army—absolutely none. This measure is a brand new one, it is the first in the chain, and I can tell the House now that there is already a proposal completely to mechanize certain units of the Indian army. (Hear, hear.)

An Honourable Member: How many?

Mr. C. M. G. Ogilvie: As the full position has, I hope, now been understood, perhaps it may be possible for the Honourable the Mover not to press his motion.

Sardar Sant Singh (West Punjab: Sikh): There can be no doubt that the very fact of moving this motion at this critical time, when the Sino-Japanese war is going on in the Far East, is a proof, if proof is necessary, that the Opposition and the Government are on the same ground in so far as both are anxious to provide an efficient defence for India and both are willing to go a long way to accommodate each other. The speech of my Honourable friend, the Defence Secretary, clearly shows that proposals for the mechanization of the Indian army are under contemplation.

Besides this question which is a purely military question, there are two other considerations involved in this motion, I mean political considerations and financial implications. As regards the political side of the question, what we object to and what I understand the speakers on this side objected to is the change of front by the Government of India. Originally when this announcement was made that £600,000 had been gifted to India by His Majesty's Government for the mechanization of the army, we understood it to mean that the mechanization would be of the Indian army, and when the later announcement came that this money would be applied to the mechanization of some of the British cavalry regiments alone there was disappointment and there was heart burning. The reason is this. Whether it is right or wrong, the fact remains that there has always been a suspicion on this side of the House that the Government do not mean to trust Indians even at a time when there is danger abroad. The international situation is worsening, everybody knows it. The Sino-Japanese war has made it very clear how a mechanized and efficient army can play havoc with the lives of the poor people. The Chinese have been massacred and horrible cruelties have been perpetrated there. It is natural for us to feel that the same thing may happen here when, God forbid, any aggression is made against India. So, our anxiety is but natural and when you announced that this money would be applied to the mechanization of the British troops only there was a feeling in us that we were not going to be trusted even at this time of danger in the international situation. Therefore, we say, say on good grounds that it was not a wise policy adopted by the Government when they decided to apply this money to the mechanization of British troops alone.

As regards the financial aspect, it has not been made clear by our friends who are responsible for moving this motion whether they are prepared as other countries have shown themselves to be prepared, to incur further expenditure on defence if mechanization is carried to the logical limits. After all, mechanization is an expensive matter and we will have to make up our mind sooner than later whether India is prepared to incur further expenditure or not.

Mr. N. M. Joshi (Nominated Non-Official): Whom do you ask this question?

Sardar Sant Singh: The House as a whole, both the Government and the Opposition. The point is that the Government of India do not seem to have yet realised what the position would be in India in case communications with England are threatened as they are likely to be threatened if

the Mediterranean is closed to the naval forces of England. All other countries even within the British Empire have taken upon themselves the manufacture of these modern weapons in their own country. I will read what was said in the South African Parliament only a fortnight back:

"The Union Government had decided to erect a large-scale factory for the manufacture of heavy guns, tanks, armoured cars and bombs, announced Mr. Pirow, Minister for Defence. The factory would be built by Railways during the initial stages to manufacture lorries complete with engines and would be converted to manufacture war materials in the event of hostilities or threat to communications. The Union has almost completed plans for a great fleet and transport of aeroplanes and protective fighting machines for use by Bushveld Brigades in northern deserts. Mr. Pirow added, 'The Bushveld Brigades will be mechanized and have great firing strength so that mobile heavily armoured enemy will be unable to catch up with them'."

My submission is this, that if the Union Government can make up their mind to manufacture all their war materials in their own country, there is no reason why the Indian Government should not do so and immediately create a centre or centres in this country where all these things could be manufactured. My Honourable friend, Mr. Asaf Ali, put the question rightly when he asked, why not manufacture these things in India? I repeat that question. Before it is too late the Government of India must make up their mind at once to open these manufacturing centres where all these weapons can be manufactured completely in this country. Then, there is the question of air force and training of the pilots, etc., which involve a lot of preparation before they can be completely modernised.

Therefore, Sir, though the announcement made by the Defence Secretary goes some way, it does not go the whole way when they do not tell us what is the plan which the Defence Department has got by which they want to prepare India to meet the aggression of any Eastern nation when it becomes too powerful. Unless that announcement is made, I am afraid, the Opposition must go on bringing this fact to the notice of the Government of India, so that we should not be taken unawares at a time when war breaks out either in Europe or hostilities extend to our own shores.

Mr. M. Asaf Ali: Mr. President, I entirely agree with Mr. Ogilvie when he says that a gift horse should not be looked in the mouth; but when the horse is loaded with endless liabilities for the person to whom it is given, I think he has a right not merely to look into its mouth but also to look at the load which it is carrying with it. Now, I shall try and look at the whole problem in a very simple way. Sometime ago an announcement was made that the British Government had very generously, as Mr. Ogilvie put it, put aside a gift of about £600,000 for the mechanization of the army in India. The moment I saw that announcement I gave out my own opinion, and I said exactly what Mr. Mangal Singh has said today, that it was not a gift. It was a simple inevitability, because under the Cardwell system the British Government could not possibily help mechanizing the counterparts of the units in Great Britain. It was inevitable. They could not possibly dream of allowing the counter parts of the same unit living in India to go unmechanized for when they go back to their own units, they must fit into them, which means that it is not a gift. It is merely sending out arms and equipment which they would have done in the ordinary course at their own cost. They are sending motor cars, machine guns and other equipment necessary for the mechanization of their own troops and India is to consider this a gift! Perhaps, the Government would have had some sort of a case if the

[Mr. M. Asaf Ali.]

British Government had said 'No, it is not a gift. We are simply mechanizing our own units. It has nothing to do with India'. I could understand it. But I am really finding fault with the policy of the Indian Government when they make an announcement to the effect that they are going to mechanize only British units and that this money will not be applied to the mechanization of the Indian units. If it is a gift from Great Britain, let it be applied to the Indian army without any discrimination.

The result is that by following this policy they are placing the Indian portion of the army in an inferior position and making them feel that they are inferior. It is just like placing an up-to-date weapon in one hand and depriving the other of even the ordinary weapon which it possesses. It is like putting a rider on two unequal means of transport, one foot on a motor car and the other on a horse. If you drive them both, the driver is bound to fall. The mobility of the Indian portion of the army is reduced by adopting the policy which the Government has done, because while the British army will be able to move much more quickly than the Indian portion of the army, the Indian army will be lagging behind somewhere.

So far as the question of cavalry is concerned, everybody knows that horse cavalry has become more or less an obsolete arm. It has no defence value whatsoever. In all up-to-date countries which are really fit to take the field, armies are mechanized. In India this obsolete arm still lingers on and while the British portion is mechanized, the Indian is left out.

It is all very well for Mr. Ogilvie to say that the Signals are mechanized. What is the strength of the Signals. The Signal Corps must of necessity be mechanized. Signals mean nothing else but mechanization. To whatever extent they are useful in the army, they must necessarily be mechanized. It is not any generosity on the part of the Indian Government to mechanize the Signals. Similarly about Engineers. He was talking about tanks. What tanks do we possess in India, I should like to know. Each one of the tanks belongs to the British portion of the army. To-morrow, if war breaks out, I do not know how many of the troops would be left in India. Probably for certain purposes, the Indian Government may feel like retaining some of these mechanized British units in India at present but I am absolutely certain that if war abroad makes it necessary for even these troops to be withdrawn they will be withdrawn. I should like to know where we shall be if a mobile Japanese army is landed on North East Frontier. The position today of the Indian army is more or less the same as that of the Chinese army. What is the value of the Chinese army before the Japanese army. The Japanese army is driving everything before it. By leaving the Indian army unmechanized, the Indian Government is really reducing the efficiency of the Indian army. We are for efficiency, not for reducing it. By adopting this policy of discrimination between the Indian and British wings of the Indian army, they are not merely reducing the efficiency of the Indian side but they are also trying to weaken the ultimate defence of India and it is on that ground that the Government deserves to be censured.

There is just one other little point which Mr. Ogilvie seemed to raise in the course of his speech and it was that by mechanizing the British army there would be a saving of about 16½ lakhs. Has the Honourable the Defence Secretary taken into consideration renewals and repairs?

Has he taken into consideration the fact that about 21,000 horses, mules and bullocks would be scrapped? Has he taken into consideration the fact that there will be more consumption of petrol and all the rest of it? Well, all that I can think about it is that they are really landing into India certain machines manufactured in Great Britain and calling it a sort of gift,—only making sure that the renewals and repairs will again require, I suppose, the import of manufactured goods from abroad. Mr. Ogilvie also said I think that there was not enough skilled labour in the country perhaps. Did you not say so?

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

Mr. M. Asaf Ali: Anyway, so far as the question of saving is concerned, we should be very grateful for any saving, but I wish the saving to be carried a little further and the saving may also be effected in respect of the *Indian* army. If the Indian army is mechanized, perhaps a greater saving will be effected; so, why not undertake a much larger programme of mechanization of the Indian army and thus make a saving all along the line? Why leave it at 16½ lakhs only? Perhaps if you mechanize the Indian portion of the army, it is quite possible that the saving may amount to perhaps three or four crores. In any case the whole point is that the idea of mechanization is good but we want this mechanization to be carried into the Indian army rather than be confined to the British army only.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, the simple issue before the House is whether the Government has rightly spent the money which was given by England or not. As I understood from the motion for adjournment, it sought to raise only this issue; and when I heard the Mover in the beginning I thought he was justifying and he had justified to a certain extent the proposition that the money was not properly spent and that was only a one-sided way of spending the money, that it was given as a gift to India by the British Cabinet and that money was not spent on all the Indian army but only on the British portion of the army in India. That was the only issue, and on this issue we can now stand. When I heard the explanation from the Defence Secretary I think he has greatly justified the position and now I have to take the thing in its proper perspective.

Here, what I have heard from my Honourable friend, Mr. Asaf Ali, and from the other Honourable Members as well as my friend on the left, Sardar Sant Singh, is that the mechanization of the Indian army is absolutely necessary in order to defend India from the aggression of the other powers who are our neighbours and who may come to be our aggressors, and what we desire is that the army in India should be properly equipped to fight, or to defend the country against any aggressor who comes from outside.

The army in India is divided into two great portions. One is the British army, which may be called—I do not disagree if my friends call it "the army of occupation". I agree that it is an army of occupation, there is no question about it. But at the same time we have to see what that army of occupation is doing to us under the present circumstances. (*An Honourable Member*: "It is mulcting the country. It is occupying our country.") Certainly it is occupying our country but it is at the same time saving us from all the dangers that have been

[Sir Muhammad Yamin Khan.]

pointed out by my friend, Mr. Asaf Ali. (*An Honourable Member*: "No, no".) There are some dangers which may come from outside and that army of occupation has to be mechanized as well as the Indian portion of the Indian army. I quite agree with Mr. Asaf Ali that the Indian army should be equipped side by side with the British army.

The question is that the British army in India up to now has been equipped, in all matters, by the Indian exchequer. Everything is purchased for the British army which is stationed in India by the taxpayer of India. But now, realizing the difficulty which had been pointed out by the Defence Secretary, *viz.*, that the army in England is speedily being mechanized, and, therefore, it was necessary that those people who come for a short time to be stationed in India should also get the same kind of equipment to which they are accustomed in their country, so that when they go back they may be as useful as they would be when stationed in India, they have made this gift. That may be from the point of view of England but I have to see the matter from the Indian point of view, and it is essential that if those conditions are to prevail in India, that suitability should not be at the cost of the Indian exchequer and the new conditions should not be provided for by the Indian taxpayer. Therefore, with this object, for this reason, if England has come forward to say this, that "our men when they go to India won't be useful to you unless so much money is spent over them in the beginning", that is all right, and if they knew it full well that India would not be prepared to accept that position, therefore I say they have given us this money. We may not of course call it as a gift, but we may say that it was an absolute necessity from the point of view of the British position and I have got no contention on that point. Let it not be called a gift and let it be taken that the word being called as a gift was really a wrong thing. But here it has saved India from spending the money which would have been necessarily spent on the British army. We may say that if the British Government is all-powerful, under those circumstances, if anything is given, that may be taken as a gift, though it may not be really a gift but a thing which was necessary for themselves.

The other side of the question which remains is this; and this is a point which we want to impress on the Government really very strongly and on which the whole House is unanimous. When they have done with mechanizing the British portion, side by side they ought to have taken some portions of the Indian regiments for the purpose of being mechanized as well: and for this purpose, if they could not get money from England, the Indian exchequer should have been very glad to spend that money,—if the Defence Secretary or the Finance Member had come before this House to put this question,—that under the present circumstances it is absolutely necessary to spend so much money on the defence of the country, in order to equip the Indian regiments with the proper equipment; if so, I do not think they would have found that this House would have refused that demand. My friend, Mr. Joshi, might not have been willing but the House as a whole would have welcomed the expenditure on the proper defence of India by properly equipping the Indian regiments side by side with the regiments which are being

5 P.M. equipped at the expense of the British exchequer. I understand that these machines which are being purchased will remain in India and will not go with the regiments when they move back

from India to other countries, and, therefore, they are part of the Indian army. But I do not know what will be the position when these units are sent to a country where war is raging and whether these machines will then go along with them or whether they will remain in India.

Mr. C. M. G. Ogilvie: They cannot possibly be armed with sticks and stones.

Sir Muhammad Yamin Khan: Then the machines will go along with them. Supposing the British units are required to be sent to Shanghai or some other places in the Far East, then these machines which are given as a gift by England will move with those units and these units may never come back to India. Therefore, we must insist on this that under no conditions, unless India is at war, should these machines which have been given to India be taken away from India. If any regiments are sent outside India for Imperial purposes, then the equipment should be supplied by the Imperial exchequer and not by these machines which have been given to India as a gift. Then and then alone we can call them the property of India. But leaving that aside, I will impress upon the House as has already been done by my Honourable friends, Mr. Asaf Ali and Sardar Sant Singh, that there is a great danger for the big frontiers of India and, therefore, the army must be properly equipped and brought up to date. If that is not done, then the responsibility will be on the Army Department and the Government of India and this House will have to deal with the Government in those circumstances in the proper manner. But under the present conditions and in view of the explanation given by the Defence Secretary, I think there is no justification for censuring the Government on this question.

Honourable Members: The question be now put.

Dr. G. V. Deshmukh (Bombay City: Non-Muhammadan Urban): Sir, I think we in this House do not quite realise how clever England is. I happened to read a letter written by a military expert which appeared either in the *London Times* or the *Statesman* when England laid down the programme of 1,500 million pounds. That letter was a letter in protest, as the protest was raised in England that so much money should not be spent for military purposes. And what was the result of that letter? This military expert said that out of 1,500 million pounds more than 900 to 1,000 million pounds will go back to British industry. I want this House to realise what this expenditure of 1,500 million pounds in England or Germany or any of these manufacturing countries means? It means practically an indirect subsidy to their industries.

Now, Sir, I want you to look at this from this point of view. When England gives us 600,000 pounds, what does it mean with mechanisation? After the remarks of Mr. Ogilvie, we know that every bit of this is going back to England. In other words, this 600,000 pounds is not a gift to this country. It is an indirect subsidy to their own industries and, therefore, all this talk about its being a gift to this country and that we should be obliged to England for this amount is mere bunkum. To think that at the present time we Indians should still be so childish as to think that this is a great obligation on India is not proper at all. I think those who are responsible for making these remarks—and I do not care from what exalted quarter they come—do not realise to what extent wisdom has grown in this country.

[Dr. G. V. Deshmukh.]

When we came to this House in 1935, we were given a small blue book about the defence of the country, and in that book let it be said to the credit of the military that they made some remarks about the mechanization of the army at that time. They said that they were mechanising the light tanks and the transport and a very pertinent remark was made in it. They had urged that the motor car manufacture should be started in this country which would save a good deal of expense to the military in this country in the shape of spare parts, repairs, and manufactures. Three years have passed by. The military has been spending from 45 to 55 crores every year and yet I find that, in spite of the three years having passed, the most necessary requirement for the defence of the country in the way of manufacturing the motor cars and their parts and rubber tyres is not to be found in this country. And yet we are told that this is going to be for the defence of our country. Speaker after speaker gets up and says "when the British regiments go back, what shall we do?" Please make no mistake about it. When the British regiments go back, they will not go back alone. They will take the Indian regiments with them and I say this boldly from the experience of the Great War. In 1914, when their Empire and England was threatened, did the British regiments go back alone or was not the country drained to every available Indian soldier? What happened in Ypres, in Marseilles, in France and in other fronts of War? Do not think that the future wars are going to be fought by a few thousand people on this side and that side and that if there is any danger in Europe, you will be content with your 60,000 British army in India and you will find that it is sufficient for the purpose. Nothing of the kind. You will take every available Indian soldier not out of choice but you will be forced to do so. If that is the position, then I say that the military or whoever is responsible for mechanising one part of the army and leaving the other part weak and paralysed is, as usual, following a short-sighted policy. They are not looking beyond their noses. Take the Chinese War or the War in Spain. What is the experience? Are battles fought by a few thousand people in these days? In Spain alone there are more than 100,000 Italian volunteers leaving aside the Germans and the Spanish people themselves. Therefore what is the good of mechanizing four regiments of cavalry and four battalions of infantry? No, Sir. I am all for mechanizing and for efficiency because whether it is the British soldier or the Indian soldier, unless he is mechanized and unless he is made efficient, he is useless for any purpose of war. But if you want mechanization, I am not for mechanizing at all in this country unless Indianisation goes with it. If you want efficiency of the army in this country, mechanization and Indianisation must go together and it is absolutely useless to me looking at it from the defence point of view of my country that one section is going to be mechanized and made more efficient while the other section will remain inefficient. However valiant an Indian soldier may be, he will be useless in modern warfare unless he is mechanized. Therefore, I would urge upon the Defence Department in India to urge on the Government of India that if you want efficiency, you must manufacture in this country the materials required in connection with the military, you must start industries in this country, or we will again be landed in the same old position of 1914—1918 when you used to prepare empty shells here and then had them filled up and taken over to England to be charged. Is that position going to be repeated again?

England saved herself last time by the skin of her teeth and future warfare is going to be very much more formidable and dangerous. The submarines and air forces will play the most deciding part in future warfares. You cannot have one part of machinery for warfare prepared in India and then take it to England and add chemicals there. In peace time, due to commercial propensity, you may think that you can make more profit out of this process. Do not let India manufacture all the materials as far as possible because you can pocket all the profits. I say that you, as commercial people, are looking at it from your profits point of view, but I warn you that at the time of the next crisis, you will find yourself in very great danger. Therefore, what I want to say is this, you must start your manufacturing shops in this country, if you do that, then the expenses of mechanisation will not be so ruinous and the initial outlay on manufacturing activities and the establishment charges will pay out in the long run. If you must mechanize here, you must mechanize the Indian as well as the British units. If you are not prepared to do that, then I say it is all useless for future defence purposes. This will not do. You say this is a sort of gift. It is not really a gift at all. It is a round about way of making more profits. It is your profiteering instinct that has made you mechanize the army in India so that you can take it again for your industries and, therefore, I say so far as mechanization is concerned, well I am agreeable to it, but I say that the step-motherly attitude which has been shown is severely to be condemned. Let it be mechanization of the whole Indian army, both British and Indian, or let there be nothing at all. Is it merely going to be mechanized British unit and the Indian army being left out? If that is so, then all this talk of the bravery of Indian soldiers is all idle talk.

After the Great War, I think there should not have been this mistrust about Indians. Leave aside these big wars, supposing you go to a war on the Frontier, what is the experience? Do you merely take the British units to the Frontier? On the other hand, you will find that the British portion of the army taken to the Frontier is only about 15 to 20 per cent. and about 85 to 80 per cent. are Indians. Then if 80 to 85 per cent. of the army taken to the Frontier are of the old type—they may not all be using the blunderbuss—but compared with the recent kind of arms which the British unit will carry, the other 80 per cent. of the army will be carrying practically obsolete arms and how are you going to keep the efficiency in warfare? In any case compared with the mechanized portion, the other portion will be absolutely inefficient.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair which was then occupied by Sir Cowasji Jehangir (one of the Panel of Chairmen).]

Therefore, what is the good of taking merley 15 to 20 per cent. efficient men there with 80 to 85 per cent. inefficient men merely on account of lack of mechanization. You must mechanize the whole army which means Indianisation as well or else leave it alone. Those of you who consider this a great gift might sing hallelujahs about it, but all sensible people would look at it from the proper point of view and that proper point of view is this that this mechanization of British units alone is a step-motherly attitude and this is again born of mistrust and meanness and that attitude of yours should, therefore, be severely condemned. Sir, I have done.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, this gift from the British people to the Indian public and to India generally may be said to be a very welcome gift, and there are Indians of such trend of mind and ideas who may consider that they ought to be thankful to the British for mechanising the British portion of the army in India. But I would consider the Government of India to look at it from this point of view. On the present occasion when the rumours about an impending war in Europe are thick in the air, whether this small amount of gift for such a big country like India can be really called a sufficient gift. That is the point. If the British Government wanted to make a gift there are different ways to put India under an obligation by making greater gifts. Today what do we find? There is the impending gift of Federation? We find that Indians do not recognise that Federation as any gift. In the same manner we do not recognise this mechanization of British units as a gift and God save us from such small mercies. I submit that the Government of India ought really to take advantage of the adjournment motion and they ought to tell the British Government in England that the censure motion which has been brought in the House today is not a censure in the real sense but it is the advice of India that the British army alone should not be mechanized, but that the Indian portion of the army should also be mechanised for British interest. The Government of India and the British Exchequer, ought, therefore, to make sufficient provision for the mechanisation of the Indian army as well. I expected when the Defence Secretary spoke that he would make some announcement or that the Finance Member would make some announcement. No doubt the Defence Secretary said that the Indian army would be mechanized, but he did not announce any amount that was proposed to be set apart for that purpose. There is no difficulty in the Defence Secretary consulting the Finance Member. It is a fact that in this age you cannot live without mechanization. Every Government in the world is mechanizing itself. It is up to us to get up and say that if the British Government wants to mechanize its own army in England, it ought to mechanize the Indian army as well at the same time.

Our objection to the present proposal is not merely that the Indian portion of the army is not mechanized. By mechanizing the British units alone, you are creating a lot of unemployment in the country. The servants who look after the mules and horses in the army will all be thrown out of employment. How do you propose to absorb them? I know a few will work in your workshop but that will not be enough. Another point which has got to be remembered is this: that the Indian cultivator also will be hit hard because the grain used for the horses and mules will no longer be needed on account of mechanization. Simply coming forward and saying here is a big gift to India will not do. You can flourish your gift in the face of India, but there is no great scheme provided here for mechanization of the Indian army.

As I said in the beginning, look at this scheme of Federation. Here are the Indian States' representatives to meet British India in the Federation. In the same manner the mechanised British army will work side by side with the unmechanised Indian army. An unholy alliance; and the result will be that if there be any dangerous occasion, the British soldier will run away in his ships and aeroplanes and the poor Indians will have to suffer. The whole scheme ought to have been placed before the

House for our consideration and instead of saying all this you ought to look to the Indian sentiment as well. Let not the people on the Government Benches think that we are opposing this out of sheer perversity. They should take it as a friendly suggestion from us, and the time has come when the Indian army should be placed on the same footing as the British army. You ought to think of benefiting the Indian industries as well, by opening factories for arms in India. Even my Honourable friend, Sir Yamin Khan, thinks that Indian industries should also be benefited from this money which will come to us. Sir, so long as we are here as representatives of the people we will continue to urge that the Indian army should be mechanised instead of the British army. I support the motion.

Mr. Abdul Qaiyum (North-West Frontier Province: General): Sir, I rise to support this motion, and in doing so I must state at the very outset that this so-called grant of £600,000 which has been made by Great Britain for the mechanisation of the British portion of the army in India clearly betrays the mistrust and selfishness which have always been lurking in the minds of the Britishers where Indians are concerned. After all, Sir, the fact remains that the British army in India is not only an army of occupation, but it is a standing threat to the movement for liberty which has been gaining ground in this country. After all what is the object of having this army of occupation? It is not wanted by Indians, and the Britishers are very well aware that the last thing that any self-respecting Indian can desire in this world is the presence of the British army in this country.

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

It is a standing insult to Indian manhood and to the feelings of nationalism which are prevailing at present in India. The idea behind this selfish scheme of mechanisation of the British portion of the army is to rear up a formidable weapon consisting purely of British units, so that when there is any more trouble in this country, when the next attempt is made by the residents of this country to wrest freedom which is their birthright from the British, then this formidable weapon will be trained against them as it was trained in 1930 to suppress their liberty. Before this decision was arrived at in favour of mechanisation, no attempt was made by any authority in India to find out whether this scheme of mechanisation was at all necessary in the interests of India, because the condition of the soil and all other circumstances in India are so utterly different to conditions prevailing in most other countries. And there is a very large volume of opinion against any scheme of mechanisation in this country because it is believed that mechanisation would not do in the conditions obtaining in this country. But because the British people realised that it was absolutely necessary for them to have mechanisation for the British units in India they had to do it. It has been stated by a well known military authority, Captain Liddle Hart, in one of his books, that so long as the authorities in India remain unresponsive to progress they automatically serve as a brake on the remaking of the Home army. It was with a view to remove this brake that the so-called gift of £600,000 has been made to make the British part of the army more efficient and to bring it up to the standard of that part of the army which is there in England.

[Mr. Abdul Qaiyum.]

It is a well known fact that the Indian army is a subordinate agency, and that the army in India is tied to the chariot wheels of the British army. Under the Cardwell system, as has been stated, part of a regiment remains in England and the other part is sent out abroad. If the army in Great Britain is mechanised and the army in India sent to serve abroad is not mechanised, it means that there will be two systems for the same army of Great Britain, which would certainly not do under the present conditions. It has also been admitted by the Defence Secretary that it is contemplated that India is to incur further expenditure,—it is obvious that this expenditure will have to be incurred by India,—and an additional burden of 135 lakhs will have to be borne by this country which will have to come out of the pockets of the Indian taxpayers for furthering the scheme of mechanisation. This means an additional burden on the Indian taxpayers. As long as India remains subservient to Great Britain, as long as the reins of Government in this country are controlled by the British, as long as this foreign army of occupation is stationed over our heads, no self-respecting Indian will ever think of paying a single pie to make this weapon of oppression more formidable than it is.

Self-respect demands that India should be absolutely free and should have an army manned entirely by Indians, officered entirely by Indians; and it is a well known fact that all Indians in spite of political differences are united on one thing—they want to see the last of the British army in India. When that is done, when the army is entirely Indianised, when it is officered entirely by Indians, then the Indians would not grudge any more expenditure or a greater expenditure on the mechanisation of the army. But as things are at present, as long as we remain subservient to the British, dependent on Britain and ruled by Britain according to her own selfish interests and desires, no Indian can possibly afford to spend a single pie on mechanisation even at the risk of the defence of this country.

It was stated by the Defence Secretary that in the matter of purchases they try to buy as far as they can in the local markets, but when they cannot obtain things in the local markets they have to go to England. It is really very surprising that after a century and a half of British rule they should not be able to buy things here. If they really want to buy things here it is quite easy for a great organisation like the Indian Government to start ammunition factories in India, manufacture tanks and airships and all the paraphernalia which is necessary for modern warfare. But the reason is obvious. They do not want to manufacture things in this country because it would be a great blow to British industry and it would mean that many thousands of British workmen and capitalists will be thrown out of employment and will cease to receive remuneration and fat dividends. That is the reason why they are not setting up ammunition factories in this country. It is a well known fact that even before the advent of the British there were ammunition factories in India and that according to the standard of those times they used to turn out and manufacture very good ammunition, and India was self-sufficient in the matter of ammunition. But the first thing which the British did after their arrival in this country was to make India dependent on Great Britain for her supplies in the matter of ammunition and all the rest of it. It is quite obvious that the professions

and the assertions that they cannot purchase things in this country are absolutely insincere and the reason is quite clear, that they do not want to manufacture things in this country.

In addition, this scheme of mechanising the British units will create discontent in the Indian section of the Army and it will make them realise that after all the services which the Indians have rendered to the cause of British imperialism, after all the wars which they have fought for the cause of England, in which England has been the gainer every time at the expense of the lives laid down and the money spent by this country, Indians will realise that even now they are looked upon with suspicion and cannot be trusted by the British. It is high time that our friends, who still believe in co-operation with the British and imagine that Great Britain in her generosity will extend dominion status or independence to India, realised that it is impossible to get anything from these gentlemen and that it is high time that they all came and joined the banner of the Congress in fighting these people.

Pandit Krishna Kant Malaviya (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): Sir, I fail to understand the logic behind this censure motion. Do we really feel that any nation on this earth can afford to be generous to another? Do we really feel that any nation, howsoever generous and good it might be, can afford to serve the interests of any other nation and jeopardise her own interests? I was never under that impression that it was a gift for the mechanisation of the Indian Army. It is sheer common sense. When England was going to part with her own money, that money must be spent in her own interests and not in the interests of this country. I am sorry I cannot admire the simplicity of my friends. If I was a member of the British cabinet, I most emphatically say that I would have done the very same thing that they are doing now. I have no complaints: it is their money and they can spend it as they like. Where is the complaint? Our complaint is this: our friends have said "Suppose there is a war and the British section is sent away: what then remains? Who is going to defend us? What becomes of us?" I want all these friends to say whether they are serious about their demand for independence. We have been talking of independence and at the same time we want the British army to protect and defend this country. Why this talk of independence then? Are we really serious, if we really want our independence and to defend our own country, I think the best thing we can do, instead of passing this motion or censuring the Government for not mechanising the Indian Army, is to press our Congress Ministries in the provinces to make military training compulsory in all the schools and colleges and to make a knowledge of aeronautics compulsory for all B.Sc. and M.Sc. students and to create our own army for the defence of the country. How long are you going to depend upon the Britishers to defend this country? Either we should cease to talk of independence and all these things or if we are serious, let us not complain about these things.

My friends have complained that this shows mistrust of the Indian army and will lead to discontent in the Indian army. I wish it were true: I wish the Indian army would realise their inferiority and the way they are treated. I wish they could declare that they would not remain a portion of this Indian army if they are going to be treated like this. But so far as I am concerned I will welcome the discontent in the Indian army. I wish some

[Pandit Krishna Kant Malaviya.]

of them would stand up and proclaim that they are not going to defend the country in these circumstances. Why this talk of a censure motion? It is said that all military equipment will be ordered out from England. I am sure all this talk of mechanisation will amount to giving a blank cheque to the Honourable the Finance Member to come with a fresh demand before this House and ask us to vote some further money for the mechanisation of the army. We ought to declare that we do not want to mechanise our army. If England wants it, let England spend her own money. So far as we are concerned we do not want mechanisation: we will have it when we can have our own equipment and factories to turn out that equipment: we will not be a party to these things. Mechanisation! They are arming for their own purposes, not for the purposes of India: they know that these soldiers trained at our cost will be sent away after five years to England: they are not going to remain permanently here; and we are asked to spend 135 lakhs for training these people who will go back to England—to defend their country. Every new comer after five years will go back and we will be required to spend 135 lakhs to train them. I, therefore, say that I fail to see the logic behind this censure motion. We ought to know that they are spending the money for their own interests, and so long as they are ruling this country and ruling it in their own interests we can have no say in the matter. If we really have any complaint, it is for us to decide our course of action; and ask the Congress Ministries to make military training compulsory in all the schools and colleges and make the knowledge of aeronautics compulsory for the B.Sc. and M.Sc. students.

Sir Cowasji Jehangir: Mr. President, we have had rather an extraordinary debate; it started with a censure motion and I do not know how it is going to end. But there is one thing certain, that the tenor of the speeches of most of the Honourable Members will be taken advantage of by—I will not say the Defence Secretary—but by the Military Department for bringing in a demand for perhaps five or six crores of additional expenditure. If the money is well spent, I will not be one of those who will grumble, but I can remember debates in this House in which I took part where we were very strongly of opinion that retrenchment should be the order of the day in the Military Department. I am still of that opinion. I am still of the opinion that retrenchment in the right direction should be the order of the day, but, as I have said. Sir, the whole tendency of my Honourable friends was to give the Army Department a fairly free hand to bring in proposals for mechanising the whole of the Indian army . . . . . .

Mr. M. Asaf Ali: And reducing the British forces.

Sir Cowasji Jehangir: Well, Sir, I can understand this change of ideas. The world seems to be moving, and we must also move along with it. Abyssinia, China and Spain have their lessons to teach, and let us learn them. But I was rather surprised, when the Defence Secretary expresed his surprise at this censure motion. He frankly explained his position, and so far as I am concerned, it was an eye-opener. The first idea that struck me when I heard of this censure motion was what the Defence Secretary himself said,—it was not wise to look at a gift horse in the mouth, but as my friend, Mr. Asaf Ali, said, is it a gift horse? I am

beginning to doubt it. I was hoping, when I heard the Viceroy speaking not very long ago, that very soon an announcement would be made that we would get a gift of a few crores of rupees. I was surprised when I read that the figure was only six hundred thousand pounds. What a gift! I am not ungenerous, but what a gift! There is Lord Nuffield who shells out six hundred thousand pounds very often for scientific institution in England, and nobody says a word about it, and I am surprised at the passive way in which these great gifts have been received in England, but still a gift of six hundred thousand pounds from one country to another has been talked about a great deal. After all, is it a gift? Now, let us analyse the position fairly.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): It is a bait, and not a gift.

Sir Cowasji Jehangir: There is the British Army in India as well as in England. The British Army in India is only a part of the British army in England. The British army in England has been mechanised. Hundreds of millions are being spent. It turns out that the British army sent out to India has been a branch of the British army that was never mechanised. We are now told that India will have to pay the cost of mechanising that section of the British army which is in India, a section of the British army which is not permanently in India, a section of the British army that will go to any part of the world or will go back to England. Why is then India asked to pay the cost of mechanising that section of the British army, and if only a portion of the cost has been offered by England, is it a gift? I was staggered to hear that 135 lakhs will have to be spent by this country for mechanising the British army in India, that out of 215 lakhs, 80 lakhs would be contributed by England. Is it not a legitimate complaint that 135 lakhs ought to be first spent on the Indian army in mechanising it? Is it not a legitimate complaint? . . . . .

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

Sir Cowasji Jehangir: That shows how my friend's mentality works. Now, let us follow this up a little. If my friend was asked to live in a house in India and he was asked to build it himself and leave it in India when he retired, how would he like it? Will that be justified? He was brought to serve in India,—suppose he was asked to build a house out of his own money, and he was asked to go back to England without taking a nail out of India, would that be justifiable? . . . .

Mr. C. M. G. Ogilvie: Certainly.

Sir Cowasji Jehangir: Then let us ask the Government of India to make every Englishman build houses in India and leave them here when they go back. Don't get excited over it. Think over the matter coolly. Let us look at the equity of it. Here is the British army in India. We are asked to mechanise it. You will take it back to England, send us another section of the army which is not mechanised and ask us again to mechanise it. Is that equity? And do the Government of India think it is a fair way of looking at it? Why? If I were in charge of the British finances, I would say, keep a portion of the British army as it is, and in the next ten or fifteen years send it out to India in bits and get it mechanised in India. I would do that if I were in charge of the British

[Sir Cowasji Jehangir.]

finances, but being an Indian, having to pay for it, surely I am bound to think twice about it. I am not one of those who say, send the British army out of India bag and baggage . . . .

The Honourable Sir James Grigg (Finance Member): I bet you are not.

Sir Cowasji Jehangir: For once in a way the Honourable Member is right, which is very rare indeed in this House. But when the Honourable Member comes with Income-tax Bills, I want to know what he is going to do with the money we pay him . . . .

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): He will use it for mechanising this House.

Sir Cowasji Jehangir: If you will give him the money he will do so. Sir, I am only a humble individual who tries to look at these questions from an equitable point of view. Now, Mr. President, you know that we have had a controversy with the British Army Department and we complained that the cost of training the British troops in England which came out to India ought to be paid by England. Why, it went to arbitration. Most eminent lawyers sat to adjudicate upon it. Finally, it was decided that India should be paid some portion of that cost. I believe we are making out a case for arbitration a few years hence, if we allow the British army to be mechanised out of Indian moneys and then to be sent back to England. I do think it is inequitable, but I would appeal to the Government of India to consider this matter from this point of view and to put it to the British Government that they will not pay for mechanising the British army which is only temporarily kept in India and which is going back to England . . . . .

Mr. C. M. G. Ogilvie: When?

Sir Cowasji Jehangir: Every year they go back and come back.

Mr. C. M. G. Ogilvie: They leave their arms in India.

Sir Cowasji Jehangir: Are all these tanks going to be left behind?

The Honourable Sir James Grigg: Of course, they are.

Sir Cowasji Jehangir: Sir, I would like to know the exact position.

The Honourable Sir James Grigg: These units which are mechanised here will in due course be replaced by other mechanised units who will take over the equipment, so that this equipment will be permanently left in India, and, as far as I can make out, this completely destroys the whole basis of the Honourable Member's argument.

Sir Cowasji Jehangir: If a war breaks out, are they going without their tanks, are they going to Shanghai or to any other part of the world without this equipment? And will the Honourable the Finance Member undertake that if and when these mechanised units go to fight for the Empire, the cost of training the army and of the equipment that we have incurred will be repaid by Great Brtiain? If he will make a fight of it in that way, I will be satisfied. I admit my ignorance. That is more than what the Finance Member is able to do. I admit my mistake when

I am wrong. I was under the impression that they will take away these equipments. We were all under that impression but if it is a case of going to war, will the British Government repay to this country the sums of money we will be forced to spend in mechanising that army? These matters ought to be cleared up before we are called upon to pay 135 lakhs for mechanising only a section of the army.

Well, Mr. President, although this is hardly a censure debate, it has served a very useful purpose. We have been able to place our views before Government and I hope and trust that in all these transactions about the army, between England and India, the Government of India will represent India. We know very well that after all the Government of this country under the present constitution is not in India. It is in England. We know that. We know very well that the Government of India have to carry out orders. In the last instance, they have the power of resigning, which they very rarely exercise, but they are after all to carry out the orders of the Government in England. We do expect them to carry out these orders as loyal servants but we do expect that they will put up a fight in the interests of India, and we do expect that they will point out, how we are hit and how the shoe pinches us, and ask for equity and fair play. It is the duty of the British Government to see that they get the best of the bargain. It is the Government of India's duty to see that they get equity and fair play and that none of our money is spent which is not ultimately to the advantage of this country and for the defence of this country. That is all we ask for, and we expect that it shall be done. We feel doubts about this. We have had our doubts in the past and we have expressed them. We may have our doubts in the future. I feel a little doubtful about this transaction of mechanising the British section of the army at the cost of India. I think it should be done under certain conditions. Those conditions should be properly understood on both sides and there should be no loophole left for arbitrament, for bitter controversy, in the future about the money that has been spent by us in India.

Mr. M. S. Aney (Berar: Non-Muhammadan): I have only five minutes. I shall not take more than five minutes also. The question before the House is this. There has been a so-called gift of 80 lakhs of rupees and it is decided that with that money certain British sections of the Indian army are to be mechanised. The adjournment motion is brought in with a view to censure the Government for having outlined a plan like that and made an announcement to that effect. Now, there are certain questions which we have to consider carefully and the implications of which we have to understand also before we are called upon to record our vote on this point. I agree with my Honourable friend, Sir Cowasji Jehangir, that this debate will be long remembered by the Honourable Members on the Government Benches for the expression of certain views which they are not used to hear from this side. They are likely to make capital out of it. However, I want to confine my attention to the question which is immediately before the House. I really want to know who is responsible for the decision that the amount of money that is received from the British Government is to be spent for the mechanisation of the British army only. If this decision has been taken by the Government of India, why is it that they have thought of making a discrimination and making a selection first of the British army for mechanisation. That is a point on which I have not been able to get

[Mr. M. S. Aney.]

any useful information from the otherwise good speech of the Army Secretary. If the decision is already made by the Government of India that a certain portion of the Indian army was to be mechanised then they should have really thought of making a fair selection from both arms of the Indian army, the British as well as the Indian. In fact, it is a mistake or a misnomer to say that the British army is really a part of the Indian army, but however that has been the way in which the Indian army is being described. One would naturally expect that the Government of India, which claims to maintain this huge army at the cost of the Indian taxpayer for the defence of Indians, would not forget the claims of the Indian section of the Indian army at the time of making the army more efficient and more up to date for the requirements of modern warfare. If the decision was taken by the Government of India on their own responsibility in this matter, I think there is greater necessity for the whole House to carry the censure motion. Are they going to tell the Indian section of the army "You must remain in an inefficient condition, while the British army which is only an army of occupation will be brought up to date and properly equipped". If that is the way in which the Government of India will look at this problem, then the question of defence is not safe in their hands. In fact, the whole problem of defence will be a matter for the serious and anxious consideration of the people of India. They look with apprehension and anxiety at the future when the Governor General in Council will hold charge of the Indian army, while the Federal Legislature will be in charge of many other minor matters. If the decision is taken by the Government of India and they are responsible for this, then we have every reason to censure them . . . .

(It being six of the clock.)

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 1st February, 1938.

LEGISLATIVE ASSEMBLY.

Tuesday, 1st February, 1938.

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

MEMBER SWORN:

Mr. Vaduvur Shrinivas Sundaram, M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(*a*) ORAL ANSWERS.

LABOUR DISPUTES IN INDUSTRIES.

† 36. ***Mr. Akhil Chandra Datta:** Will the Honourable Member for Commerce and Labour state and explain the policy and programme of the Government of India for preventing and settling labour disputes generally in all industries?

Mr. A. G. Clow: Under the constitution legislation relating to the prevention and settlement of trade disputes falls in the concurrent field, while executive authority, except in respect of Chief Commissioners' Provinces, Federal railways, and undertakings carried on by the Central Government is vested in the Provincial Governments. As the Honourable Member is aware, the Trade Disputes Act of 1929 is a Central Act, and the Government of India have placed before this House proposals for its amendment; the main provisions of this Bill seek to expand the machinery for the prevention and settlement of trade disputes and to facilitate its operation. With regard to disputes with which the Central Government are concerned on the executive side, I invite the Honourable Member's attention to the Press Communiqué of the 19th November, 1937, concerning the appointment of a Special Conciliation Officer and the subsequent setting up of an Industrial Advisory Board for the prevention of disputes on Federal railways.

TRADE TALKS BETWEEN INDIAN AND BRITISH DELEGATES AND TERMINATION OF THE OTTAWA TRADE AGREEMENT.

†37. ***Mr. Akhil Chandra Datta:** (a) Will the Honourable Member for Commerce and Labour state why there was no agreement in regard to the trade talks between the Indian delegates and British delegates and why the Indian delegates had to return to India after six months of stay in England?

(b) Will the Honourable the Commerce Member state whether in view of the interminable "talks", the Government of India propose, in deference to the wishes of this House, to scrap the Ottawa preferences?

Mr. H. Dow: (a) The Honourable Member is referred to the Press Communiqué issued by Government on this subject on the 18th October, 1937, copies of which are in the Library.

†Answer to this question laid on the table, the questioner being absent.

(b) Government do not think that the talks will prove interminable, nor are they aware of any expression of the wishes of this House that the Ottawa preferences should be scrapped.

RATIFICATION OF THE INTERNATIONAL SUGAR AGREEMENT.

†38. ***Mr. Akhil Chandra Datta:** (a) Will the Honourable Member for Commerce and Labour state whether the International Sugar Agreement has been ratified by Government?

(b) Is the Honourable the Commerce Member aware that the ratification has been done against the considered opinion of this House?

Mr. H. Dow: (a) Yes, Sir.

(b) One of the relevant facts taken into consideration by the Government of India was the Resolution passed by this Legislative Assembly on the 27th September, 1937.

SUSPENSION OF ENQUIRY INTO THE SMALL SCALE INDUSTRIES.

†39. ***Mr. Akhil Chandra Datta:** (a) Is the Honourable Member in charge of the Commerce and Labour Department aware that Government's decision to suspend enquiries into the small scale industries has aroused much misgivings in the mind of the public?

(b) Will the Honourable Member state when the enquiry will be resumed?

Mr. H. Dow: (a) Government have received representations to that effect.

(b) The Honourable Member is referred to the Commerce Department Press Communiqué, dated the 3rd November, 1937, copies of which are in the Library.

INAUGURATION OF THE FEDERATION.

40. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Law Member state:

(a) whether the minimum number of States have agreed to join the Federation;

(b) if so, when the Federation is expected to be inaugurated; and

(c) whether the British Indian Provinces will be consulted in the matter?

The Honourable Sir Nripendra Sircar: (a) and (b). I have nothing to add to the following statement made by the Under Secretary of State in the House of Commons on the 6th December last, in reply to a question put by Mr. Ross Taylor:

"The aim of His Majesty's Government is, and always has been, to carry into effect the clear intention of Parliament that Federation should follow Provincial Autonomy, as an integral part of a single constitutional scheme, with the least possible delay.

With this object, steps were taken by the Viceroy immediately after the passing of the Act to have examined the novel problems presented by the practical applications of its provisions to the diverse elements of the future Federation. These steps are being actively pursued and every effort will be made to achieve the purpose of Parliament with the least possible delay."

(c) I have no reason to suppose that any such consultation is contemplated.

† Answer to this question laid on the table, the questioner being absent.

Mr. T. S. Avinashilingam Chettiar: May I know what steps are being taken in this matter?

The Honourable Sir Nripendra Sircar: By the phrase "By steps are being actively pursued", I mean negotiations and proceedings between the rulers of States and the Government of India.

Mr. Abdul Qaiyum: May I ask why British Indian provinces are not being consulted?

The Honourable Sir Nripendra Sircar: We are not required to do that by the Government of India Act.

Seth Govind Das: The Honourable Member has just said that after December there has not been anything. . . .

The Honourable Sir Nripendra Sircar: I never said that.

Seth Govind Das: The Honourable Member, I think, said that there has not been anything worth mentioning after December in this respect; may I know what is being done after December in this respect?

The Honourable Sir Nripendra Sircar: The negotiations, started before the 6th of December, are being continued up to this moment.

Seth Govind Das: How are they being continued, and what have been the results of this continuation?

The Honourable Sir Nripendra Sircar: They will be continued as long as it is necessary.

Seth Govind Das: What has been the result of this "continuation" so far?

The Honourable Sir Nripendra Sircar: The result has been progress (Laughter), but, as I said on the last occasion, as regards the points as to what negotiations are going on, with whom, what is the exact amount of progress, and so on, any disclosure here of those confidential communications would be opposed to the public interest.

Mr. N. M. Joshi: May I ask if, although there may not be any legal obligation upon the Government of India to consult the Provincial Governments, they will, nevertheless out of moral obligations, consult the British Indian people (Hear, hear)?

The Honourable Sir Nripendra Sircar: Ideas of morality differ.

Mr. President (The Honourable Sir Abdur Rahim). I do not think this sort of thing can be carried on. There shall be no more supplementary questions. Next question.

SUSPENSION OF ENQUIRY INTO THE MINOR INDUSTRIES.

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

(a) whether the proposed enquiry into the minor industries by an officer of the Commerce Department has been dropped;

(b) if so, why it has been dropped; and

(c) whether the prices of the Japanese products have again gone down?

Mr. H. Dow: (a) and (b). The Honourable Member is referred to the Commerce Department Press Communiqué, dated the 3rd November, 1937, copies of which are in the Library.

(c) The prices of Japanese imports into India in recent months do not show any definite trend in either direction. In some cases a rise has occurred while in others a downward tendency is noticeable. Conditions are still too unsettled for a definite opinion to be expressed regarding the future course of prices.

Mr. T. S. Avinashilingam Chettiar: May I know whether this inquiry was stopped for the specific reason that the prices of Japanese products were going down?

Mr. H. Dow: I have already referred the Honourable Member to the Press Communiqué which was issued on the subject and which gives the full reasons for stopping the inquiry or suspending it at that particular juncture.

Mr. T. S. Avinashilingam Chettiar: May I know whether the decline in the prices of Japanese products was one of the reasons?

Mr. H. Dow: No, Sir.

Mr. M. Ananthasayanam Ayyangar: May I know if any investigation has been made into any of the minor industries at all?

Mr. H. Dow: Certainly, Sir, an inquiry was made into a very large number of industries, I think about forty of them. In a later question someone is asking for a list of those industries, and I propose to lay a statement on the table.

Mr. Badri Dutt Pande: May I know if Japanese goods are still coming into this country?

Mr. H. Dow: Some Japanese goods are still coming into this country.

Mr. Badri Dutt Pande: After this war of aggression by Japan, is it not the intention of Government to put an embargo on Japanese goods?

Mr. President (The Honourable Sir Abdur Rahim): That does not arise out of this question.

Seth Govind Das: May I know if there has been no change in this respect?

Mr. H. Dow: There has been a rise in the prices of some things and a fall in the prices of others.

Mr. Mohan Lal Saksena: May I know if the inquiry into the case of minor industries has been completed?

Mr. H. Dow: No, Sir. The inquiry, as is pointed out in the Press Communiqué to which I have referred and which I wish Honourable Members would read, has been suspended.

Prof. N. G. Ranga: Did Government receive any *interim* reports before it was suspended?

Mr. H. Dow: Government have received *interim* reports—yes.

Seth Govind Das: What has been the reason for this suspension?

Mr. H. Dow: As I have stated twice already, those reasons are given in the Press Communiqué which is in the Library of the House.

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

TRADE NEGOTIATIONS WITH BRITISH GOVERNMENT.

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

(a) at what stage the trade negotiations with the British Government are;

(b) whether any point of agreement has been reached; and

(c) when they expect to come to a conclusion in the matter?

Mr. H. Dow: (a) and (b). The Honourable Member is referred to the Press Communiqué issued by Government on this subject on the 6th January, 1938.

(c) It is not possible at this stage to say when a conclusion is likely to be reached.

Mr. T. S. Avinashilingam Chettiar: May I know—in view of the fact that notice of the conclusion of the agreement was given long ago and it has taken an inordinately long time for these negotiations to come to a conclusion—whether the Government will take an early opportunity of finishing these negotiations early or of giving notice again and end this agreement?

Mr. H. Dow: As to whether this has taken a long time, that of course is a matter of opinion, but Government are doing their best to expedite the conclusion of these negotiations.

Mr. M. Ananthasayanam Ayyangar: What are the outstanding points of difference?

Mr. H. Dow: I am not prepared to state that.

Seth Govind Das: Is there any proposal for sending any more Indians to England in connection with these negotiations?

Mr. H. Dow: I have not yet heard of any such proposal.

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

NEGOTIATIONS FOR TRADE AGREEMENTS WITH OTHER COUNTRIES.

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

(a) whether negotiations are going on for the conclusion of trade agreements with any country other than England;

(b) if so, with what countries; and

(c) at what stage the negotiations are?

Mr. H. Dow: (a) Yes, Sir.

(b) The Honourable Member's attention is invited to the reply given to his question No. 479 on the 13th September, 1937.

(c) Proposals have been exchanged with the Government of the Union of South Africa for the conclusion of a temporary *modus vivendi* but the negotiations have not yet been concluded. Negotiations for an agreement between India and the Netherlands Indies regarding import quotas have been dropped as the Netherlands Government were not disposed to deal with the question of import quotas in isolation. As regards Siam, a commercial treaty has been concluded by His Majesty's Government in the United Kingdom with that country, and the question of India's accession to that treaty will be considered in due course.

Mr. Abdul Qaiyum: Are any negotiations in progress with Afghanistan at the present moment?

Mr. H. Dow: No, Sir.

Mr. Manu Subadar: Did any negotiations begin with Canada three years ago?

Mr. H. Dow: I think not.

Mr. M. Ananthasayanam Ayyangar: Are any negotiations going on with Ceylon?

Mr. H. Dow: No, Sir.

Mr. M. Ananthasayanam Ayyangar: Is it not a fact that Ceylon has given up the Ottawa Agreement and has been receiving preferences and is it not also a fact that it has not shown any preferences to our goods?

Mr. H. Dow: I am afraid it does not arise out of this question.

Seth Govind Das: May I ask the names of those countries with which these negotiations are going on at present?

Mr. H. Dow: They are mentioned in my answer to part (c).

Seth Govind Das: Only one country is mentioned.

Mr. H. Dow: The names of three countries are mentioned there.

Prof. N. G. Ranga: Why is it that the Government of India had waited so long in order to get into trade negotiations with the Siamese Government until after the British Government came to a trade agreement with that Government?

Mr. H. Dow: We have been in treaty relations with Siam up till the present. These are merely negotiations for replacing an earlier treaty.

PROGRAMME OF RURAL DEVELOPMENT IN THE CENTRALLY ADMINISTERED AREAS.

44. ***Mr. Sham Lal:** Will the Secretary of the Education, Health and Lands Department be pleased to state:

(a) what the programme of rural development has been in each of the last two financial years for different regions of the centrally administered areas together with estimates of expenditure thereon; and

(b) if any, the extent of success achieved in this direction?

Sir Girja Shankar Bajpai: (a) and (b). Information is being collected and a statement will be placed on the table.

DISCOVERIES IN TOPOGRAPHICAL, ZOOLOGICAL, BOTANICAL AND GEOLOGICAL SURVEYS.

45. ***Mr. Sham Lal:** Will the Secretary of the Education, Health and Lands Department be pleased to state the discoveries of permanent utility made so far in Topographical, Zoological, Botanical and Geological surveys conducted in different parts of India during the last two decades?

Sir Girja Shankar Bajpai: For detailed information the Honourable Member must refer to the publications of the Surveys concerned. A summary statement of the information asked for by the Honourable Member is laid on the table of the House.

Statement.

(a) *Topographical Survey.*—The work of the Topographical Survey relates solely to the making of maps and cannot by its nature result in discoveries. The whole of the work, however, is of permanent utility.

(b) *Zoological Survey.*—During the last two decades the Zoological Survey of India has made discoveries which provide information of permanent utility in regard to:

(1) the species of rats responsible for the spread of plague in India and the fleas which act as carriers of plague germs;

(2) mosquitoes and other dipterous insects which act as carriers of certain diseases;

(3) the role of fishes as mosquito destroyers and other biological agencies as larvicides of mosquitoes;

(4) fresh water Copepods that act as carriers of the Guinea worm;

(5) helminthic parasites;

(6) measures required for the protection and conservation of certain species of fishes which are of economic importance; and

(7) insects which damage crops or destroy timber, etc.

In 1918 soldiers returning from the Eastern Front were found to be infected with Blood Fluke which is responsible for the highly devastating disease called Schistosomiasis. Investigations on Indian freshwater molluscs carried out by the Zoological Survey of India, however, proved that there was no possibility of the Blood Fluke taking a hold in the country. Similar results were also obtained in 1926 in respect of the Chinese Blood Fluke imported into Burma by Chinese labourers. These discoveries saved the necessity of extensive preventive operations.

Investigation carried out by the Zoological Survey of India in connection with the water supply of Calcutta in recent years have resulted in substantial monetary savings to the Calcutta Corporation and in addition have ensured a regular and purer supply of filtered water for the city.

(c) *Botanical Survey.*—The utility of the Botanical Survey of India may properly be appreciated by a reference not to any specific discovery made but to its general contribution to the dissemination of scientific knowledge in the domain of economic botany. In so far, however, as research of purely economic value is concerned the survey has successfully arranged during the last twenty years for the experimental cultivation in Indian soil of several important foreign medicinal plants, *viz. Hyoscyamus Muticus, Digitalis purpurea, Taraxacum, Officinalis, Psychotria Ipecacuanha* and *Cinchona.* The Survey has also arranged for investigation on, and organised supplies of, *Podophyllum Emodi, Atropa Belladona,* various species of *Hydnocarpus* (the active principle of which is claimed to be an effective remedy for leprosy). Santonian yielding *Artemisia* and some edibile fruits notably wild grapes and oranges. The economic exploration of the vegetable resources of India has resulted in the discovery of many new species.

(d) *Geological Survey.*—The discoveries made by the Geological Survey of India relating to new occurrences of ores and mineral deposits are published annually in the General Reports included in the Records of the Geological Survey of India. More detailed results of economic investigations on a particular mineral or on a particular region are published in a Memoir or in papers included either in these Records or in the Transactions of the Mining, Geological and Metallurgical Institute of India.

SUGGESTIONS FOR REORGANISATION OF EDUCATION RECEIVED BY THE CENTRAL ADVISORY BOARD OF EDUCATION.

46. ***Mr. Sham Lal:** Will the Secretary of the Education, Health and Lands Department be pleased to state:

(a) whether the Central Advisory Board of Education has ever been the recipient of constructive suggestions by post from members of the public for the reorganisation of education;

(b) if so, whether any of these suggestions have been found to be practicable on examination; and

(c) if so, which of them have already been adopted to any part of India to any extent?

Sir Girja Shankar Bajpai: (a) Yes.

(b) and (c). Such of the suggestions as were not covered by the resolution of the Central Advisory Board of Education passed at its first meeting when the question of educational reconstruction was considered, are reviewed as particular aspects of educational reconstruction come before the Board. Action on private proposals, as on those of the Board itself, lies within the sphere of Provincial Governments.

Mr. M. Asaf Ali: What is the net result of the activities of this Central Advisory Board?

Sir Girja Shankar Bajpai: The net result of the activities of the Board is the provision of advice to Local Governments.

Seth Govind Das: Do the Government not think that for only this gratuitous advice they are spending rather too much on this Board?

Sir Girja Shankar Bajpai: Not at all. Perhaps my Honourable friend will be interested to hear that even the new Ministers are most anxious to make use of the Board.

Mr. M. Asaf Ali: The Honourable Member said that the net result of the activities of the Central Board was the provision of advice to Local Governments. May we know what advice has been tendered to the Local Governments?

Mr. President (The Honourable Sir Abdur Rahim): That is too wide a question.

MEASURES AGAINST THE SPREAD OF BOGUS AND SECRET MEDICINES IN THE CENTRALLY ADMINISTERED AREAS.

47. ***Mr. Sham Lal:** Will the Secretary of the Education, Health and Lands Department be pleased to state:

(a) whether it is a fact that qualified medical men are being debarred in the centrally administered areas from advertising in the non-medical press, while no such restrictions are being applied to unqualified ones issuing alluring advertisements of bogus medicines;

(b) whether he is aware that secret medicines having no formulas of their own disclosed on the labels are being imported into the centrally administered areas from several foreign countries of the world;

(c) if the replies to parts (a) and (b) above be in the affirmative, whether these matters have had the attentions of the Central Advisory Board of Public Health for their investigations and recommendations; and

(d) if not, whether Government intend to take any action in this respect?

Sir Girja Shankar Bajpai: (a) There is no such disability imposed by central legislation but medical practitioners in centrally administered areas registered under Provincial Medical Acts are debarred from advertising in the lay press. (This is according to the medical code of professional conducts.)

(b) This disability these areas share with the rest of India at present.

(c) and (d). As regards the disability mentioned in part (b), the Honourable Member must be aware of the Bill to regulate the import of drugs which was referred last Session to a Select Committee of this House. No reference to the Central Advisory Board of Public Health seems necessary. The matter mentioned in part (a) is primarily one for the consideration of Provincial Governments.

INSUFFICIENT TIME AT THE DISPOSAL OF GOVERNMENT DEPARTMENTS FOR PREPARATION OF REPLIES TO QUESTIONS.

48. ***Mr. Sham Lal:** Will the Honourable the Leader of the House be pleased to state:

(a) whether it is a fact that a fairly large number of questions seeking information are not being answered in the Central Legislative Assembly on account of the shortness of time at the disposal of the different Government departments for the preparation of replies; and

(b) if so, how Government propose to meet this difficulty?

The Honourable Sir Nripendra Sircar: (a) I assume that by "are not answered" the Honourable Member means "receive in the first instance an *interim* reply". On this assumption the number is not large in relation to the total number of starred questions.

(b) Does not arise.

ORDINANCE PROMULGATED IN TANGANYIKA TO CONTROL THE BUSINESS OF INDIAN GOLDSMITHS AND SILVERSMITHS.

49. *Sardar Sant Singh (on behalf of Mr. Lalchand Navalrai): (a) Will the Secretary of the Education, Health and Lands Department be pleased to state whether the attention of Government has been drawn to the new Ordinance which has been promulgated in Tanganyika, and which is intended to control the business of Indian goldsmiths and silversmiths?

(b) Is it a fact that these smiths' shops will be liable to be searched, without warrant by any authorized officer for the purpose of ascertaining what gold-ore, silver-ore, or other material containing gold or silver is there in the premises?

(c) Is it a fact that these smiths would be required to take out licences which may be refused at the discretion of the officer concerned?

(d) Is it a fact that the Indians in Tanganyika have objected to these stringent provisions? If so, what measures have the Government of India taken or propose to take to relieve them from the oppression of such an Ordinance?

Sir Girja Shankar Bajpai: (a) Yes, except that the Ordinance applies to all and not to Indians only.

(b) Yes.

(c) The provision which empowers a licensing officer to refuse a licence in his discretion also provides for an appeal to the Governor of the Territory. In cases of refusal of renewal of licences the licensing officer shall, if called upon to do so, state his reasons for refusal in writing.

(d) The Government of India have not received any representation from the Indian community in Tanganyika.

Mr. T. S. Avinashilingam Chettiar: May I ask whether the Government of India have satisfied themselves that with regard to the issue of these licences Indians are not discriminated against?

Sir Girja Shankar Bajpai: I am sure that if there had been any discrimination practised the Government of India would have heard on the matter from the Indian community in Tanganyika.

Mr. T. S. Avinashilingam Chettiar: Are they in touch with the Indian community in Tanganyika?

Sir Girja Shankar Bajpai: Yes, Sir, they are as much in touch with the Indian community in Tanganyika as with the Indian communities in other countries.

Mr. M. Ananthasayanam Ayyangar: Have the Government any information regarding the property of European goldsmiths and silversmiths?

Sir Girja Shankar Bajpai: As far as I know, there are no European gold or silversmiths in Tanganyika.

Mr. M. Ananthasayanam Ayyangar: That being the case, is not this legislation intended to affect only the Indian gold and silversmiths?

Sir Girja Shankar Bajpai: Well, Sir, I do not think myself that this particular measure is of any racial character at all. The main object of it is to prevent thefts of gold and silver in the mining areas.

Seth Govind Das: Are the Government aware that in spite of the fact that these legislations are of a general character, their effect in Colonies has always been against the Indian interests?

Sir Girja Shankar Bajpai: My Honourable friend is casting his net too wide. I am not holding forth on the subject of all pieces of legislation; I am only talking of this particular Ordinance.

Seth Govind Das: Are the Government aware that even the effect of this legislation has been against the Indians of Tanganyika?

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

APPOINTMENT OF THE SUPERINTENDENT OF INSURANCE.

50. ***Mr. K. Santhanam** (on behalf of Mr. George Joseph): (a) Will the Honourable Member for Commerce and Labour state whether in view of the insurance legislation pending before the Central Legislature, the Government of India are considering, formally or informally, the appointment of the Superintendent of Insurance?

(b) Have Government considered or decided the question of the salary and allowances attachable to the office of the Superintendent of Insurance, and if so, to what effect?

(c) Do Government propose, subject to all relevant considerations, to make an effort to appoint an Indian to the office of the Superintendent of Insurance?

Mr. H. Dow: (a), (b) and (c). Government have these questions under consideration, but no decision can be taken on these questions until the final form of the legislation now pending is known.

Mr. Manu Subedar: Is the Honourable Member in a position to assure the House that an Indian will be appointed?

Mr. H. Dow: I am not in a position to assure the House that anyone will be appointed.

PERMISSION FOR PURCHASE OF REAL PROPERTY IN BRITISH INDIA BY AN INDIAN PRINCE, ETC.

51. ***Mr. K. Santhanam** (on behalf of Mr. George Joseph): Will the Honourable the Leader of the House be pleased to state:

(a) whether there is any rule or convention which requires that before an Indian Prince or any member of the ruling family of an Indian State acquires real property in British India the permission of the Government of India in any of their departments or of any authority subordinate to the Government of India, should be obtained;

(b) if the answer to part (a) be in the affirmative, whether the grant of such permission is barely formal or governed by statable rules;

(c) whether the Honourable the Leader of the House will be prepared to lay on the table of the House the rules if they should exist; and

(d) the number and short description of cases in which permission was sought for and granted, if any, in respect of purchase of real property in British India since 1st January, 1930?

The Honourable Sir Nripendra Sircar: (a), (b) and (c). The revision of the existing procedure in regard to the acquisition by Ruling Princes of property in British India is under consideration in view of constitutional changes, and no decision has yet been reached.

(d) The information required cannot be supplied without a degree of labour which is not commensurate with the purpose to be served.

Mr. Mohan Lal Saksena: Has there been any case in which permission has been refused.

The Honourable Sir Nripendra Sircar: I cannot answer it, I am afraid, without notice.

Mr. M. Ananthasayanam Ayyangar: What is the present practice?

The Honourable Sir Nripendra Sircar: As a matter of fact, I am not aware whether there is any, or what, consistent practice and I have not inquired into it for the obvious reason that that procedure is now, whatever it was, going to be obsolete and a new procedure will be established at an early date.

Mr. Sri Prakasa: Has the attention of the Government been called to a recent judgment in the Allahabad High Court in an income-tax case against the Maharaja of Benares regarding his properties in British India?

The Honourable Sir Nripendra Sarcar: No, Sir.

Mr. M. Ananthasayanam Ayyangar: Are there any similar rules regulating the acquisition of land in the Indian States by the Government of India or by the Provincial Governments?

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

EXPORT OF INDIAN COTTON AND OIL-SEEDS.

52. ***Mr. K. Santhanam:** Will the Honourable Member for Commerce be pleased to state:

(a) the quantity of Indian cotton exported from 1st April, 1937, to 31st December, 1937, and the figures for the corresponding periods of the two previous years; and

(b) similar figures for oil-seeds for the same periods?

Mr. H. Dow: The Honourable Member is referred to the Accounts relating to the Seaborne Trade and Navigation of British India for December, 1937, a copy of which is in the Library. His special attention is invited to page 230 and pages 220-224 of the publication.

Mr. K. Santhanam: Do the reports show a tendency to decline?

Mr. H. Dow: The Honourable Member will be able to see that for himself if he looks at the figures.

Mr. K. Santhanam: I am asking the Honourable Member to give the information now.

Mr. President (The Honourable Sir Abdur Rahim): You will find the information contained in the Statement referred to by the Honourable Member. You ought to see that.

BOYCOTT OF THE CLOVE TRADE BY INDIANS IN ZANZIBAR.

53. ***Mr. K. Santhanam** (on behalf of Mr. George Joseph): Will the Secretary of the Education, Health and Lands Department be pleased to state:

(a) whether the boycott of the clove trade by Indians in Zanzibar is still being maintained;

(b) whether the clove trade of Zanzibar with India is being diverted from the ordinary ports of entry (such as Bombay) to the ports in the Madras Presidency; and

(c) whether, in view of the losses caused to Indians in Zanzibar and the development in the matter since the Legislative Assembly dispersed in October last, the Government of India are prepared to reconsider the policy adumbrated in the speech of the Honourable Sir Jagdish Prasad on the debate on the adjournment motion at the Simla Session of the Assembly last autumn, and impose a ban on the import of cloves from Zanzibar to India?

Sir Girja Shankar Bajpai: (a) Yes.

(b) The Government of India have no information to that effect.

(c) The Government of India understand that proposals for modifying the existing Clove Decrees are under consideration.

Seth Govind Das: Are the Government aware that the British Resident of Zanzibar sent certain proposals to the Colonial Office in this respect?

Sir Girja Shankar Bajpai: I presume that the Resident, as in duty bound, has made certain proposals to the Colonial Office.

Seth Govind Das: Are the Government aware that Seth Govind Das, a Member of this Assembly, had interviews with the British Resident and Lord Dufferin in this respect?

Sir Girja Shankar Bajpai: I am sure the House will be interested to have from Seth Govind Das this information.

Seth Govind Das: Have the Government received any information regarding these interviews and are Government prepared to move in this matter any further?

Sir Girja Shankar Bajpai: The Government have read accounts of these interviews in the Press, and they have also heard of them from the Honourable Member just now. They have made enquiries from the Government of Zanzibar as to whether any proposals are in contemplation, and they have received a reply in the affirmative.

Seth Govind Das: Have the Government received any information from the Government of Zanzibar regarding these interviews?

Sir Girja Shankar Bajpai: The Government of India have received no information from the Government of Zanzibar regarding these interviews in particular.

Mr. Mohan Lal Saksena: Have the Government made any representations on this question since the last statement was made in the Assembly?

Sir Girja Shankar Bajpai: No, Sir. There has been no occasion to make any representations.

CULTIVATION OF CLOVES IN INDIA.

54. ***Mr. K. Santhanam** (on behalf of Mr. George Joseph): Will the Secretary of the Education, Health and Lands Department be pleased to state:

(a) whether the officer appointed to inquire into the possibilities and development of the cultivation of cloves in British India and Indian States has made a report to the Government of India, and if so, whether he will lay a copy of the report on the table of the House;

(b) whether there are areas in India where cloves are being produced at present, and the total value of the production and the quality of Indian cloves compared to that imported from Zanzibar; and

(c) whether the production of cloves in South India, especially in the State of Travancore, was not considerable at one time, and the reasons for its falling off?

Sir Girja Shankar Bajpai: (a) The officer was appointed by the Imperial Council of Agricultural Research, and his report has been made to that body. If the Council have no objection, I propose to place a copy of the report in the Library of the House.

(b) The production of cloves in India at present is negligible.

(c) I understand that there was a certain amount about a hundred years ago. Clove growing was undertaken in conjunction with coffee growing and went out owing to economic causes.

FALL IN THE PRICE OF RUBBER.

55. ***Mr. K. Santhanam** (on behalf of Mr. George Joseph): Will the Honourable Member for Commerce and Labour be pleased to state:

(a) whether the Government of India are aware that the price of rubber has fallen heavily in the recent months causing disorganisation in the market and a heavy loss to Indian producers of rubber;

(b) whether any representations have been made to Government by rubber planters in India stating that the said fall is due to the unsatisfactory nature of the international quota; and

(c) whether Government propose to take action to relieve rubber planters in the present difficulties and, if so, the nature of such action?

Mr. H. Dow: (a) The price of rubber has fallen, but there is no information to show that the Indian market has been disorganised or that the Indian producers of rubber have suffered a heavy loss.

(b) No, Sir.

(c) Does not arise.

PROGRESS OF THE FEDERATION SCHEME.

56. ***Mr. Badri Dutt Pande:** (a) Will the Honourable the Leader of the House be pleased to state how far the scheme of the Federation has progressed?

(b) Have replies been received from all the States?

(c) Have any of the eleven Provinces opposed the Federation scheme? If so, which?

The Honourable Sir Nripendra Sircar: (a) and (b). I would invite the attention of the Honourable Member to the reply given by me to Mr. Avinashilingam Chettiar's question No. 40 answered today.

(c) The Government of India have not received any official intimation from Provinces as regards their attitude towards the scheme of Federation embodied in the Government of India Act, 1935.

Mr. K. Santhanam: May I ask whether the revised Instrument of Accession has been sent to the States?

The Honourable Sir Nripendra Sircar: I would ask your Ruling, Sir, whether that arises as a supplementary question.

Mr. President (The Honourable Sir Abdur Rahim): In part (a) of the question, it is asked how far the scheme of Federation has progressed. If the Honourable Member likes, he can answer this supplementary question.

The Honourable Sir Nripendra Sircar: Having regard to your ruling, I should be quite prepared to accept short notice of this question if my Honourable friend wants a satisfactory answer.

Mr. Badri Dutt Pande: May I enquire why these dignified canvassers are going about asking the Indian States to federate?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must withdraw the word 'dignified'. The Honourable Member must not cast reflection on any gentlemen who are not present in the House. The Honourable Member should put the question in proper form.

Mr. Badri Dutt Pande: I withdraw the word 'dignified'. I will merely say canvassers.

(No answer.)

Mr. N. V. Gadgil: Are there any proposals for retrocession of territory to the States?

The Honourable Sir Nripendra Sircar: I once more repeat that I am not going to disclose what is contained in the negotiations because it is opposed to public interest.

Mr. Mohan Lal Saksena: May I ask whether the copies of the Resolutions passed by the various Provincial Legislative Assemblies on this subject have not been received by the Government of India?

The Honourable Sir Nripendra Sircar: I have already answered that question.

NEGOTIATIONS FOR REPLACEMENT OF THE OTTAWA TRADE AGREEMENT.

57. ***Mr. Manu Subedar:** (a) Will the Honourable Member for Commerce and Labour be pleased to state whether any negotiations took place between the authorities in the United Kingdom and the Government of India with regard to the nature and form of an agreement to replace the Ottawa Agreement before the latter expired?

(b) Will Government be pleased to lay the correspondence on the table?

Mr. H. Dow: (a) The Ottawa Trade Agreement of 1932 has not yet expired but is being continued temporarily subject to three months' notice of termination by either side pending conclusion of a fresh agreement. On the assumption that by the expiry of the Agreement the Honourable Member means the expiry of the period of six months' notice given on the 13th May, 1936, the answer is in the negative.

(b) Does not arise.

Mr. Manu Subedar: Was there any communication between the Government of India—whose function it is as executive Government to do so—and the United Kingdom before the full period of the Ottawa Agreement as originally provided expired?

Mr. H. Dow: The question originally asked was "any negotiations with regard to the nature and form of an agreement", and I have answered that.

Prof. N. G. Ranga: Why was it that this trade agreement was not definitely terminated after the expiry of six months' notice?

Mr. H. Dow: That is a matter which has been already discussed threadbare in this House.

Mr. M. Ananthasayanam Ayyangar: When do the Government expect to conclude these negotiations?

Mr. H. Dow: That does not arise out of this question. There is a later question on the agenda regarding this.

Mr. M. S. Aney: Is it not a fact that on the floor of this House, the Honourable the Commerce Member had given out that Government would be bound by the vote of this House on this question?

Mr. H. Dow: That does not seem to arise out of this question.

Mr. President (The Honourable Sir Abdur Rahim): I did not hear the question. Will the Honourable Member please repeat?

Mr. M. S. Aney: Is it not a fact that during the course of the debate on that Resolution, the Honourable the Commerce Member declared on the floor of the House that the Government of India would be bound by the vote of the House?

Mr. H. Dow: I am not quite clear whether the Honourable Member is referring to the Resolution of 1936.

Mr. M. S. Aney: I am referring to the debate on the Ottawa Agreement.

Mr. H. Dow: There have been so many debates on the Ottawa Agreement.

Seth Govind Das: Is it not a fact that the assurance has been repeatedly given on the floor of the House by every Commerce Member on all debates on the Ottawa Agreement that Government were going to be bound by the decision of the House?

Mr. H. Dow: I would suggest that the Honourable Member might himself look up the debates.

Seth Govind Das: Is it not a fact that in most of the debates this assurance has been given and even in the last debate that we had on this subject, the assurance was given?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member ought to look up the debate and cite it.

Seth Govind Das: I am asking whether it is not a fact that the assurance was given?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member representing the Government was not then in the House, and, therefore, you cannot expect him to remember it. The Honourable Member must himself cite that passage in the debate where the assurance was given.

Seth Govind Das: I am citing that in the last debate this assurance was given by the Government.

Mr. President (The Honourable Sir Abdur Rahim): That is not citing.

Seth Govind Das: I am citing the fact that in the last debate, the Government announced that they would be bound by the vote of the House.

(No answer.)

Mr. Bhulabhai J. Desai: The question is put as to what happened in the past. Now I will put a question about the present. Will the Government now declare whether final negotiations will not terminate into an agreement without a vote of the House?

Mr. H. Dow: That is entirely a different question.

Mr. Bhulabhai J. Desai: That is the question I am asking.

Mr. H. Dow: There is a later question dealing with that point.

Mr. Bhulabhai J. Desai: May I take it that it will be answered later on.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member says there is a later question.

Mr. Bhulabhai J. Desai: Will this question be answered? I do not mind when.

Mr. H. Dow: The question is down on the agenda today, and if the question is reached, it will undoubtedly be answered to the best of my ability.

Mr. Bhulabhai J. Desai: I do not mind when it is answered so long as I am assured that it will be answered.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better wait till that question is reached.

NEGOTIATIONS FOR THE INDO-BRITISH TRADE AGREEMENT.

58. ***Mr. Manu Subedar:** Will the Honourable Member for Commerce and Labour be pleased to state what period has expired since the first communication from or to the authorities in the United Kingdom, relating to the Indo-British Trade Agreement, took place?

Mr. H. Dow: Notice of termination of the Ottawa Trade Agreement was given on behalf of the Government of India on the 13th May, 1936.

Mr. Manu Subedar: Will Government be pleased to lay on the table the correspondence which has subsequently taken place between the Government of India and the Government of the United Kingdom on this subject?

Mr. H. Dow: No, Sir.

Mr. Abdul Qaiyum: Why not?

Mr. Manu Subedar: Is there any objection to placing this correspondence on the table? Any ground of public interest?

Mr. H. Dow: Yes, Sir. It is not in the public interest.

Mr. Manu Subedar: As so much time has elapsed these have almost become historical documents. Why not place them on the table now?

NEGOTIATIONS FOR THE INDO-BRITISH TRADE AGREEMENT.

59. ***Mr. Manu Subedar:** Will the Honourable Member for Commerce and Labour be pleased to state:

(a) at what stage the negotiations for the Indo-British Trade Agreement are;

(b) whether Government will take this House into their confidence with regard to the nature of the difficulty which has arisen;

(c) whether Government have brought any pressure on the non-official Advisers to accept conditions which they were not originally prepared to accept, in order to have a compromise; and

(d) what those conditions are?

Mr. H. Dow: (a) and (b). The Honourable Member's attention is invited to the Press Communiqué issued by the Commerce Department on the 6th January, 1938.

(c) No, Sir.

(d) Does not arise.

Mr. K. Santhanam: With reference to part (c), are we to understand that Government are acting on the advice of the non-official advisers?

Mr. H. Dow: That is set out in the communiqué to which I have referred.

Mr. Manu Subedar: Do I understand that the Honourable the Commerce Member has taken with him now the terms which the non-official advisers advised in the first instance, or has he taken different terms?

Mr. H. Dow: I will quote one sentence from the communiqué:

"Since Sir Muhammad Zafrullah's return Government have reviewed the position which has been reached, and they have decided that further progress should be sought along certain lines suggested by the non-official advisers."

I can add nothing usefully to that.

Mr. Manu Subedar: Was this the second suggestion after they were called at Delhi or was it the first suggestion before they set out for the United Kingdom?

Mr. H. Dow: I am not prepared to answer that question.

Prof. N. G. Ranga: Can we have an indication of the lines along which progress was suggested by the non-official advisers?

Mr. H. Dow: No, Sir.

Mr. Bhulabhai J. Desai: Were any instructions given distinctly different to those which formed the opinion or the basis of opinion of the non-official advisers?

Mr. H. Dow: I am not prepared to disclose the exact nature of the instructions which have been given to Government's delegate.

Mr. Bhulabhai J. Desai: I am not asking for the actual subject-matter, but is it, or is it not, a fact that instructions have been given which materially differ from the basis of the opinion of the non-official advisers?

Mr. H. Dow: I am not prepared to indicate even the character of the instructions that have been given.

Mr. Bhulabhai J. Desai: Is the Honourable Member prepared to indicate whether they did differ at all?

Mr. H. Dow: No, Sir.

Mr. Bhulabhai J. Desai: May I take it that they did differ?

Mr. H. Dow: You may not, Sir, (Laughter.)

TRADING DISABILITIES OF INDIANS IN THE UNITED STATES OF AMERICA.

60. ***Sardar Mangal Singh:** Will the Honourable Member for Commerce and Labour please state:

(a) whether Government are aware of the trading disabilities of Indians in the United States of America;

(b) what steps Government propose to take to remove these disabilities; and

(c) whether Government propose to negotiate a trade treaty with the United States of America?

Mr. H. Dow: The question should have been addressed to the Foreign Secretary.

SLUMP IN THE COTTON PRICES.

61. ***Sardar Mangal Singh:** Will the Honourable Member for Commerce and Labour please state:

(a) whether Government are aware of the sad plight of the cotton-growers owing to the slump in cotton prices;

(b) what steps Government propose to take to raise the price of cotton or at least to prevent further fall in prices; and

(c) whether Government are prepared to consider the proposal to impose import duties on foreign cotton of a certain staple?

Sir Girja Shankar Bajpai: (a) Government are aware of the adverse effect on cotton growers owing to the slump in cotton prices.

(b) and (c). Representations for an increase in the rate of the import duty on cotton have been received and are under examination.

Mr. Bhulabhai J. Desai: Is there any other matter relating to the subject-matter of item (b) under the consideration of Government?

Sir Girja Shankar Bajpai: No, Sir.

Mr. Bhulabhai J. Desai: Are any questions relating to the decrease in freights between certain cotton growing districts either for the purpose of consumption internally or for the purpose of export under consideration?

Sir Girja Shankar Bajpai: I believe, Sir, there is a separate question on that point which will come up on the 4th February, and it will be answered then.

Mr. M. S. Aney: Do Government see the urgency of deciding this matter?

Sir Girja Shankar Bajpai: The particular suggestion referred to in part (c) of the question will be disposed of as early as possible.

Mr. M. S. Aney: I am referring to part (b) of the question.

Sir Girja Shankar Bajpai: I have already said in reply to my Honourable friend, the Leader of the Opposition, that with the exception of the question of the raising of the cotton import duty no other suggestion is under examination.

Mr. M. S. Aney: Then as regards that, do Government see the urgency of deciding it at an early date?

Sir Girja Shankar Bajpai: That I answered in reply to my Honourable friend's previous supplementary question; we will try and decide the matter as early as possible.

Mr. Sami Vencatachelam Chetty: Have Government received a copy of the recommendations of the sub-committee of the All-India Congress Committee in regard to this matter?

Sir Girja Shankar Bajpai: I have not seen any such representation.

Mr. Bhulabhai J. Desai: Has it not been seen in the press at all,—the recommendation of the committee that was appointed by the working committee of the Congress containing six recommendations? I may refresh my Honourable friend's memory because I intend to ask a few questions. I refer to the report that was made recommending six measures for the purpose of remedying the difficulties suffered by the cotton-growing peasants by reason of the unprecedented fall in cotton prices.

Sir Girja Shankar Bajpai: I confess I have not read this particular report.

Mr. Bhulabhai J. Desai: Then I will ask questions without reference to it. Has any question been considered of a subsidy to the cotton exporters?

Sir Girja Shankar Bajpai: I should like my Honourable friend to remember what I said in reply to parts (b) and (c) of the question, namely, that so far as I know, with the exception of the proposal for imposing an import duty on foreign cotton of a certain staple, no proposal for subsidy, or any other proposal of a similar character, has been considered by Government.

Mr. Bhulabhai J. Desai: While the answer may appear adequate, the object of the question, even though the answer may be in the negative, is to call the attention of Government to specific measures. Therefore, I do propose to ask a question even if the answer is in the negative. Has any other question been considered, apart from freight, apart from import duty and apart from subsidy,—a question like that of reapportionment of the crop area under cultivation?

Sir Girja Shankar Bajpai: Not so far as I am aware.

Mr. K. Santhanam: May I know whether the Government of India are in consultation with the Provincial Governments as to the methods of dealing with the slump?

Sir Girja Shankar Bajpai: Two Provincial Governments have made representations to the Government of India and those are the recommendations which are under examination.

Mr. Sami Vencatachelam Chetty: May I know whether these representations cover the question of crop regulation?

Sir Girja Shankar Bajpai: These two representations do not refer to the question of crop regulation.

Mr. Bhulabhai J. Desai: Have any representations been received by Government from the East India Cotton Association?

Sir Girja Shankar Bajpai: I do not think any representation has been received by the Government of India direct. I believe representations have been made to the Government of Bombay and the Government of Bombay have taken them into account in making their representations to the Government of India.

Mr. Bhulabhai J. Desai: What are the recommendations of the Government of Bombay?

Sir Girja Shankar Bajpai: I am afraid I cannot answer that without notice. I have not got them in my mind.

Mr. Bhulabhai J. Desai: After all it is only by way of relief to the peasants, and without going into any detail will the Honourable Member give the heads of suggestion made by the Government of Bombay?

Sir Girja Shankar Bajpai: Speaking from memory,—and I think I am correct in my recollection,—I would say that the only recommendation which the Government of Bombay have made relates to the increasing of the rate of import duty on cotton of a certain staple.

Prof. N. G. Ranga: What action do Government propose to take on that?

Sir Girja Shankar Bajpai: I have said more than half a dozen times that that particular recommendation is being examined.

PURCHASE OF STIPULATED QUANTITY OF COTTON BY JAPAN.

62. ***Sardar Mangal Singh:** Will the Honourable Member for Commerce and Labour please state:

(a) whether Japan is taking from India the stipulated quantity of cotton, particularly from October last; and

(b) what steps Government propose to take to force Japan to fulfil the terms of the agreement?

Mr. H. Dow: (a) Yes, Sir. The provisions of the Protocol to which the Honourable Member refers are based on the total exports for the calendar year. Exports of raw cotton from India to Japan during 1937 (excluding December, for which figures are not yet available) amounted to 1,931,343 bales, against the minimum of one million bales provided for by Article 3 of the Protocol. There is consequently no breach of the Protocol, although exports during the latter part of 1937 were below normal.

(b) Does not arise.

Mr. Manu Subedar: Are Government aware that a part of the money for this cotton which was exported is being retained by the Japanese Cotton Spinners' Association to the great prejudice of the cotton exporters of India?

Mr. H. Dow: That is a matter which, I submit, does not arise out of this question.

Mr. K. Santhanam: May I know whether it is not an implied term of the Protocol that all exports should be paid for?

Mr. H. Dow: No.

Mr. Bhulabhai J. Desai: Is it the meaning of the agreement that cotton will be taken and no money will be paid? Is that enforcing the agreement?

Mr. H. Dow: There is nothing in the agreement which prevents cotton being given away free. The agreement does not concern itself with the question of the payment.

Mr. Bhulabhai J. Desai: The agreement does ont concern itself with gifts of cotton from the rich country of India to poor Japan!

Mr. Manu Subedar: Will Government take no steps if they find that the monies which rightfully belong to the cotton exporters are being wrongfully retained by the Japan Cotton Spinners' Association?

Mr. H. Dow: That is a purely hypothetical question, and it does not also arise out of the original question.

Mr. M. S. Aney: Is it not a fact that money belonging to the cotton growers in India is being withheld today?

Mr. H. Dow: I submit it does not arise out of this question, but I would refer the Honourable Member to the communiqué on the subject which was issued by the Commerce Department only last Saturday.

Mr. Bhulabhai J. Desai: Was not the substance of the communiqué this, that the prices are not being fully paid?

Mr. H. Dow: The terms of the communiqué are available in the Library, and the Honourable Member must draw his own conclusions.

Mr. Bhulabhai J. Desai: If I state the conclusion as being that they are not being paid, do the Government propose to take any steps in the interests of the Indian sellers to secure the price?

Mr. H. Dow: This is a question of which I should require notice.

Mr. Manu Subedar: Do Government consider that withholding the price is a breach of the agreement or not?

Mr. President (The Honourable Sir Abdur Rahim): That is a matter of opinion.

Prof. N. G. Ranga: Have Government made any representations to the Government of Japan in this matter?

Mr. H. Dow: No.

Mr. Badri Dutt Pande: Are they so terrified of Japan? (Laughter.)

INDO-BRITISH TRADE AGREEMENT.

63. ***Sardar Mangal Singh:** Will the Honourable Member for Commerce and Labour please state:

(a) whether Government are prepared to publish the report of the non-official advisers submitted to the Government of India regarding the Indo-British trade pact;

(b) when the Indo-British trade pact will be concluded;

(c) whether non-official advisers would be consulted before the final settlement;

(d) whether this House would be consulted before the agreement is signed, or whether Government will bring it before this House for final ratification; and

(e) whether Government are prepared to abide by the decision of this House?

Mr. H. Dow: (a) No, Sir.

(b) Government are not in a position to say.

(c) Yes, if necessary.

(d) and (e). The Honourable Member's attention is invited to the answers given on the 23rd August and 29th September, 1937, to parts (e) and (j) respectively of Mr. Satyamurti's starred questions Nos. 15 and 880 and supplementaries.

Prof. N. G. Ranga: Are these non-official advisers likely to be called to London for further consultations?

Mr. H. Dow: Not so far as I am aware.

Prof. N. G. Ranga: What is the object in having constituted these non-official advisers . . . . .

Mr. President (The Honourable Sir Abdur Rahim): That is a matter of argument and inference.

Prof. N. G. Ranga: Is there any stage at which the Government of India contemplate consulting these non-official advisers again before they finally accept any results of the negotiations that are being carried on now by their Commerce Member?

Mr. H. Dow: I have answered that in part (c) of the question.

Mr. Manu Subedar: Is it proposed that non-officials from the United Kingdom should come and advise here?

Mr. President (The Honourable Sir Abdur Rahim): There is nothing in the question about non-official advisers from the United Kingdom.

Mr. Manu Subedar: I ask if non-official advisers will come from the United Kingdom here—whether Government have any proposal of that kind if these negotiations are carried on for another couple of years?

Mr. H. Dow: There is no such proposal before Government.

Sardar Mangal Singh: May I know at what stage this House will be consulted in the matter, before the signing of the treaty or after?

Mr. H. Dow: That at present is a purely hypothetical question. Government are not aware whether there will be an agreement or what the nature of the agreement will be, and, therefore, Government are unable to make up their minds on this particular question.

Mr. Manu Subedar: If an agreement is arrived at, will Government consult the House?

Mr. H. Dow: That is a hypothetical question.

Mr. Bhulabhai J. Desai: May I take it that depends on the nature of the agreement whether they will consult this House or not?

Mr. H. Dow: That is a matter on which the Honourable Member must draw his own conclusions.

Mr. Bhulabhai J. Desai: I am asking a definite question of fact: do I understand the Honourable Member to say that if it suits the Government, if the terms are such, then they will consult the House, but not otherwise?

Mr. H. Dow: What I wish the Honourable Member to understand is that when this hypothetical contingency matures into an acknowledged certainty, then Government will make up their mind what action they will take in the circumstances.

Mr. Bhulabhai J. Desai: Do I understand Government to say that there are prospects that no agreement will be reached?

Mr. H. Dow: No.

Mr. Bhulabhai J. Desai: Then I take it that there are prospects that an agreement will be reached?

Mr. H. Dow: Yes.

Mr. Bhulabhai J. Desai: If that is so, will Government consult this House?

Mr. H. Dow: The Honourable Member has again got into the field of hypothesis.

Mr. Bhulabhai J. Desai: I have asked two questions which have been answered but the third arises out of these two.

Mr. President (The Honourable Sir Abdur Rahim): The point of his answer is that he is unable to answer this question now.

SUGAR IMPORTED INTO INDIA AND INDIAN SUGAR EXPORTED TO BURMA.

64. ***Sardar Mangal Singh:** Will the Honourable Member for Commerce and Labour please state:

(a) the amount of sugar imported into India during the last quarter of 1937; and

(b) the amount of Indian sugar exported to Burma during the same quarter?

Mr. H. Dow: (a) The quantity of sugar imported into British India during the last quarter of 1937 was about 6,200 tons.

(b) The information has been called for and will be supplied to the House when available.

Mr. Badri Dutt Pande: Where did the bulk of the sugar come from?

Mr. H. Dow: I am unable to answer that without notice; but the total is only 6,000 tons, and I should imagine that the bulk of it is either from Java or from the United Kingdom, being special kinds of sugar.

LABOUR DISPUTES ON RAILWAYS.

†65. ***Mr. Akhil Chandra Datta:** (a) Will the Honourable Member for Commerce and Labour state and explain the policy of the Government of India for dealing with labour disputes on Railways?

(b) What steps, if any, have actually been taken recently for preventing and settling such disputes?

(c) Has any machinery, permanent or temporary, been set up for this purpose? If so, for which Railways?

Mr. A. G. Clow: I would refer the Honourable Member to the latter part of the reply given today to his question No. 36.

WARDHA SCHEME OF EDUCATION.

66. ***Mr. M. Ananthasayanam Ayyangar:** Will the Secretary for Education, Health and Lands please state whether Government have considered the Wardha scheme of education propounded by Mahatma Gandhi, and whether any steps are being taken by Government in regard to the centrally administered areas (i) in the matter of giving instruction in the mother tongue of the pupil, (ii) in giving vocational training and (iii) in making elementary education free and compulsory?

Sir Girja Shankar Bajpai: The whole question of primary and secondary education, which includes the Wardha scheme of education, is at present under consideration in all its aspects, including those referred to by the Honourable Member. I lay on the table of the House a statement showing the action which has already been taken to provide facilities for vocational training and to introduce free and compulsory elementary education in the centrally administered areas.

Statement.

(a) *Vocational Training.*

In Delhi there is a Government Commercial Institute and also a Government Industrial School.

In Ajmer-Merwara vocational classes in carpentry, agriculture, tailoring and carpet making have been attached to certain Government Vernacular Middle Schools.

In Baluchistan there are clerical and commercial classes at Pishin.

In Coorg there is a Weaving School at Sanivarsante and an Industrial School at Virajpet. Instruction in poultry farming and bee-keeping has also been introduced in certain schools as an experimental measure.

(b) *Free and Compulsory Elementary Education.*

Free and compulsory elementary education for boys has been introduced in six out of the nine wards under the Delhi Municipality and in sixteen villages under the District Board. In Ajmer City its introduction is under consideration.

Elementary education is free for girls in the Delhi Province and in Coorg and for both boys and girls in Ajmer-Merwara and Baluchistan.

Mr. M. Ananthasayanam Ayyangar: Is the Honourable Member considering the resolution of the Educational Conference at Calcutta where the Wardha scheme also was considered?

† Answer to this question laid on the table, the questioner being absent.

Sir Girja Shankar Bajpai: The Central Advisory Board of Education has set up a committee of its own to examine the Wardha scheme, including the scheme of the Educational Conference.

Mr. K. Santhanam: May I know to what stage instruction is given in the mother tongue in the centrally administered areas?

Sir Girja Shankar Bajpai: So far as I know in the primary stage all instruction is given in the mother tongue.

Mr. K. Santhanam: Is it given in the mother tongue in the secondary stage?

Sir Girja Shankar Bajpai: I believe in certain classes, yes.

Mr. K. Santhanam: What classes?

Sir Girja Shankar Bajpai: I could not say off-hand.

Seth Govind Das: May I know, Sir, if the Vidya Mandir Scheme which has been accepted by the Central Provinces Government is being considered by the Central Advisory Board of Education?

Sir Girja Shankar Bajpai: Copies of the Vidya Mandir Scheme were supplied by the Honourable Minister concerned himself to the members of the Central Advisory Board of Education, and that scheme will also be considered by the proposed Committee.

MEDICAL INSPECTION OF SCHOOL CHILDREN IN THE CENTRALLY ADMINISTERED AREAS.

67. ***Mr. M. Ananthasayanam Ayyangar:** Will the Secretary for Education, Health and Lands please state whether Government have considered any scheme for the compulsory annual medical inspection of all school children, and is such medical inspection insisted upon in the schools in the administered areas? If not, why not?

Sir Girja Shankar Bajpai: Medical inspection of children in the schools under the control of Provincial Governments is primarily the concern of those Governments. So far as the centrally administered areas are concerned, arrangements already exist for the periodical medical inspection of school children in Delhi Province. In Coorg, Ajmer-Merwara and Baluchistan medical inspection of only students residing in hostels attached to some of the schools is carried out. Medical inspection of all school children in these three provinces is not undertaken owing to want of funds.

ACTION ON THE ABBOTT-WOOD REPORT ON VOCATIONAL EDUCATION.

68. ***Mr. M. Ananthasayanam Ayyangar:** Will the Secretary for Education, Health and Lands please state what action has been taken upon the Abbott-Wood report on vocational education in India.

Sir Girja Shankar Bajpai: The views of the Provincial Governments on the recommendations contained in the Wood-Abbott Report have been

obtained and referred, along with the report, to the Central Advisory Board of Education for consideration. Further action must await the recommendations of the Board.

Mr. M. Ananthasayanam Ayyangar: Have the opinions of all Provincial Governments been invited on the Report or only the opinions of the three Provincial Governments?

Sir Girja Shankar Bajpai: No, Sir, copies of the Report were sent to all the Local Governments, and they were asked not merely to consider the Report, but also to communicate, if they wished, any views they might have to the Government of India.

INDIAN TRADE WITH AFGHANISTAN.

69. ***Mr. Abdul Qaiyum:** (a) Has the attention of the Honourable Member for Commerce and Labour been drawn to a statement issued by the Honorary Secretary, Frontier Chamber of Commerce, Peshawar, published in the *Tribune*, Lahore, dated the 5th January, 1938?

(b) Is it a fact that before 1921-22, a system of free trade existed between India and Afghanistan?

(c) When was the system of custom drawback introduced in favour of Afghanistan, and what was the system in existence before the coming in of the drawback system?

(d) Is it a fact that in 1933 a big Joint Stock Company was set up in Afghanistan and granted the sole monopoly to import sugar, iron, cement, petrol, motor cars and dyes? If so, is it a fact that Indian traders lost their valuable trade in consequence?

(e) Is it a fact that the monopoly of import of dry fruits into India from Afghanistan has been recently handed over to the same or a similar concern? If so, is it a fact that Indian traders have been completely driven out of this trade?

Mr. H. Dow: (a) Yes.

(b) According to our information, no customs duty was levied by the Government of India on goods imported from, or exported to, Afghanistan prior to 1923. No information is available to show whether customs duties were levied before that year by the Afghanistan Government on their imports and exports.

(c) The existing system relating to the grant of rebate of customs duty on goods re-exported to Afghanistan has been in operation since 1923. Prior to that year no rebate of duty was admissible on such goods.

(d) The information in the possession of Government shows that a Company was formed in Afghanistan in 1933 and was given the monopoly to import sugar, petrol, motor oil and motor vehicles and their accessories. Government are not aware whether the same, or another, Company has been granted a monopoly in respect of the other articles mentioned by the Honourable Member, and if so, when? Government have no reason to doubt that the monopoly system in Afghanistan, like any other State monopoly, has tended to eliminate foreign middlemen from the trade in the articles concerned and that Indian traders have suffered in consequence.

(e) So far as Government are aware, a Fruit Monopoly Company was formed some years ago in Kandhar and another such Company has recently been established at Kabul. As I have just stated, those monopolies cannot but adversely affect Indians who have hitherto been carrying on the fruit trade with Afghanistan.

Mr. Abdul Qaiyum: May I know, Sir, whether it is a fact that all this import business into Afghanistan was conducted by Indian traders before 1933?

Mr. H. Dow: I believe, Sir, the bulk of it was in the hands of Indian traders.

Mr. Abdul Qaiyum: Then may I know, Sir, with reference to part (e) of the question, whether the dry fruit monopoly has thrown a very large number of Indians out of employment?

Mr. H. Dow: Is the Honourable Member referring to Indians in Afghanistan?

Mr. Abdul Qaiyum: Whether in Afghanistan or in India, I want to know if this dry fruit monopoly has thrown a large number of Indians out of employment?

Mr. H. Dow: As I have said in my answer, monopolies of this kind are bound to adversely affect Indians who have hitherto been carrying on the trade.

Mr. K. Santhanam: Do the Government of India propose to take any action by way of putting an import duty on fruit imported from Afghanistan?

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

DUTIES ON IMPORTS AND EXPORTS OF AFGHANISTAN.

70. ***Mr. Abdul Qaiyum:** Will the Honourable Member for Commerce and Labour please state whether imports into Afghanistan from India are subject to a duty of something like 35 per cent. and exports from Afghanistan into India enter duty free?

Mr. H. Dow: The rates of import duties in Afghanistan vary on different articles, the duty on some articles being as low as one per cent. and on some others as high as 35 per cent. With regard to the latter part of the question the majority of exports from Afghanistan enter India duty free, though a duty has recently been imposed on certain articles. In this connection I would invite the Honourable Member's attention to the Government of India, Department of Commerce, Notification No. 24-T(1)/37, dated the 29th January, 1938, which was published in the *Gazette of India* of the same date.

Mr. Abdul Qaiyum: May I know, Sir, what articles coming from Afghanistan have been subjected to duty?

Mr. H. Dow: They are set out in the Schedule attached to the notification.

Mr. M. Ananthasayanam Ayyangar: Do the Government of India contemplate taking any action in view of the fact that 35 per cent. duty is imposed by Afghanistan on articles exported from India?

Mr. President (The Honourable Sir Abdur Rahim): I don't think I can allow that question.

Mr. M. Ananthasayanam Ayyangar: I want to know, Sir, whether Government propose to impose a corresponding duty?

Mr. President (The Honourable Sir Abdur Rahim): That is asking for action.

Mr. M. Ananthasayanam Ayyangar: Why does not the Government take any action by way of retaliation?

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

Prof. N. G. Ranga: Is there any trade agreement between Afghanistan and India?

Mr. H. Dow: Not at present.

Mr. M. Ananthasayanam Ayyangar: In view of what is taking place so far as our business with Afghanistan is concerned, do Government .....?

Mr. President (The Honourable Sir Abdur Rahim): There is another question on that.

LOSS TO INDIAN TRADERS OF THE FRONTIER DUE TO TRADE REGULATIONS IN AFGHANISTAN.

71. ***Mr. Abdul Qaiyum:** Is the Honourable Member for Commerce and Labour aware that owing to these trade regulations by Afghanistan a very large number of Indian traders on the frontier have been thrown out of employment and have suffered great financial losses?

Mr. H. Dow: I am not clear what exactly the Honourable Member means by "these" trade regulations, but if he is referring to the Afghan monopolies these must have caused some loss to those Indian traders who in the past have acted as middlemen.

Mr. Abdul Qaiyum: May I know, Sir, if it is not a fact that hundreds of people have been forced to stop their business altogether as a result of this trade monopoly, especially the most recent trade monopoly in connection with dry fruit?

Mr. H. Dow: I am not aware of the numbers of the people who are affected by these orders, but I am prepared to take it from the Honourable Member that the number must be considerable.

Mr. Abdul Qaiyum: Will the Honourable Member please try to ascertain the extent of fall in the income of these people?

Mr. H. Dow: I should like the Honourable Member to suggest the manner in which this can be done.

Prof. N. G. Ranga: Will Government be pleased to inquire and find out how many people have been thrown out of employment as a result of this monopoly?

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

DESIRABILITY OF A RECIPROCAL TRADE AGREEMENT WITH AFGHANISTAN.

72. ***Mr. Abdul Qaiyum:** Will the Honourable Member for Commerce and Labour please state whether the Government of India will negotiate a reciprocal pact with Afghanistan or failing that agree to subject the import from Afghanistan into India to a heavy Custom duty?

Mr. H. Dow: Government have under consideration the question of devising means for improving India's trade with Afghanistan, but they are not at present disposed to take the action suggested in the latter portion of this question.

Mr. Abdul Qaiyum: May I know if the Government of India have made any representation to the Afghan Government in view of this most recent dry fruit monopoly?

Mr. H. Dow: No, Sir.

Mr. Abdul Qaiyum: May I know whether the Government intend to make a representation immediately on the subject?

Mr. H. Dow: I think the Honourable the President has already disallowed this question.

Mr. Abdul Qaiyum: May I know, Sir, if this question has been disallowed?

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

Mr. Abdul Qaiyum: My question is whether Government propose to make immediate representations to the Afghanistan Government in view of this most recent dry fruit monopoly?

Mr. President (The Honourable Sir Abdur Rahim): I don't think that question has been disallowed.

Sir Aubrey Metcalfe: May I point out, Sir, that a question asking about diplomatic negotiations on this very subject with the Afghan Government was disallowed. Representations can only be made through diplomatic channels.

Mr. President (The Honourable Sir Abdur Rahim): No, no; this relates only to trade negotiations.

Mr. Abdul Qaiyum: May I have an answer to my question?

Mr. H. Dow: I am afraid I must require notice.

Mr. Abdul Qaiyum: May I know whether the Government of India will immediately make an attempt to put on very heavy duties on Afghanistan goods entering this country?

Mr. H. Dow: I have already answered that part of the question.

COMPOSITION OF THE CENTRAL ADVISORY BOARD OF EDUCATION.

73. ***Maulvi Abdur Rasheed Chaudhury:** (a) Will the Honourable Member in charge of Education please state the total number of members of the Central Advisory Board of Education established by the Government of India? How many of them are Muslims?

(b) How many members were nominated by Government?

(c) Did Government nominate any Muslim member? If so, what is his name?

Sir Girja Shankar Bajpai: A statement giving the information asked for by the Honourable Member is laid on the table of the House.

Statement showing the total number of Members of the Central Advisory Board of Education and the number of Muslim Members.

Total number of members including the Chairman.	28
Number of Muslim members	5
Number of members who are nominated by the Government of India.	10
Name of the Muslim member nominated by the Government of India.	The Right Honourable Sir Akbar Hydari, LL.D., Prime Minister, His Exalted Highness the Nizam's Government, Hyderabad State.

Maulvi Abdur Rasheed Chaudhury: On what considerations were the members of the Advisory Board selected?

Sir Girja Shankar Bajpai: The considerations are set out in the Resolution of the Government of India constituting the Board, a copy of which is available in the Library of the House.

Mr. M. Ananthasayanam Ayyangar: I want information on this point. So far as the Central Advisory Board is concerned, I asked certain questions which you disallowed stating that it was not within the province of the Department of Education, Health and Lands, but here in this case . . .

12 NOON.

Mr. President (The Honourable Sir Abdur Rahim): If it has been disallowed it has been disallowed, and it cannot be discussed now.

Mr. M. Ananthasayanam Ayyangar: I want further information now so that I may not put similar questions.

Mr. President (The Honourable Sir Abdur Rahim): I cannot allow any ruling that I may have given to be discussed.

Mr. M. Ananthasayanam Ayyangar: I am not discussing your ruling, Sir. I would like to know the ratio *decidendi* of your disallowance and in what particular manner I was wrong so that I may guard myself hereafter.

Mr. President (The Honourable Sir Abdur Rahim): I have told the Honourable Member that I cannot allow it to be discussed.

Mr. M. Ananthasayanam Ayyangar: Then may I open correspondence with you on that?

Mr. President (The Honourable Sir Abdur Rahim): No. The Honourable Member knows what the procedure is whenever any question is disallowed.

(*b*) WRITTEN ANSWERS.

COMPOSITION OF THE SUB-COMMITTEES OF THE CENTRAL ADVISORY BOARD OF EDUCATION.

74. ***Maulvi Abdur Rasheed Chaudhury:** (a) Will the Honourable Member in charge of Education please state how many sub-committees the Central Advisory Board of Education has appointed and what is the total number of members on each sub-committee?

(b) Is there any Muslim on any of those sub-committees?

Sir Girja Shankar Bajpai: (a) A statement giving the information asked for by the Honourable Member is laid on the table of the House.

(b) Yes. Four out of the five sub-committees have Muslim members

Statement showing the number of Sub-Committees appointed by the Central Advisory Board of Education and the number of Members on each of them.

Sub-Committees.	Number of members.
1. Women's Education Committee	6
2. Secondary Education Committee	7
3. Vernacular Education Committee	6
4. Vocational and Professional Education Committee . . .	6
5. Committee to examine the scheme of educational reconstruction incorporated in the Wardha Scheme in the light of the Wood-Abbott Report and other relevant documents . . .	12

AMOUNT ALLOTTED FOR THE IMPROVEMENT OF GIRLS' EDUCATION.

75. ***Maulvi Abdur Rasheed Chaudhury:** (a) Will the Honourable Member for Education, Health and Lands please state the amount which the Government of India have placed at the disposal of the Education Department to spend for the improvement of girls' education either directly or through the advice of any sub-committee?

(b) Who is the sanctioning authority of this grant?

(c) Was any grant given to any Muslim girls' institution?

Sir Girja Shankar Bajpai: (a) The Government of India do not make any separate allotment of funds for the specific purpose of improving girls' education.

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

ESTABLISHMENT OF TRAINING COLLEGES FOR WOMEN.

76. ***Maulvi Abdur Rasheed Chaudhury:** (a) Will the Honourable Member in charge of Education please state whether the Government of India have taken any action to encourage the establishment of any Training College for women?

(b) Did any University now under the control of the Government of India take any initiative in this matter? What encouragement, if any, did the Government of India give?

Sir Girja Shankar Bajpai: (a) No. The Government of India are concerned only with the requirements of the centrally administered areas. The establishment of a Women's Training College for these areas is not considered necessary.

(b) The authorities of the Aligarh Muslim University recently submitted a proposal to raise the Muslim Girls' Intermediate College, Aligarh, to the degree standard and to provide instruction in "Education" as a part of the B.A. course, pending the establishment of a fully-equipped Training College for Women in connection with a larger scheme for the expansion of the activities of the University which is under their consideration. The Government of India, who already make a grant of Rs. 3 lakhs per annum to the University, were unable to give any additional grant towards the cost of this proposal.

RESEARCH SCHEMES IN INDIA.

77. ***Mr. Badri Dutt Pande:** (a) Will the Secretary for Education, Health and Lands be pleased to state what research schemes are in progress in India and what research schemes and investigations were sanctioned by the Government of India in December 1937?

(b) Will Government be pleased to give a short resume of the work done by these research departments and their usefulness to the public or the agricultural and other Departments?

(c) Was a small committee appointed to go into the question and see how results of laboratory work could be brought to the cultivator and how it would be possible to bridge the gap between the cultivators and the experimental station? If so, with what results?

(d) What is the total annual cost of these research schemes?

Sir Girja Shankar Bajpai: If the Honourable Member will be good enough to specify the subjects of research for which he requires information, I shall endeavour to obtain the information for him.

REPRESENTATION URGING IMPOSITION OF AN IMPORT DUTY ON AUSTRALIAN WHEAT.

78. ***Mr. Badri Dutt Pande:** (a) Will the Honourable the Commerce and Labour Member be pleased to state if he has received any representation from the Indian Merchants Association, Lyallpur, to the effect that Australian wheat import is causing a heavy fall in wheat prices and that an import duty is essential?

(b) If so, what action have Government taken in this matter?

Mr. H. Dow: (a) Yes.

(b) Government are carefully watching the situation, but do not think that there is any case at present for the imposition of a protective duty.

UNSTARRED QUESTION AND ANSWER.

COMMITTEE FOR THE ADMINISTRATION OF THE GRANT FOR THE DEVELOPMENT OF THE SUGAR-CANE INDUSTRY.

6. **Prof. N. G. Ranga:** Will the Secretary for Education, Health and Lands be pleased to state:

(a) whether any Committee has been constituted for the administration of Rs. 5 lakhs granted for the development of the marketing of sugarcane and otherwise improving the conditions of the cane-growers;

(b) if so, what are the different interests represented on the committee, and in what proportions they are represented;

(c) whether actual cane-growers are given any representation, and if so, in what proportion;

(d) whether all provinces interested in cane-growing are represented on it;

(e) what are the functions of this Committee; and

(f) how this grant is proposed to be allocated as between the different cane-growing provinces, and what is going to be the basis of this allocation?

Sir Girja Shankar Bajpai: (a) No, the question is still under consideration.

(b) to (f). Do not arise.

MOTION FOR ADJOURNMENT.

REFUSAL OF THE UNDER SECRETARY OF STATE TO CONSULT THE PROVINCIAL GOVERNMENTS *RE* INTRODUCTION OF THE FEDERATION.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. I have received notice of a motion for the adjournment of the business of the House from Mr. Avinashilingam Chettiar in these terms:

"I propose to move a motion for the adjournment of the House to discuss a definite matter of urgent public importance, namely, the refusal of the Under Secre-

tary of State in the British House of Commons to consult the Provincial Governments regarding the introduction of Federation as reported in the *Hindu*, dated 30th November 1937."

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): I do not want to move it.

Mr. President (The Honourable Sir Abdur Rahim): Mr. Govind V. Deshmukh has given notice of an adjournment motion, but he is not here.

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 Thomas Stewart 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 17th February, 1938, 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."

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 Mr. S. Satyamurti, Sir Cowasji Jehangir, Dr. Sir Ziauddin Ahmad, and Mr. L. C Buss on the Panel of Chairmen for the current Session.

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. Mr. M. S. Aney.
2. Mr. M. Ghiasuddin.
3. **Mr. N. M. Joshi.**
4. Mr. L. C. Buss.

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

Mr. President (The Honourable Sir Abdur Rahim): Legislative Business. Further consideration of the Bill further to amend the Indian Companies Act, 1913, for certain purposes, as reported by the Select Committee.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): On a point of order, Sir. There was one Honourable gentleman who was speaking yesterday on the Tea Cess Committee and he has not finished. Can we change the order now?

Mr. President (The Honourable Sir Abdur Rahim): It is for the Government to fix the order of its business.

Dr. Sir Ziauddin Ahmad: Then what will happen to the speech of Mr. Dow?

Mr. President (The Honourable Sir Abdur Rahim): It will be continued when that item of business is taken up.

The Honourable Sir Nripendra Sircar (Law Member): My Honourable friend, Dr. Ziauddin Ahmad, will find that this matter will not take more than three minutes. It stood over to enable parties to come to some arrangement and I am glad that that has been done and the amendments have been circulated. I hope that Mr. Aikman will withdraw the amendment which has been discussed and move the agreed ones.

Mr. A. Aikman (Bengal: European): I believe it is necessary in the first instance for me to ask permission to withdraw the amendment which I moved yesterday when this matter was under discussion. I ask for permission to withdraw it.

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

Mr. A. Aikman: I beg to move:

"That in clause 13 of the Bill—

(a) for the words 'To section 277D of the said Act' the following be substituted, namely :

'Section 277D of the said Act shall be re-numbered as sub-section (*1*) of that section, and to the sub-section so re-numbered'

and

(b) after the second proviso added to section 277D by clause 13 the following shall be added as sub-section (*2*) of section 277D, namely :

'(*2*) This section shall be deemed not to have come into force until the commencement of the Indian Companies (Amendment) Act, 1938 :

Provided that where the provisions of section 109 and sections 117 to 120 have not been complied with in respect of any charge or mortgage created since the 15th day of January, 1937, as required by this Act, those provisions shall be complied with within four weeks from the commencement of the Indian Companies (Amendment) Act, 1938'."

I have altered the last two words "this Act" into "the Indian Companies (Amendment) Act, 1938" for the sake of clarity. The reason for this amendment was discussed yesterday and I would like to assure my Honourable friend, Mr. Ayyangar, that the non-Indian companies had nothing in their minds beyond making clear something which was not

clear in the Bill as drafted. I thank the Leader of the Congress Party for his constructive criticism which has enabled a much more practical amendment to be put forward before the House. Sir, I move.

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

"That in clause 13 of the Bill—

(a) for the words "To section 277D of the said Act" the following be substituted, namely:

'Section 277D of the said Act shall be re-numbered as sub-section (*1*) of that section, and to the sub-section so re-numbered'

and

(b) after the second proviso added to section 277D by clause 13 the following shall be added as sub-section (*2*) of section 277D, namely:

'(*2*) This section shall be deemed not to have come into force until the commencement of the Indian Companies (Amendment) Act, 1938:

Provided that where the provisions of section 109 and sections 117 to 120 have not been complied with in respect of any charge or mortgage created since the 15th day of January, 1937, as required by this Act, those provisions shall be complied with within four weeks from the commencement of the Indian Companies (Amendment) Act, 1938'."

The motion was adopted.

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

"That clause 13 as amended, stand part of the Bill."

The motion was adopted.

Clause 13, as amended, was added to the Bill.

Mr. A. Aikman: Sir, my Honourable friend, Mr. Bartley, has pointed out that the first line of my next amendment is not correctly expressed. With your permission, I would make a slight change as follows:

I move:

"That after clause 13 of the Bill the following clause be inserted as clause 13A, namely:

'13A. To section 277E of the said Act, the following shall be added, namely:

'Provided that references in the said section to the Registrar shall be deemed to be references to the Registrar of the Province in which the principal place of business in British India of such company is situated, and references to the registered office of the company shall be deemed to be references to the principal place of business in British India of the company'."

The purpose of this amendment is to give a meaning to the word 'Registrar' where it occurs in sections 118 and 119 of the 1936 Act. The reason for this was fully explained to and appreciated by the House yesterday. Sir, I move.

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

"That after clause 13 of the Bill the following clause be inserted as clause 13A, namely:

'13A. To section 277E of the said Act, the following shall be added, namely:

'Provided that references in the said section to the Registrar shall be deemed to be references to the Registrar of the Province in which the principal place of business in British India of such company is situated, and references to the registered office of the company shall be deemed to be references to the principal place of business in British India of the company'."

The motion was adopted.

New clause 13A was added to the Bill.

Mr. J. Bartley (Government of India: Nominated Official): Sir, I move:

"That in clause 1 of the Bill, for the figures "1937" the figures "1938" be substituted."

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

"That in clause 1 of the Bill, for the figures "1937" the figures "1938" be substituted."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Mr. J. Bartley: Sir, I move:

"That the clauses of the Bill be re-numbered as necessitated by the amendments now made in the Bill."

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

"That the clauses of the Bill be re-numbered as necessitated by the amendments now made in the Bill."

The motion was adopted.

The Title and the Preamble were added to the Bill.

The Honourable Sir Nripendra Sircar: Sir, I move:

"That the Bill, as amended, be passed."

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

"That the Bill, as amended, be passed."

The motion was adopted.

THE INDIAN TEA CONTROL BILL.

Mr. H. Dow (Commerce Secretary): When my remarks were interrupted by the incidence of the adjournment motion yesterday afternoon, I was trying to deal with a few points which had been made by the Honourable Member, Mr. Ranga. I had explained why I did not think that his flattering suggestion that Government should themselves undertake all the duties of this Committee would be likely to appeal to a House which is generally keen on Government being guided by non-official opinion and even on handing over to non-official committees executive powers. I had also welcomed his interest in giving weightage to various minority interests and I had explained how to a great extent the Bill before the House seeks to give effect to the principle which he advocated.

Then I was just explaining that in his reference to the vast staff which was employed by the Indian Tea Licensing Committee he seemed to have got away altogether from the subject matter of this Bill. He was, I think, referring to the activities of the Tea Marketing and Expansion Board, which is set up under an entirely different Act. Actually the staff which is employed to administer this particular Act consists only, I believe, of two joint controllers, each with a few clerks. Finally, Mr. Ranga asked the members of the Select Committee to have a close eye upon the details of the Bill. Now, I am not sure what a close eye is. I hope it is not a

closed eye, because we have gone out of our way to propose a Select Committee, the members of which have their eyes particularly wide open.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): On a piece of information. What about the stoppage of all appeals to any Court of law?

Mr. H. Dow: That is a question which I dealt with in my opening remarks, and I have no doubt that the Select Committee will also give further attention to the matter. I should now like to deal with one or two points made by Sardar Mangal Singh. He said that in my opening speech I had admitted that serious complaints had been made against the present Committee. Except in the sense that I am prepared to consider, until the contrary is made clear, that any complaint which is made is made with a serious intention, his statement is rather a travesty of what I actually said. I intended, at least, that my words should be taken rather as a tribute to the fairmindedness with which the Committee had tried to deal with the difficult tasks imposed upon them by the Act, while at the same time I was prepared to admit that the Committee, as they themselves fully realize, are not altogether as well qualified as they would like to be, especially in dealing with those matters where local knowledge and some knowledge of revenue regulations are required. In the second place, Sardar Mangal Singh referred to the amount of speculation which is going on in matters of export quota rights. I would like to assure him that the industry is fully alive to the existence of this speculation, but, I believe, disapproves of it; and that in the course of the Select Committee Government are quite prepared to lend their support to any redraft of the terms of the Bill which will tend to discourage such speculation. It is hardly necessary for me to say more about that, because it is a matter which can more appropriately be dealt with in the Committee itself. The third point, that Sardar Mangal Singh made was that he would like to have special representation for certain interests in the Dehra Dun district. Now the total acreage under tea in that area is five thousand acres, out of a total of 826,000 acres in the whole of India; you will see at once, Sir, that if we are going to give special separate representation merely to an area of five thousand acres, and if we are going to treat other areas in the same way, we should have to have a Committee of at least 160 people. That, I think, is entirely impracticable.

Another Honourable Member brought forward a somewhat similar plea on behalf of the Kangra Valley, where, I believe, the area grown actually under tea is something like 9,000 acres. Obviously, it is quite impossible to have a Committee of a size which will provide for special representation for such areas. As I have already pointed out, as regards the total, the Indian-owned gardens and the small gardens are getting a very much larger representation on the Committee than they are entitled to on a numerical basis.

Sir, I do not propose to take up the time of the House in dealing with points raised by other Honourable Members, not because I do not regard them as worth dealing with, but because the other Honourable Members who spoke are all Members of the Committee and their objections can be dealt with in the course of the Select Committee. Sir, I have no more to say in commending this motion to the House.

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

"That the Bill to provide for the control of the export of tea from, and for the control of the extension of the cultivation of tea in British India, be referred to a Select Committee consisting of Mr. Kuladhar Chaliha, Mr. Brojendra Narayan Chaudhury, Raizada Hans Raj, Mr. Thirumala Rao, Mr. Badri Dutt Pande, Dr. Sir Ziauddin Ahmad, Mr. Akhil Chandra Datta, Mr. P. J. Griffiths, Mr. F. E. James, Maulvi Abdur Rasheed Chaudhury, Mr. H. A. Sathar H. Essak Sait, Mr. G. D. Walker, Sir Girja Shankar Bajpai, Mr. A. K. Chanda 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 MANŒUVRES, FIELD FIRING AND ARTILLERY PRACTICE BILL.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the Bill to provide facilities for military manœuvres and for field firing and artillery practice, as reported by the Select Committee.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, I have to raise a point of order. I understood the Honourable the Law Member to say yesterday that if notices of amendments are given to the clauses of Bills already introduced, even six months before the clauses come before the House for discussion, they are in order . . . .

Mr. President (The Honourable Sir Abdur Rahim): I cannot have any abstract question like that. There is no point of order, unless with reference to any particular amendment.

Mr. Sri Prakasa: Sir, I sent in a large number of amendments to the clauses of this Bill in October last and I do not find them on the order paper.

Mr. President (The Honourable Sir Abdur Rahim): They have lapsed.

Mr. Sri Prakasa: *That* is my point of order.

Mr. President (The Honourable Sir Abdur Rahim): *That* is the answer to your point of order.

Mr. Sri Prakasa: Sir, the Honourable the Law Member said that if notices are given even six months before, they are in order, but I find that my amendments though given only in October last, are supposed to have lapsed.

Mr. President (The Honourable Sir Abdur Rahim): I do not know whether the Honourable Member did say so or not but what I have stated is the rule.

Mr. Mohan Lal Saksena (Lucknow Division: Non-Muhammadan Rural): What about amendments to Resolutions? I find these have appeared on the order paper.

Mr. President (The Honourable Sir Abdur Rahim): When that point arises, I shall deal with it.

Mr. M. S. Aney (Berar: Non-Muhammadan): May I know if the Bill does not lapse, and it *is* under consideration, why the amendments given notice of to the Bill have lapsed? Under what rules have they so lapsed?

Mr. President (The Honourable Sir Abdur Rahim): Standing Order 4 says:

"On the termination of a Session:

(1) All pending notices other than notices of intention to move for leave to introduce a Bill, shall lapse and fresh notice must be given for the next Session: . . ."

Mr. M. S. Aney: Sir, leave to introduce a Bill is a different thing.

Mr. President (The Honourable Sir Abdur Rahim): *All* other notices lapse.

Clause 2. Mr. Brojendra Narayan Chaudhury.

Mr. Brojendra Narayan Chaudhury (Surma Valley *cum* Shillong: Non-Muhammadan): Sir, I beg to move:

"That in sub-clause (*1*) of clause 2 of the Bill, after the word 'Manœuvres', occurring in the third line, the words 'for purposes of training' be inserted."

The clause then will read thus:

"The Provincial Government may, by notification in the local official Gazette, authorise the execution of military manœuvres for purposes of training over any area specified in the notification during a specified period not exceeding three months." etc., etc.

Sir, from the Statement of Objects and Reasons it appears that the object of this legislation is to promote and proceed with the *training* of the army. My submission is that the Bill cannot, at any rate it ought not to, go beyond the scope of that object, so that unless we amend this clause by the additional words "for purposes of training", it might be supposed that the law intended by this Bill to assist in the other military operations, whether of the nature of a punitive action or otherwise. Apart from the technical nature of the point raised, *viz.*, whether the Bill ought to go beyond the scope of the intention as set out in the Statement of Objects and Reasons, from the standpoint of reasonableness and for the safety of the innocent population, I think we ought not to arm the executive with this power. Today the assistance of the Local Governments is obtained for the purpose of quartering soldiers in schools and colleges so that they may be utilised for the purpose of punitive expedition. We have got reports from Kisan Sabhas from the district of the 24-Parganas that these military manœuvres are still going on there. So, my request to the House is a very simple one and it is also a reasonable one and I hope the House will accept it. Sir, I move.

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

"That in sub-clause (*1*) of clause 2 of the Bill, after the word 'Manœuvres', occurring in the third line, the words 'for purposes of training' be inserted."

Mr. C. M. G. Ogilvie (Defence Secretary): I may explain that all manœuvres of whatever kind are for the purposes of training and, therefore, it is unnecessary to insert those words.

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

"That in sub-clause (*1*) of clause 2 of the Bill, after the word 'Manœuvres', occurring in the third line, the words 'for purposes of training' be inserted."

The motion was negatived.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I move:

"That in the proviso to sub-clause (*1*) of clause 2 of the Bill, for the word 'two' the word 'four' be substituted."

The object of this amendment is that no area shall be visited by these manœuvres for more than once in four years and in the Bill it is said once in two years. I think the manœuvres may last for a few months at a time and it is quite necessary that a long period of rest should be given to each area. I hope this amendment will be accepted by the Government.

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

"That in the proviso to sub-clause (*1*) of clause 2 of the Bill, for the word 'two' the word 'four' be substituted."

Mr. C. M. G. Ogilvie: Sir, I think that all Parties in the House are agreed as to what are the main principles lying behind this measure and I think no one wishes in any way to hamper manœuvres. They are obviously necessary for the training of the defence forces of the country and no one wishes that the defence forces of the country should not be adequately trained. On the other hand, every one in this House wishes that people over whose lands manœuvres are conducted from time to time shall be promptly and adequately compensated. The amendment at present before the House would definitely hamper manœuvres. There are many places in which the minimum inconvenience to people is occasioned and it is in those places that manœuvres would naturally be frequently held. If manœuvres could be held in no place ordinarily for more than once in four years, the choice of desirable sites would undoubtedly be restricted, and manœuvres might have to be held in sites in which their holding would cause more trouble to the people and more dislocation in their ordinary daily avocations. I submit also that the amendment unduly fetters the discretion of the Provincial Governments. Members will see that section 2 reads thus:

"The Provincial Government may, by notification in the local official Gazette, authorise the execution of military manœuvres over any area specified in the notification . . . . ."

The Provincial Government will presumably be careful not to allot any area in which unusual damage or dislocation to the life of the people is liable to occur. I cannot, therefore accept the amendment.

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

"That in the proviso to sub-clause (*1*) of clause 2 of the Bill, for the word 'two' the word 'four' be substituted."

The motion was negatived.

Mr. Mohan Lal Saksena: Sir, I beg to move:

"That in the proviso to sub-clause (*1*) of clause 2 of the Bill, for the words 'two years', occurring in the last line, the words 'three years' be substituted."

The amendment that has just now been rejected was for four years. My amendment is for a shorter period and I hope the Honourable Member will see his way to accept it. I may point out to the House that in the Military Manœuvres Act of Great Britain the provision is for five years. In other words, no area shall be specified over again for a period of five years. We must also remember that there the army is a national army while here we have got an army occupation and people do not generally like these army manœuvres when they know that when these manœuvres are held their privacy is likely to be disturbed and they are likely to be inconvenienced. One thing more. If these manœuvres are likely to make the country military-minded, then I think it is all the greater reason that these manœuvres should be held at as many places as possible. Either these manœuvres are a good thing or they are not. If they are good, then they should be held at as many places as possible. Therefore, there is no reason why the same area should be specified over and over again every two years. On the other hand, if these manœuvres are bad, then they should not be held over and over again at the same place. When in a small place like Great Britain the period specified is five years, in a vast country like India the period should have been 10 or 15 years; because if the manœuvres are to be conducted all over the country it is much better to have them after as long a period as possible. So, I submit that the House should accept this amendment which is for three years.

As regards the argument advanced by the Honourable Member that after all it is in the discretion of the Provincial Government to fix the period and they will see to the convenience of the people, I want to know whether the Government in England is not a popular Government and why was this restriction fixed for five years. There are other restrictions which this Bill does not provide. So, I submit that the House should accept this amendment and I move it.

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

"That in the proviso to sub-clause (*1*) of clause 2 of the Bill, for the words 'two years', occurring in the last line, the words 'three years' be substituted."

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): Sir, I wish to say just one word in support of the amendment moved by my friend, Mr. Mohan Lal Saksena. Usually, the manœuvres take place just before the harvest and if the area is to be visited by the troops once in two years, it will cause too much inconvenience to the peasantry. I therefore submit that the amendment moved by Mr. Mohan Lal Saksena is very reasonable and I wait and see how far this reasonable amendment is to be met by the Official Member.

Mr. C. M. G. Ogilvie: Sir, I grant that the amendment moved by my Honourable friend, Mr. Mohan Lal Saksena, is less unacceptable by one year than the one which preceded it. As regards his point about five years in England, I should like to say that though England is a country infinitely inferior to India for purposes of manœuvres the army in England

[Mr. C. M. G. Ogilvie.]

enjoys the advantage which the Indian army does not of possessing very large territories of its own over which it conducts manœuvres continuously. The arguments I adduced in the case of the previous amendment apply also here to a slightly less degree and I would say that on the assumption that this Bill is passed into law, people who happen to reside in localities where manœuvres are frequently held will, I think, welcome the fact that manœuvres are held there frequently and that the generous compensation which they will receive will more than compensate them for the barrenness of their fields. If however, after what I had to say on the matter the House is anxious still for this change, though I do not like it, I will not oppose it.

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

"That in the proviso to sub-clause (*1*) of clause 2 of the Bill, for the words 'two years', occurring in the last line, the words 'three years' be substituted."

The motion was adopted.

Mr. Mohan Lal Saksena: Sir, I beg to move:

"That in sub-clause (*2*) of clause 2 of the Bill for the words 'two months', occurring in the fifth line, the words 'three months' be substituted."

Now, Sir, if you refer to the Bill, the clause reads thus:

"(2) The Provincial Government shall publish notice of its intention to issue a notification under sub-section (*1*) as early as possible in advance of the issue of the notification, and no such notification shall be issued until the expiry of two months from the date of the first publication of such notice in the local official Gazette."

Sir, under the British Act the provision is six months and the object is that the public should get as much time to get the information about the proposed manœuvres as possible. Here in the original Bill the Government provided a month and now they have provided two months. But I think in the existing conditions of India where there is illiteracy practically among the whole population, where people do not read newspapers, it is necessary that they should get as long a time as possible and I suggest that this period of notification should be made three months at least instead of two months.

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

"That in sub-clause (*2*) of clause 2 of the Bill for the words 'two months', occurring in the fifth line, the words 'three months' be substituted."

Mr. C. M. G. Ogilvie: Sir, I am afraid that the amendment is entirely unacceptable as it would most gravely hamper manœuvres in this country. As I said while talking about amendment No. 3, the position in the United Kingdom is quite different. There the vast majority of military manœuvres are held on land which belongs to the military authorities. Here in India on the contrary, all manœuvres, however small, have to take place over lands which do not belong to the army. No doubt we went as far as two months in the Select Committee, but we did so with extreme reluctance in order to get an agreed measure and it was as far as we could possibly go. Sir, I oppose the amendment.

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

"That in sub-clause (*z*) of clause 2 of the Bill for the words 'two months', occurring in the fifth line, the words 'three months' be substituted."

The Assembly divided:

AYES—54.

Abdul Ghani, Maulvi Muhammad.
Abdul Qaiyum, Mr.
Abdur Rasheed Chaudhury, Maulvi.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Azhar Ali, Mr. Muhammad.
Banerjea, Dr. P. N.
Chattopadhyaya, Mr Amarendra Nath.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Venkatachelam.
Chunder, Mr. N. C.
Das, Pandit Nilakantha.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Deshmukh, Mr. Govind V.
Essak Sait, Mr. H. A Sathar H.
Gadgil, Mr. N. V.
Ghiasuddin, Mr. M.
Ghulam Bhik Nairang, Syed.
Govind Das, Seth.
Gupta, Mr. K. S.
Hans Raj, Raizada.
Hosmani, Mr. S. K
Jedhe, Mr. K. M.
Jehangir, Sir Cowasji.
Jogendra Singh, Sirdar.
Joshi Mr. N. M.
Kailash Behari Lal, Babu.
Lahiri Chaudhury, Mr. D. K.
Malaviya, Pandit Krishna Kant.
Mangal Singh, Sardar.
Mudaliar, Mr. C. N. Muthuranga.
Murtuza Sahib Bahadur, Maulvi Syed.
Paliwal, Pandit Sri Krishna Dutta.
Pande, Mr. Badri Dutt.
Raghubir Narayan Singh, Choudhri.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Rao, Mr. Thirumala.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Santhanam, Mr. K.
Sham Lal, Mr.
Shaukat Ali, Maulana.
Sheodass Daga, Seth.
Singh, Mr. Gauri Shankar.
Singh, Mr. Ram Narayan.
Sri Prakasa, Mr.
Subedar, Mr. Manu.
Umar Aly Shah, Mr.
Varma, Mr. B. B.
Zafar Ali Khan, Maulana.

NOES—51.

Abdul Hamid, Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.
Aikman, Mr. A.
Ayyar, Mr. N. M.
Bajpai, Sir Girja Shankar.
Bartley, Mr. J.
Bewoor, Mr. G. V.
Bhagchand Soni, Rai Bahadur Seth.
Boyle, Mr. J. D.
Buss, Mr. L. C.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Clow, Mr. A. G.
Conran-Smith, Mr. E.
Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
DeSouza, Dr. F. X.
Dow, Mr. H.
Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
Fazl-i-Ilahi, Khan Sahib Shaikh.
Gidney, Mr. C. W. A.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Kamaluddin Ahmed, Shams-ul-Ulema.
Kushalpal Singh, Raja Bahadur.
Lloyd, Mr. A. H.
Mackeown, Mr. J. A.
Metcalfe, Sir Aubrey.
Miller, Mr. C. C.
Ogilvie, Mr. C. M. G.
Parma Nand, Bhai.
Rahman, Lieut.-Col. M. A.
Row, Mr. K. Sanjiva.
Scott, Mr. J. Ramsay.
Sen, Mr. S. C.
Sen, Rai Bahadur N. C.
Sher Muhammad Khan, Captain Sardar Sir.
Sircar, The Honourable Sir Nripendra.
Sivaraj, Rao Sahib N.
Slade, Mr. M.
Spence, Mr. G. H.
Staig, Mr. B. N.
Stewart, The Honourable Sir Thomas.
Sundaram, Mr. V. S.
Thorne, Mr. J. A.
Walker, Mr. G. D.
Yamin Khan, Sir Muhammad.
Ziauddin Ahmad, Dr. Sir.

The motion was adopted.

Mr. Abdul Qaiyum (North-West Frontier Province: General): Sir, I beg to move:

"That in sub-clause (*3*) of clause 2 of the Bill for the words 'the manner', occurring in the fifth line, the following be substituted :

'Some newspaper circulating in and in the language commonly understood in that area and by beat of drum and by affixation in all prominent places of copies of the said notice in the language of the locality and in such other manner as may be'."

In this connection, I should like to point out one thing that it is absolutely necessary that in cases where manœuvres are about to take place the notice should be as ample and as sufficient as possible. I contend that mere publication in the Government Gazette will not do, and that many serious accidents and incidents will be averted if a proper notice is given to the inhabitants of the locality which is not being done at present. It is absolutely necessary that the notice should be given in some newspaper which is published in a language understood in the locality and which is read by the inhabitants of that particular area. It is also absolutely necessary that a notice in the form of beat of drum should be given to the people. It is a well known fact that after so many years of British rule illiteracy still remains the order of the day in this country and there is a very large number of people who cannot read or write; and for them a notice in the form of publication in the Government Gazette or even in a paper published in the language of the place will be a meaningless formality. A notice according to the recognised mode which is understood in this country, namely, by beat of drum, is absolutely necessary. Probably it will be urged, Sir, that this is a matter which can be left to those who will be called upon to frame rules under this particular Bill when it becomes law. But knowing the attitude of the Government in the matter of rule-making, their anxiety to keep the power of rule-making entirely to themselves, and the fact that they are exceedingly anxious that the Legislature at the Centre or in the Provinces should have no say in the matter of rule-making, this very important provision cannot be left to rule-making.

1 P.M. After all in an Act like the Army Manœuvres and Field Firing Act, the real object is to give ample and sufficient notice to the people so that their troubles and worries may be lessened, and that any risk of loss of life may be completely eliminated. If this important provision, *viz.*, ample and satisfactory notice is to be left to rule-making, then I think there was absolutely no object in bringing this Bill before this Honourable House. I submit this is a matter which is of very vital importance. Unless ample notice is given it is quite likely that many accidents will occur. There have been many instances on the Frontier where owing to the inadequacy of notice many valuable lives have been lost. I am aware of a case which happened quite near Peshawar, where an officer in the army who was deputed to warn villagers in places where military manœuvres were taking place was himself shot dead by a stray bullet. If a well-known army official who himself knew the regulations and the procedure adopted by the military authorities is likely to fall a victim to a stray bullet, I think the likelihood of peasants who have to work in the neighbourhood losing their lives and limbs is very great indeed. Sir, I move.

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

"That in sub-clause (*3*) of clause 2 of the Bill for the words 'the manner', occurring in the fifth line, the following be substituted :

'Some newspaper circulating in and in the language commonly understood in that area and by beat of drum and by affixation in all prominent places of copies of the said notice in the language of the locality and in such other manner as may be'."

Mr. C. M. G. Ogilvie: Sir, in opposing this amendment, I contend that it is a matter which should most properly belong to rules and should find no place in the body of the Bill. The rule-making power under this Bill has been allotted to the Provincial Governments and the reason why the Select Committee made a change from the Government of India to the Provincial Government was that it was held that Local Governments will be more familiar with and solicitous of local interests and will know the best way in which to do these things. I gather also that the amendment would not necessarily by any means cover all the places in which manœuvres are frequently held. Certain places contain few or no inhabitants but are visited by wandering shepherds and their flocks. In their case the only thing to do is to find each one and warn him. I agree entirely with the Honourable the Mover in that notice is most desirable—full and proper notice; and I have observed that a number of other Honourable Members lay particular stress on this point. Why, however, they should object to this type of matter being dealt with by the Provincial Governments, as expressly laid down in section 13, I do not know. Section 13 reads:

"The Provincial Government may make rules prescribing the manner in which the notices required by sub-section (*2*) of section 2 and sub-section (*3*) of section 9 shall be published in the areas concerned."

I submit they are the proper persons to know what methods should be adopted for this purpose. As regards the Honourable the Mover's statement that there was a general atmosphere of opposition to Legislatures encroaching upon the rule-making power, I noticed in the paper of yesterday or the day before that in answer to an interpelation, Dr. Katju, who is a Minister in the United Provinces Government, belonging to the same party as the Honourable Member, replied that the rule-making power was the function of the executive and it is always open to the Legislature to censure the Government. I have no doubt that the Local Legislature would pull up the executive if the executive should prove itself careless of the lives of the people in whose country the manœuvres take place. I suggest, therefore, for the considration of the House a possible alternative to meet what I recognise to be a strong feeling on this point, that the Defence Department should address a letter to all Provincial Governments calling attention to the methods of giving warning which are stated here and saying that subject to local conditions the Defence Department agrees that these methods are proper.

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

"That in sub-clause (*3*) of clause 2 of the Bill for the words 'the manner', occurring in the fifth line, the following be substituted :

'Some newspaper circulating in and in the language commonly understood in that area and by beat of drum and by affixation in all prominent places of copies of the said notice in the language of the locality and in such other manner as may be'."

The motion was negatived.

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. Brojendra Narayan Chaudhury: Sir, I move:

"That in sub-clause (*2*) of clause 3 of the Bill, after the words 'interference with' occurring in the second line, the words 'any springs, waterfalls, well or tank held sacred by any religious community or' be inserted."

Sub-clause (2) of clause 3 reads thus:

"The provisions of sub-section (*1*) shall not authorise entry on or interference with any place of worship, etc."

I want to add another category after the word "interference". Sir, in the original section the words "place of worship" have been mentioned. There are in this country, fortunately or unfortunately, a large number of tanks, water falls or springs which are held sacred by some of the communities, but in all these worship or offerings are not made and, therefore, these do not come under the category of the places of workship. Therefore, to be on the safe side and in order that the military authorities may be careful in future, tanks and waterfalls, etc., which are not places of worship yet held sacred should be exempted. Sir, the history of religious disturbances in this country is well-known. There was a quarrel only a few months ago between two communities over a trifling matter like the drawing of water from a well. So I ask this House not to leave any loophole in this Bill and minimise the chances of clashes of the civil population with the authorities in future.

Mr. C. M. G. Ogilvie: There was, Sir, originally a provision of this kind in the Bill, but the Select Committee unanimously excluded it as unnecessary . . . .

Mr. Brojendra Narayan Chaudhury: May I know the reasons, Sir?

Mr. C. M. G. Ogilvie: The Report of the Select Committee on clause 3 says this:

"We have omitted the provision for power to interfere with water sources as being unnecessary and have slightly modified the restriction imposed on the use of water sources . . ."

I think that the provisions of sub-section (2) of section 3 really cover the Honourable Member's amendment fairly adequately in practice whereby no entry on or interference with any place of worship or ground attached thereto is permitted; that is to say, any tank or well attached to a temple would *ipso facto* be protected. Again, from a purely practical point of view, so far as I know, there has never been any actual complaint of any such interference in the past. I suggest therefore that the amendment is not necessary and should be rejected.

Mr. M. S. Aney: Sir, the real point is, whether the words "any place of worship" mentioned in sub-clause (*2*) include springs, water falls, etc. It is wellknown, Sir, that objects of worship, among the Hindus at any rate,—I do not know of others,—are both liquid and solid. A

place of worship may be taken as comprising only what may be called solid objects of worship, and not the liquids. If that is so, then it is necessary to point out that over and above these objects which are covered by the words "places of worship", there are certain liquid objects also . .

Mr. N. M. Joshi (Nominated Non-Official): Gaseous also?

Mr. M. S. Aney: Yes, there are many sacred streams, rivers and tanks held in veneration, and if they are really not covered by the words "places of worship", there is likely to be trouble in the future. I personally think that a "place of worship" should include all these, and not necessarily ground only; but if there is any doubt it is better to clear the position, and for that purpose I would ask the Honourable the Law Member to say authoritatively whether a "place of worship" can be construed to include all the objects to which reference has been made in the amendment; if these are not included, I think the amendment is very necessary.

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 Cowasji Jehangir (one of the Panel of Chairmen) in the Chair.

Mr. Chairman (Sir Cowasji Jehangir): Amendment No. 8 is under discussion.

Mr. N. V. Gadgil: Mr. Aney, just before the adjournment, was appealing to the Honourable the Law Member to give an authoritative meaning of the words "place of worship"—whether those words include water springs and other cognate matters contemplated in the amendment.

The Honourable Sir Nripendra Sircar (Law Member): I feel flattered in being referred to as an authority although my authority may not be obeyed by the Courts. The kind of tanks I have in mind is this—I have seen many where offerings are actually made. I have seen cocoanuts and flowers being offered to those tanks. I have personally no doubt that that tank would be a place of worship. But if there is any other kind of tank which the Honourable Member has in mind I may be able at least to give my personal opinion as to whether that comes within the words "place of worship" or not. I think what is meant is that there are certain tanks and wells which are really held sacred, at least I know about the Hindu community, and there offerings are given just as you give offerings in a temple and those surely would be covered by the words "place of worship". That is my personal opinion and I believe that is the question I have got to answer.

Mr. Brojendra Narayan Chaudhury: But there are some springs where no cocoanuts are offered, but some people bathe in that water and they consider it a *punya*.

The Honourable Sir Nripendra Sircar: If that has got to be included, then it really means a dangerous inclusion. If some people say, "I believe in the efficacy of a dip in this river, therefore it is a place of worship though no worship is being offered there"—if that is the idea, then it is very wide and may create difficulties.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): There are tanks which are called *Pushkaranis* where no such offerings are made. Though *puja* is not done, people go and bathe, and they recite *sankalpam* for their purification. If they bathe in that river or *Pushkarani*, they think they become pure, that is their idea. There are no external indications of a *puja* and it may be said that it is not a place of worship. No doubt, in Northern India rivers and tanks are worshipped; in the evenings they offer flowers, *arti* and camphor in flowing river and in that case it may be considered a place of worship. Even without a special explanation like this or an addition by way of amendment like this, those may be considered as places of worship. But in Southern India no *puja* is offered to the tanks as such, but they are held sacred. People go and bathe but they may not come within the meaning of "place of worship" as now defined in the Bill and they would be avoided if the amendment is not carried. If the object of the Government is not to include them wherever they may be held sacred and if they agree to the principle that they must be excluded, there is no harm in making it more explicit by adding these words. On the other hand, if they object to the exclusion of these places wherever manœuvres or field artillery or firing may take place, that is a matter of substance, but if they do not intend utilising or using them or obstructing people from them, then there is no harm in making it clear. I therefore, appeal to the Government to accept this amendment if they really have no objection to it on the merits.

Mr. Chairman (Sir Cowasji Jehangir): Do the Government accept that position?

Mr. C. M. G. Ogilvie: I am not sure whether it will be in order if I speak again.

Mr. Chairman (Sir Cowasji Jehangir): There can be no objection in saying whether you accept it or not.

Mr. C. M. G. Ogilvie: I am willing to accept it in part.

Mr. Chairman (Sir Cowasji Jehangir): With the permission of the House, I will allow the Honourable Member to explain what he is prepared to accept.

Mr. C. M. G. Ogilvie: I am prepared to accept the last two, "well or tank". Springs or waterfalls, I think, would in practice possibly cause difficulties.

Mr. Brojendra Narayan Chaudhury: I am aggreeable to that. I shall leave out the words "springs, waterfalls". In that case the amendment would read like this:

"That in sub-clause (*2*) of clause 3 of the Bill, after the words 'interefence with', occurring in the second line, the words 'any well or tank held sacred by any religious community or' be inserted."

Mr. Chairman (Sir Cowasji Jehangir): Has the Honourable Member permission of the House to move his amendment as he has just read out?

(The Assembly agreed.)

Mr. Chairman (Sir Cowasji Jehangir): The question is:

"That in sub-clause (2) of clause 3 of the Bill, after the words 'interefence with', occurring in the second line, the words 'any well or tank held sacred by any religious community or' be inserted."

The motion was adopted.

Mr. Abdul Qaiyum: Sir, I move:

"That in sub clause (2) of clause 3 of the Bill, after the word 'thereto' occurring in the third line, the words 'except for the legitimate purpose of offering prayers' be inserted."

I need not say anything on this. I simply move.

Mr. C. M. G. Ogilvie: I have no objection to the amendment.

Mr. Chairman (Sir Cowasji Jehangir): The question is:

"That in sub-clause (2) of clause 3 of the Bill, after the word 'thereto' occurring in the third line, the words 'except for the legitimate purpose of offering prayers' be inserted."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clauses 4 and 5 were added to the Bill.

Mr. Chairman (Sir Cowasji Jehangir): Clause 6.

Mr. K. Santhanam: Sir, I beg to move:

"That in sub-clause (2) of clause 6 of the Bill, the words 'where possible' occurring in the third line be omitted."

This amendment should be read with amendments Nos. 11 and 12. Clause 6 (2) runs as follows:

"The Revenue Officer shall consider all claims for compensation under section 5 and determine, on local investigation and where possible in the presence of the claimant, the amount of compensation, if any, which shall be awarded, etc."

We want to omit the words "where possible". In the next amendment we provide that the words 'after summoning and hearing the claimant' be substituted for the words 'in the presence of the claimant'. If you limit it only to the claimant, he may not be available. We want to provide for the claimant or his authorised agent. We do not want to give any excuse to the revenue officer to say that 'we tried to get at the claimant but we could not do so'. There should be no such loophole. The revenue officer must settle the matter with the claimant or his authorised agent. It is for this purpose that I have moved this amendment.

Mr. Chairman (Sir Cowasji Jehangir): Amendment moved:

"That in sub clause (2) of clause 6 of the Bill, the words 'where possible' occurring in the third line be omitted."

Mr. Sri Prakasa: I should like to make the position quite clear, so that, if possible the Defence Secretary may accept this amendment. The three amendments, Nos. 10, 11 and 12 hang together and should be read as one. The position in the village is something like this. A piece of

[Mr. Sri Prakasa.]

land may be owned by a woman and she may be observing purdah. I am specially referring to conditions in my province. Even in the villages, the higher class women do observe some sort of purdah; and in any case they might hesitate to come before military officers to put forward their plea. We therefore feel that wherever such cases occur an authorised agent should be allowed to appear on behalf of such persons, so that their case may be presented fully. I hope that in view of the social conditions in the land and the conditions in which work is carried on in the country-side, the Government will accept the amendment. If the three amendments, which we propose to move one after the other, are read together, I think there should be no difficulty in accepting the same.

Mr. C. M. G. Ogilvie: I am unable to accept this amendment. It has consequential effects, as the Honourable the Mover pointed out but our aim in this Bill, so far as awards of compensation go, is that firstly they should be adequate and secondly that they should be prompt. The idea is that wherever possible—one cannot say more than that—the Revenue Officer should actually hand over to the person whose crops have been damaged a sum of money to compensate him on the spot. If the House will bear with me for a few moments, I will tell them a story which illustrates this point. It was extremely popular in the State in which I was serving. A certain maharaja used to go partridge shooting on an elephant. The elephant did considerable damage to the crops. When he observed the unfortunate peasant to whom the field belonged standing helplessly on the bund, he will beckon him and say 'How much, my man, would your crop have fetched if it had ripened'. He would say 'Rs. 20, maharaja'. Then the maharajah would put his hand into a sack of rupees in the *howdah* and give the money to the peasant who would go away rejoicing. Well, that is the kind of procedure which we envisage here. I would draw the attention of the House to section 13, the rule-making section and to part (c) thereof. The House will see that the rules provide for the expeditious settlement of claims. Instructions will be issued to revenue officers to deal with this matter. Now, we do not want to have legal processes, powers of attorney or anything of that kind. What would happen is that if the owner is a *purdahnashin* lady or a cripple or ill or bed-ridden, then some representative of his, a friend or relation or the village headman would presumably take the money for him and the revenue officer would take his receipt. That kind of matter, I submit, can best be dealt with by rules and I submit that the clause as drafted makes the best practical proposition for the swift payment of compensation.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, we do not want to add one more to the list of a maharajas when we are trying to scrap them all. I would not be a party to that. The list is already quite big. Things may be done in an expeditious way but the parties whom you are awarding compensation should know what is being done. The people affected really do not know any of these legal processes and to say that things will be decided in their absence passes my understanding. I would suggest that the most honest course is to accept this amendment and decide the matter in the presence of the claimant or his authorised agent or lawyer, and then, if necessary, frame rules for the expeditious conduct of the cases. I support the amendment.

Mr. M. Ananthasayanam Ayyangar: Sir, there are two other amendments, Nos. 11 and 12. Taken together, their object is to see that no order of compensation is passed behind the back of the claimant. This particular amendment requires that his authorised agent, should be present and that otherwise no order should be passed. Possibly it might be said that the claimant or his agent might embark on obstructive tactics. If it is convenient for the Government, they should accept amendment No. 11, for summoning and hearing the claimant. Anyhow, if at least that is not done, there will not be any justification for the revenue officer going over the heads of these people and it will be improper. The complainant is the person who has to place the materials as to what amount of compensation should be paid for damages. Then there is another point. Government itself must be willing to accept this amendment for another reason. In sub-clause (*2*) of clause 6 of the Bill, the last sentence reads thus:

"and shall disburse on the spot to the claimant the compensation so determined as payable"

I do agree that the procedure must be of the nature of a Maharaja giving away money on the spot. That is intended to be expeditious. You expect the claimant to be there to receive the money. One minute earlier, when you are deciding about the compensation, you must have him there then also. Do you want to keep him out, or are you indifferent whether he is present now or not? Sir, the latter portion will be absolutely impossible until you get the claimant or his authorised agent for the purposes of the inquiry. Therefore, to make the latter portion consistent with the earlier portion, this amendment ought to be accepted, or, at any rate, if a later amendment No. 11 is accepted, it will make the clause readable. I shall only wait for an answer from the Government as to whether they will accept amendment No. 11, in which case we will have no objection to withdrawing this motion.

Captain Sardar Sir Sher Muhammad Khan (Nominated Non-Official): Sir, I rise to oppose this amendment. I think it is a technical amendment. Now, Honourable friends probably do not quite understand how this compensation is paid. I myself have been a compensation officer and I have tried many times to see that the Zamindar did get his legitimate rights. One of the difficulties raised was that the money was not paid on the spot, and the second was delay in paying the money to the Zamindar. Now these two provisions have been made clear in the Bill. Now my friend thinks that if the claimant is not present, how is the revenue officer going to judge or going to pay to every claimant? Now, it is impossible that every claimant should be present on the spot. My friend must remember that there are district board members, there are representatives of the Zamindars on that board along with the revenue officers, the representatives of the Zamindars are there, then there is the civil officer, then there is the representative of the Military Department. All these three or four authorities judge of the value of the damage done to the crops and then they decide on the spot. Then there is another thing. If any claimant is not satisfied there is a provision in sub-clause (*3*) of clause 6 of the Bill, as follows:

"Any claimant, dissatisfied with a refusal of the Revenue Officer to award him compensation or with the amount of compensation awarded to him by the Revenue Officer, may, at any time within seven days from the communication to him of the decision of the Revenue Officer, give notice to the Revenue Officer of his intention to appeal against the decision."

If after forty-five days he is not satisfied, he has got a right of appeal.

Mr. K. Santhanam: If he does not know it?

Captain Sardar Sir Sher Muhammad Khan: It is clear that if he is not satisfied, he can appeal to the Court or to any higher authority to get his legitimate right to damages. So by proposing that every claimant should be present you will only put another obstacle. If one claimant is not present and then he goes back and says, "I was not present", what happens? Sir, in this case the Zamindars' representatives are represented by the district board member and then by the revenue officer and all of them together will decide to give on the spot adequte compensation for any damages to the crops. Therefore, it is not necessary to move this amendment.

Mr. Abdul Qaiyum: Sir, it is really surprising to find the Honourable the Defence Secretary opposing such a reasonable and necessary amendment as has been moved from this side. After all, *ex parte* orders are very often orders which are found to be wrong. The Honourable the Defence Secretary cited the case of a Maharaja and his summary and efficient method of assessing and paying compensation on the spot. If the Government or the officials of the Government want to act as the particular Maharaja referred to, I will not grudge them their playing the part of a Maharaja but even in the instance cited the unfortunate peasant was present on the spot and he was asked as to how much compensation had to be paid to him. The very case cited by the Defence Secretary makes it absolutely necessary that the man whose crops were damaged or who has to receive compensation must be present on the spot. Then my Honourable friend, the gallant Knight from the Punjab, in the course of his speech stated that the peasant need not worry his head very much about it because he is being given the right to appeal under this Statute, but if an order is passed *ex parte*, if the man is not served with a notice to be present at the time when compensation is being assessed or his claim is being adjudicated upon, how is he to know later on that his case has been decided? If you are going to have a communication after the order, there is all the more reason that the communication should take place before the order. The idea is to simplify procedure. If a communication is to be addressed to the unfortunate man, then there is absolutely no reason why the same communication should not be addressed to him before his claim is going to be adjudicated upon. I strongly support this amendment, not because it is an amendment coming from my Party but because I think this amendment is a highly necessary and equitable amendment and I do hope that the Honourable the Defence Secretary will reconsider his position and accept this very reasonable amendment.

Mr. N. V. Gadgil: Sir, I beg to support the amendment. I really fail to see why it should not be accepted by the Honourable the Defence Secretary. As I understand the position, the investigation will have to take place on the spot, and there should be no difficulty in securing the presence of the man concerned. My experience in the Bombay Presidency is that it is usually found that these agriculturists come and place their claims and it is the first principle of justice that if any decision must be taken against any party, that party should have some opportunity to be present and to put forth its claim. Under the provisions of the Deccan Agriculturists Act, several attempts are made to secure the presence of the agriculturist, first by summoning him, if he does not turn up,

then by summoning him as a witness, and then a warrant of arrest is issued and his presence is secured, so that the Court may know from his own lips how and what his case is. I think it is possible to do so in this case also. Then, if he is to be given the amount of compensation personally, I really fail to see why he should be asked to take the amount without giving him any opportunity to say what he had to say as regards the amount of compensation. I therefore think that it is extremely reasonable to accept this amendment. Just an hour before, Sir, the Honourable the Defence Secretary accepted some of our amendments and I hope and trust that he will see the reasonableness of accepting this amendment also.

Mr. Mohan Lal Saksena: Sir, may I know whether the Honourable the Defence Secretary is going to accept the other two amendments? My friend, Mr. Ananthasayanam Ayyangar, has asked whether he is going to accept amendments Nos. 11 and 12, or not?

Mr. C. M. G. Ogilvie: Sir, I do not wish to accept any of them.

Mr. Chairman (Sir Cowasji Jehangir): The question is:

"That in sub-clause (2) of clause 6 of the Bill, the words 'where possible' occurring in the third line be omitted."

The motion was negatived.

Mr. K. Santhanam: Sir, I beg to move:

"That in sub-clause (2) of clause 6 of the Bill, for the words 'in the presence of the claimant' the words 'after summoning and hearing the claimant' be substituted."

I do not want to make a speech but there is one point to be mentioned. I do not see why they have put in the phrase 'in the preence of the claimant'. This phrase may imply two things. There is no obligation on the part of the Government to summon the claimant and, when he is present, there is no obligation to hear him. There is no purpose at all in having the claimant unless he is asked to explain his point of view and as we have allowed the previous amendment to be negatived, Government should, wherever possible, summon the claimant and after he is summoned they should allow him to put in his case. I do not see why his presence is required at all unless they are prepared to hear him. The claimant must be able to protest against the inadequacy of the compensation and on the basis of that protest he must be able to file his appeal within the 7 days allowed to him. Therefore, I suggest that this amendment is very important and the Government ought to be able to accept it without much difficulty.

3 P.M

Mr. Chairman (Sir Cowasji Jehangir): Amendment moved:

"That in sub-clause (2) of clause 6 of the Bill, for the words 'in the presence of the claimant' the words 'after summoning and hearing the claimant' be substituted."

Mr. C. M. G. Ogilvie: The objections which I raised to the previous amendment apply also to this one. There may be, for example, 5 or 10 owners of the same plot of land. All may not be present or all may not wish to be present. Some of the owners may be absentees and their summoning would necessitate perhaps very great delay. What we want to do from our point of view is to know what money we have got to pay

[Mr. C. M. G. Ogilvie.]

and to pay it quick. As one who has been a District Officer for many years, I can say with certainty about that part of the country which I know that what the zamindar wants is quick payment. There is no danger at all that his claim will go by default. The rules which will be made for the expeditious payment of claims may lay down the maxima or the minima, I cannot say which. The minimum rates will probably be laid down. In any case, if the claimant is dissatisfied by the amount given him, he can, within 7 days of the communication of the fact to himself, appeal as laid down by the provisions of sub-clause (3) of this section. It does not matter if he hears it five years afterwards but he can still, as soon as he had the amount communicated to him, appeal if he wishes to do so. There is no question of his just claim going by the board. I submit that every possible allowance has been made not only for the payment of money to the persons to whom it is due but for its quick payment, which, both from the point of view of the Government and from the point of view of the zamindar, is necessary.

Mr. M. S. Aney: I think that this is an amendment to which the Honourable the Defence Secretary should not have taken any exception. After all, whom are you going to give the compensation? If you are going to give the compensation and you are interested in giving it as quickly as possible, then it is in the interest of the man himself. Therefore, is it not better that you should get an opportunity of hearing the man who is to be given the compensation before the amount of compensation is fixed or assessed? So far as the previous amendment was concerned, there was at least some show of reason on the side of the Government. It may be difficult to secure the presence of some person and consequently the proceedings may have to be delayed. But now we are proceeding on the basis of "wherever it is possible to secure his presence". In that case, what are you going to do with that man? Are you going to summon that man and ask him as to what he has to say? It is laid down here that wherever possible the proceedings will be conducted in the presence of the man. If the man voluntarily turns up, then the Government will be carrying on the proceedings in his presence. But is he to remain mute and a silent witness to what you are doing or has he got any right to have his say on the basis of which you will be called upon to assess the amount of compensation? That fact is left completely undetermined and undecided in the clause as it stands. As my Honourable friend, Mr. Gadgil, has rightly pointed out, before we pass any order either in favour of the man or against him it is an elementary principle that there should be an opportunity for that man or his representative to have his say. I do not know what is the reason behind the reluctance shown by the Defence Secretary in understanding the position which the Honourable the Mover of the amendment has taken. In fact, I believe his own work about which he is so very keen and about the expeditious carrying out of which he is so very anxious will be better done and more expeditiously done if we get the proper man on the spot to say what he has to say and to explain to him the elements or factors which he wants him to consider in order to come to an exact figure of assessment to be given to him by way of compensation.

Now, it is said that there is the right of appeal if the man is aggrieved. we know it is one thing to go in appeal after the order is passed and it

is another thing to participate in the very proceedings by which the amount of compensation is assessed. Why do you want to deny yourself the assistance which you are likely to get from him in coming to a right conclusion at the very beginning? If you do not want to have anything to do with that man at that stage, then you take the risk of coming to a wrong decision, and the consolation which the man has got is that he has the right to go in appeal within 7 days after the orders have been communicated to him. I do not think it is a right way of doing the thing at all. If you really want the man to be present to receive the compensation on the spot, then as my Honourable friend, Mr. Ananthasayanam Ayyangar, has pointed out, you have the advantage of having the man by your side. You must have that particular person on the spot if the orders that will be passed are to be properly carried out. In my opinion, the clause is there not so much to secure the avoidance of the payment to anybody else except that man, but probably that will be a source of delay in itself if that man for some reason or other should not be able to turn up as there is no provision here to allow that man to be present by means of his agent to receive the payment. Therefore, I do not know whether that clause is really in the interests of the person who is to get the compensation. Anyhow, if this clause requires the presence of that man at some stage of the inquiry —at least at the final stage —, then why don't you allow that man to come at the proper time to put forth his plea or whatever he wants to say in order to claim a particular amount of money by way of compensation? After all, you are the judges and you have got to fix the amount and you only give him an opportunity to have his say. That demand is perfectly reasonable and no man who is conversant with the ordinary principles of justice can reasonably refuse it. I, therefore, give my support to the amendment moved by my Honourable friend, Mr. Santhanam.

Mr. C. M. G. Ogilvie: Sir, I should be prepared to accept the amendment if the words 'summoning and' be omitted from it so that the clause would read: ". . . . where possible after hearing the claimant . . .". The expression 'summoning and hearing the claimant' is unacceptable whereas "hearing the claimant' is acceptable.

Mr. M. Asaf Ali (Delhi: General): I do not know how a person can possibly be heard without being summoned. You must inform a man before you can hear him. It is simply a question of procedure. When you say 'after hearing' it naturally means that the man must know when exactly he can be heard and therefore he must be summoned for that purpose. I really do not see any insuperable difficulty in the way of accepting this amendment. It is a very simple one, and perfectly consistent with justice as was so ably pointed out by the Leader of the Congress Nationalist Party. I hope Mr. Ogilvie will find no further difficulty in accepting the amendment.

Mr. C. M. G. Ogilvie: I am afraid I do find difficulty.

Mr. Sri Prakasa: I hope that the Defence Secretary will follow the precedent of this House. We are first summoned and then heard: and if we wanted to make ourselves heard without being summoned, I do not think anybody will hear us. Therefore, I say that the Defence Secretary ought to agree to this very reasonable suggestion, so vigorously and weightily

[Mr. Sri Prakasa.]

supported by so eminent an authority as our Honourable and esteemed leader, Mr. Aney.

Mr. Chairman (Sir Cowasji Jehangir): The question is:

"That in sub-clause (2) of clause 6 of the Bill, for the words 'in the presence of the claimant' the words 'after summoning and hearing the claimant' be substituted."

The Assembly divided:

AYES—41.

Abdul Ghani, Maulvi Muhammad
Abdul Qaiyum, Mr.
Abdur Rasheed Chaudhury, Maulvi.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M Ananthasayanam.
Chattopadhyaya, Mr. Amarendra Nath.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam.
Das, Pandit Nilakantha.
Desai, Mr. Bhulabhai J.
Gadgil, Mr. N. V.
Govind Das, Seth.
Gupta, Mr. K. S.
Hans Raj, Raizada.
Hosmani, Mr. S. K.
Jedhe, Mr. K. M.
Jogendra Singh, Sirdar.
Kailash Behari Lal, Babu.
Lahiri Chaudhury, Mr. D. K.
Misra, Pandit Shambhu Dayal.
Mudaliar, Mr. C. N. Muthuranga.
Muhammad Ahmad Kazmi, Qazi.
Murtuza Sahib Bahadur, Maulvi Syed.
Pathwal, Pandit Sri Krishna Dutta.
Raghubir Narayan Singh, Choudhri.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Rao, Mr. Thirumala.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Santhanam, Mr. K.
Shaukat Ali, Maulana.
Sheodass Daga, Seth.
Singh, Mr. Gauri Shankar.
Singh, Mr. Ram Narayan.
Sinha, Mr. Satya Narayan.
Sri Prakasa, Mr.
Subedar, Mr. Mann.
Varma, Mr. B. B.

NOES—48.

Abdul Hamid, Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.
Aikman, Mr. A.
Ayyar, Mr. N. M.
Bajpai, Sir Girja Shankar.
Bartley, Mr. J.
Bewoor, Mr. G. V.
Boyle, Mr. J. D.
Buss, Mr. L. C.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Clow, Mr. A. G.
Conran-Smith, Mr. E.
Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
DeSouza, Dr. F. X.
Dow, Mr. H.
Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
Fazl-i-Ilahi, Khan Sahib Shaikh.
Gidney, Mr. C. W. A.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James James, Mr. F. E.
Jawahar Singh, Sirdar Bahadur Sardar Sir.
Kamaluddin Ahmed, Shams-ul-Ulema.
Kushalpal Singh, Raja Bahadur.
Lloyd, Mr. A. H.
Mackeown, Mr. J. A.
Mehr Shah, Nawab Shaibzada Sir Sayad Muhammad.
Metcalfe, Sir Aubrey.
Miller, Mr. C. C.
Ogilvie, Mr. C. M. G.
Rahman, Lieut.-Col. M. A.
Row, Mr. K. Sanjiva.
Scott, Mr. J. Ramsay.
Sen, Mr. S. C.
Sen, Rai Bahadur N. C.
Sher Muhammad Khan, Captain Sardar Sir.
Sircar, The Honourable Sir Nripendra.
Sivaraj, Rao Sahib N.
Slade, Mr. M.
Spence, Mr. G. H.
Staig, Mr. B. M.
Stewart, The Honourable Sir Thomas.
Sundaram, Mr. V. S.
Thorne, Mr. J. A.
Walker, Mr. G. D.

The motion was negatived.

Mr. Sami Vencatachelam Chetty (Madras: Indian Commerce): Sir, may I request you to suspend the Standing Order in regard to giving notice of amendments and allow me to move the following amendment?

"That in sub-clause (2) of clause 6 of the Bill, for the words 'in the presence of the claimant' the words 'after hearing the claimant' be substituted."

Since Government are in a position to accept this amendment I request that the Standing Order may be suspended.

Mr. Chairman (Sir Cowasji Jehangir): If it is an agreed amendment I will waive the Standing Order.

Mr. C. M. G. Ogilvie: Sir, I made this offer in order to avoid a division. That was turned down and the result has been a division. I do not see how I can possibly go back on it.

Mr. Chairman (Sir Cowasji Jehangir): I was told it is an agreed amendment and so I agreed to waive the Standing Order. I will not allow it if it is not an agreed amendment.

Mr. Sami Vencatachelam Chetty: Sir, on the merits the Defence Secretary accepted this amendment, but he takes exception to my asking you to suspend the Standing Order on the ground that since the House did not accept his offer at an earlier stage and went into a division in regard to a previous amendment, he would withdraw the offer then made. That is a matter merely on the merits. I rather think that Government are straining too much the strictness of the rules in regard to acceptance of amendments of this kind. In a House like this it is just possible that we may try our chance in respect of an amendment which is most favourable to a particular side. When we fail we generally accept the next best. I do not think Government should oppose this.

Mr. Chairman (Sir Cowasji Jehangir): If it is an agreed amendment I will waive the Standing Order. I should like Government to say whether it is an agreed amendment or not.

Mr. C. M. G. Ogilvie: Sir, I think the circumstances are most peculiar. I made an offer, as I explained just now, in an attempt to secure agreement. That offer was spurned, a division was insisted upon, the division was lost and now they say that they will go back and make the best of both worlds and rule out the division. In the circumstances, I cannot agree to this amendment.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): Sir, may I point out one thing? After all is said and done, in an issue like this the *amour propre* as expressed by the Defence Secretary is something which I thought would not come into existence at all. Here is a question of compensation payable to a man whose lands my friend and the like of him will go and invade at their pleasure. And it is in his name that I am speaking. If any apology is needed for spurning, you can have it not once but twenty times, for in pleading for the poor man no *amour propre* stands in my way. All that he begs of you and all that we ask for is that the poor man should be heard, so that the few annas or the few rupees which have been ruined or lost he may have some compensation for. I do appeal to my Honourable

[Mr. Bhulabhai J. Desai.]

friend not to stand on *amour propre*. I will admit that what has happened has happened. It is no use shaking heads; they only injure the muscles of those who shake them. The truth of the matter is that the issue is purely one of equitable arrangement so that the man whose lands you are trespassing upon and which trespass is by the law of this House being excused may be compensated. After all it is nothing but a criminal trespass; you go and get hold of a man's land without his permission, and the House is sanctioning it. Let the House and Government remember that in matters of this kind it is no use winning or losing divisions. Let us understand equitable methods of at least giving compensations after hearing a man. If that is not agreed to I shall regret it, but remember that by straining points like that we do not gain anything.

Mr. Chairman (Sir Cowasji Jehangir): I should like to know exactly the views of Government on this matter.

Mr. C. M. G. Ogilvie: Sir, Government are somewhat puzzled. I think this is a question that I as Defence Secretary ought not to decide solely on behalf of Government. It does constitute a precedent the like of which I, though my Parliamentary experience is limited, have never heard before. When an offer was made and refused, a division is taken; the result is not in favour of the Opposition and it is then suggested that we should wash out the division and go back to the offer. I am quite prepared to admit that an acceptance of the offer would not damage me or damage the Bill. But the question of precedent seems to me a difficult one. Otherwise there is no use in trying to come to an agreement. If you fail to come to an agreement and have a division, why should one come to an agreement?

Mr. Chairman (Sir Cowasji Jehangir): Has the Leader of the House anything to say on this matter?

The Honourable Sir Nripendra Sircar (Leader of the House): Sir, I understand from my Honourable friend who has last spoken that it does not damage the Bill of which he is in charge. I, therefore, see no objection to accepting the new amendment.

Mr. Sami Vencatachelam Chetty: Sir, I beg to move:

"That in sub-clause (*2*) of clause 6 of the Bill, for the words 'in the presence of the claimant' the words 'after hearing the claimant' be substituted."

Mr. Chairman (Sir Cowasji Jehangir): The question is:

"That in sub-clause (*2*) of clause 6 of the Bill, for the words 'in the presence of the claimant' the words 'after hearing the claimant' be substituted."

The motion was adopted.

Mr. Mohan Lal Saksena: Sir, I move:

"That in sub-clause (*2*) of clause 6 of the Bill, after the word 'claimant' occurring in the fourth line, the words 'or his authorized agent' be inserted."

It was pointed out just now by Mr. Sri Prakasa that there are *pardanashin* ladies in certain parts of the country and it is just possible that they would like to send their authorised agent. I do not mean any lawyer or anything of the sort, but any person who applies in writing. I think there should be no difficulty in accepting this amendment.

Mr. C. M. G. Ogilvie: Sir, I am sorry to appear unaccommodating, but this also I am afraid I cannot accept. The words 'authorized agent' seem to me in the circumstances to hold within themselves a whole pack of trouble. What will the authorization be? Will the individual have to take out a power of attorney? . . . .

Mr. Mohan Lal Saksena: May I explain? Anybody authorized in writing—that is all.

Mr. C. M. G. Ogilvie: Will he have to produce authorization in writing? That means that if he cannot write himself he has got to find somebody who can and he may have to pay a fee. Unless it can be defined very much more closely, it is definitely unacceptable. But I maintain that all arrangements of that type will be made by the Provincial Governments under the rules, whereby they will decide how these claims are to be disbursed.

Mr. Mohan Lal Saksena: May I make a suggestion? The words "or an agent authorized in writing" may be added instead of the words in the amendment. It will clarify it, if it is acceptable to the Honourable Member.

Mr. Chairman (Sir Cowasji Jehangir): The question is:

"That in sub-clause (*2*) of clause 6 of the Bill, after the word 'claimant' occurring in the fourth line, the words 'or his authorized agent' be inserted."

The motion was negatived.

Mr. Abdul Qaiyum: Sir, I move:

"That in sub-clause (*3*) of clause 6 of the Bill for the word 'seven' occurring in the fourth line, the word 'fifteen' be substituted."

The object of this amendment is that a period of seven days for preferring an appeal in the case of persons who hail from rural areas may be too short a period, and the idea is to give them fifteen days' time. Sir, I move.

Mr. C. M. G. Ogilvie: Sir, I accept the amendment.

Mr. Chairman (Sir Cowasji Jehangir): The question is:

"That in sub-clause (*3*) of clause 6 of the Bill, for the word 'seven' occurring in the fourth line, the word 'fifteen' be substituted."

The motion was adopted.

Mr. Mohan Lal Saksena: Sir, I move:

"That after sub-clause (*6*) of clause 6 of the Bill, the following new sub-clause be inserted :

'(7) No fees shall be charged for any claims, notices, appeal, applications or any documents filed before the revenue officer, collector or the commission under this section'."

The amendment speaks for itself, the object being that these persons who are going to be paid compensation of a few annas or rupees need not be required to affix any court fee or any stamp on the application

[Mr. Mohan Lal Saksena.]

that they may have to file before the collector or revenue authority or commission which may inquire into their claims or on appeals they may have to file against the compensation awarded to them. I hope the Honourable Member will accept this amendment at least, as he seems to be very much in favour of summary procedure and he would not mind allowing this concession to the poor peasant.

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

Mr. C. M. G. Ogilvie: Sir, I accept the amendment subject, with your permission, to a slight verbal alteration. I suggest that it should read:

"No fee shall be charged in connection with a claim, notice, appeal, application or document filed before the revenue officer, collector or the commission under this section."

The only change I make is that I use the singular instead of the plural throughout, and the words 'in connection with' instead of the word 'for', and the word 'any' goes.

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

That after sub-clause (6) of clause 6 of the Bill, the following new sub-clause be inserted :

'(7) No fee shall be charged in connection with a claim, notice, appeal, application or document filed before the revenue officer, collector or the commission under this section'."

The motion was adopted.

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

"That clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Mr. Mohan Lal Saksena: Sir, I move:

"That in clause 7 of the Bill, for the word 'fifteen' occurring in the last line, the word 'ten' be substituted."

This is the amount of fine prescribed by this Bill. In the British Military Manœuvres Act, we find that the fine prescribed is 20 shillings or two pounds and 5 pounds. So they have differentiated between the offences covered by this clause. As Honourable Members of this House are aware, the original Bill provided for Rs. 50 as the maximum amount of fine. We know the condition of the villagers, and since these cases are to be summarily tried, I think that the maximum amount of fine should be Rs. 10 instead of Rs. 15. I hope the Honourable the Defence Secretary will accept this amendment.

Mr. C. M. G. Ogilvie: Sir, I accept the amendment.

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

"That in clause 7 of the Bill, for the word 'fifteen' occurring in the last line, the word 'ten' be substituted."

The motion was adopted.

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

"That clause 7, as amended, stand part of the Bill."

The motion was adopted.

Clause 7, as amended, was added to the Bill.

Clause 8 was added to the Bill.

Mr. K. Santhanam: Sir, I move:

"That in sub-clause (3) of clause 9 of the Bill, for the words 'two months' occurring in the sixth line, the words 'three months' be substituted."

Sir, a similar provision in Chapter I has been accepted. Artillery practice is something much more serious than manœuvres, and therefore this House having passed the first amendment, the present amendment should follow it. I, therefore, hope that the Government will accept it.

Mr. C. M. G. Ogilvie: Sir, as the Honourable Member said that this change from two months to three months had already taken place in the mobilisation part of the Bill is correct, but this was as a result of a division, and I must say it is a grievous blow to the Bill. But though the extension of the period of notification from two months to three would undoubtedly hamper manœuvres, particularly those on a small scale very considerably, it is not absolutely ruinous as it would be in the case of field firing. If I were compelled to go beyond the period of two months which was conceded in the Select Committee in order to arrive at an agreed measure the effect would be so serious that I should be unable to move that the Bill be passed.

Mr. Sri Prakasa: Sir, after hearing my friend, Mr. Ogilvie, I should myself like to make an appeal to my friend, Mr. Santhanam, not to press this point. I shall give my reason for it. There is a difference between manœuvres and field firing. In the case of manœuvres, large tracts of land are involved; and therefore a longer notice is reasonable and proper, as a large number of persons have to be approached. The tracts used for manœuvres may be moreover different from year to year. But in the case of field firing, as section 8 of the Bill makes it clear, the Provincial Government shall have to define the area 'as an area within which for a specified term of years the carrying out periodically of field firing and artillery practice may be authorised'. So the area will be specified; and it will be so to say reserved for a certain number of years in succession for a definite purpose; and therefore if we have a comparatively short notice of 2 months, it would not matter so much as it would in the case of artillery manœuvres where large tracts are involved, and areas may change from year to year. I therefore think we should give in to Mr. Ogilvie. That will make up for a little opposition that we entered against him some time back, and as I see the Chief Whip is also smiling behind him instead of shaking his head as he did on the earlier occasion, I hope peace will again be restored.

Mr. K. Santhanam: Sir, I withdraw this amendment.

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member the leave of the House to withdraw his amendment?

Several Honourable Members: Yes.

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

Mr. Abdul Qaiyum: Sir, I move:

"That in sub-clause (4) of clause 9 of the Bill, for the words 'the manner' occurring in the fourth line, the following be substituted :

'some newspaper circulating in and in the language commonly understood in that area and by beat of drum and by affixation in all prominent places of copies of the said notice in the language of the locality and in such other manner as may be'."

Sir, a similar amendment was moved by me when the portion of the Bill dealing with manœuvres was before this House, and I met with a defeat owing to the opposition of the Honourable the Defence Secretary. But, Sir, now we are dealing with field firing which is a much more serious thing. Knowing full well the mind of the Honourable the Defence Secretary that he will oppose tooth and nail any proposal which seeks to curtail the rule-making power of the executive I have been compelled to move this amendment. Sir, I consider that ample and sufficient notice is absolute necessity where field firing and artillery practice are about to take place. We know that in the past many incidents . . . .

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member wish to withdraw his amendment? If that is so, it is not necessary to make a speech.

Mr. Abdul Qaiyum: No, Sir, I am pressing my amendment. In the case of field firing and artillery practice, it is a well known fact that in spite of all the precautions, sometimes the troops have been the victims of carelessly thrown bombs or of stray shots. It is absolutely necessary that, where peasants or the civil population is concerned, that they should be given ample notice. I hope the Honourable the Defence Secretary will see the force and the necessity of having an amendment of this nature, and I trust he will accept it. Sir, I move.

Mr. C. M. G. Ogilvie: I must admit that I am still of the same mind as I was when the amendment on the manœuvres portion of the Bill was under discussion. But I learn from my Honourable friend that if I swallow this pill I shall be rewarded with a withdrawal of amendments Nos. 25 and 26. On that condition I am prepared to give way.

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

"That in sub-clause (4) of clause 9 of the Bill, for the words 'the manner' occurring in the fourth line, the following be substituted :

'some newspaper circulating in and in the language commonly understood in that area and by beat of drum and by affixation in all prominent places of copies of the said notice in the language of the locality and in such other manner as may be'."

The motion was adopted.

Mr. Abdul Qaiyum: Sir, I beg to move:

"That to sub-clause (4) of clause 9 of the Bill, the following further proviso be added :

'Provided that the fact of the said beat of drum and affixation shall be verified in writing by one headman and two other literate inhabitants of the locality and provided further that such notice by the beat of drum shall be given seven and two days before the commencement of such field firing and artillery practice'."

It has very often happened even in the case of Court notices or summonses which are usually sent to parties to suits who come from rural areas that the bailiffs and other gentlemen who have to effect service simply write fictitious endorsements that service has been effected, and it is to make it absolutely sure that notice by beat of drum has been given that a verification by the head man and two other literate inhabitants of the locality is desired. It is also absolutely necessary that this notice should be repeated at least seven and two days before the field firing and artillery practice commence. I consider that this amendment is very necesary to safeguard the lives and limbs of all those people who reside in close proximity to the scene of the firing. Sir, I move.

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

"That to sub-clause (*4*) of clause 9 of the Bill, the following further proviso be added :

'Provided that the fact of the said beat of drum and affixation shall be verified in writing by one headman and two other literate inhabitants of the locality and provided further that such notice by the beat of drum shall be given seven and two days before the commencement of such field firing and artillery practice'."

Mr. C. M. G. Ogilvie: Sir, subject to the same considerations as I expressed in dealing with the last amendment, I also accept this one subject, with your permission and that of the Honourable the Mover, to one slight alteration. The amendment states "that such notice by the beat of drum shall be given seven and two days before the commencement of such field firing and artillery practice". I suggest that it should read, ". . . . shall be given seven and two days, as nearly as may be, before the commencement of such field firing and artillery practice".

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

"That to sub-clause (*4*) of clause 9 of the Bill, the following further proviso be added :

'Provided that the fact of the said beat of drum and affixation shall be verified in writing by one headman and two other literate inhabitants of the locality and provided further that such notice by the beat of drum shall be given seven and two days, as nearly as may be, before the commencement of such field firing and artillery practice'."

The motion was adopted.

Clause 9, as amended, was added to the Bill.

Mr. Mohan Lal Saksena: I beg to move:

"That to sub-clause (*1*) of clause 10 of the Bill, the following further proviso be added ;

'Provided further that in the case of a dwelling house occupied by women adequate warning shall be given through a local inhabitant and entry shall be effected after such warning in the presence of two respectable inhabitants of the locality'."

I need not say much on this amendment and I hope that the Honourable Member will accept it.

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

"That to sub-clause (*1*) of clause 10 of the Bill, the following further proviso be added :

'Provided further that in the case of a dwelling house occupied by women adequate warning shall be given through a local inhabitant and entry shall be effected after such warning in the presence of two respectable inhabitants of the locality'."

Mr. C. M. G. Ogilvie: I feel that this too should be subject to the rules to be prepared by the Provincial Government, especially as the removal of people is done by order of the Collector who is a servant of the Provincial Government, but as so much has come in, I suppose this may also come in, and I therefore accept it. (Laughter.)

Sardar Sant Singh (West Punjab: Sikh): I submit that the wording of this amendment will lead us to a good deal of confusion. It says, "Provided further . . . adequate warning shall be given through a local inhabitant . . ." What is meant by "through a local inhabitant"?

Mr. Abdul Qaiyum: It means that the information of the warning that field firing or artillery practice in that locality is to take place is to be conveyed through a local resident, and if and when the troops effect entry into the house they must be accompanied by two other local inhabitants so that there may be no complaint.

Mr. M. S. Aney: Does it mean three men?

Mr. Abdul Qaiyum: When they enter the house there must be two persons present. It should not be a case of troops rushing into a house occupied by women; there should be some one present there.

Sardar Sant Singh: May I ask the Honourable the Law Member to explain it?

The Honourable Sir Nripendra Sircar: I understand that my Honourable friend, Sardar Sant Singh, says that this is meaningless. I do not agree with him; that is all I can say. (Laughter.)

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

"That to sub-clause (*1*) of clause 10 of the Bill, the following further proviso be added:

'Provided further that in the case of a dwelling house occupied by women adequate warning shall be given through a local inhabitant and entry shall be effected after such warning in the presence of two respectable inhabitants of the locality'."

The motion was adopted.

Mr. K. Santhanam: I move:

"That in sub-clause (*2*) of clause 10 of the Bill, the words 'or there is danger to life or health' be added at the end."

This is really an amendment to help the Government because we give greater powers to the Officer Commanding who is empowered to "remove from such danger zone all persons and domestic animals during the times when the discharge of lethal missiles is taking place". This amendment extends this power to the period when there is danger to life or health because in these days of gas warfare the danger to life or health may continue long after the discharge of lethal missiles and, therefore, we are giving extended power. I leave it to the Government to accept it or not.

Mr. C. M. G. Ogilvie: I accept it.

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

"That in sub-clause (2) of clause 10 of the Bill, the words 'or there is danger to life or health' be added at the end."

The motion was adopted.

Clause 10, as amended, was added to the Bill.

Clause 11 was added to the Bill.

Mr. Mohan Lal Saksena: May I, with your permission, move amendment No. 24 in the name of Mr. Pande. At an earlier stage, a similar amendment has been accepted. The fine has been reduced from 15 to 10.

4 P.M.

Mr. President (The Honourable Sir Abdur Rahim): You cannot do it.

Mr. Mohan Lal Saksena: I want you to suspend the Standing Order. It can be done. I think the Government will not object.

Mr. President (The Honourable Sir Abdur Rahim): You must first give notice in writing and then I will see whether there is objection or not. If the House has no objection, then I will consider the question of waiving the Standing Order.

The Honourable Sir Nripendra Sircar: This will not be controversial and as you have power to dispense with notice and as Mr. Ogilvie will not object, you may allow this to be moved.

(After Mr. Mohan Lal Saksena gave notice in writting.)

Mr. President (The Honourable Sir Abdur Rahim): Is there any objection to Mr. Saksena moving the amendment that stands in the name of Mr. Pande?

(No objection was taken.)

I waive the Standing Order and allow this to be moved.

Mr. Mohan Lal Saksena: Sir, I move:

"That in clause 12 of the Bill, for the word 'fifteen' occurring in the last line the word 'ten' be substituted."

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

"That in clause 12 of the Bill, for the word 'fifteen' occurring in the last line the word 'ten' be substituted."

Mr. C. M. G. Ogilvie: I accept the amendment.

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

"That in clause 12 of the Bill, for the word 'fifteen' occurring in the last line the word 'ten' be substituted."

The motion was adopted.

Clause 12, as amended, was added to the Bill.

Clause 13 was added to the Bill.

Mr. G. H. Spence (Secretary, Legislative Department): Sir, I move:

"That in sub-clause (*1*) of clause 1 of the Bill for the figures '1937' the figures '1938' be substituted."

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

"That in sub-clause (*1*) of clause 1 of the Bill for the figures '1937' the figures '1938' be substituted."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. C. M. G. Ogilvie: Sir, I move that the Bill, as amended, be passed.

Mr. Sri Prakasa: Sir, it is not very often that I have an opportunity or the occasion to thank the Government for any good work done.

The Honourable Sir Nripendra Sircar: Not too late to begin. (Laughter).

Mr. Sri Prakasa: But in this particular case, I thank the Government as a whole and particularly the Defence Secretary for having helped in putting a piece of useful legislation on the Statute-book. I must also not forget to thank my respected friend, the Honourable the Law Member, for having come to our rescue at a crucial moment this afternoon. By his legal subtlety, he was able to win over even the armaments of the Defence Secretary. The Defence Secretary is to be congratulated on having, according to the best tradition of the army, got his eye for an eye and a tooth for a tooth. He had yielded to two of our minor amendments in order to snatch away from us two of our major ones. In this connection, I will express my disappointment that the last two amendments were not acceptable to him or to the Government. The Honourable the Law Member has already helped us to taste flesh by accepting an amendment of this nature to his Insurance Bill; and we naturally thought that we might now get these rule-making powers of Government scrutinised by the Legislature in almost every Act.

The Honourable Sir Nripendra Sircar: We have become vegetarians now!

Mr. Sri Prakasa: But according to the old Persian proverb: *Gurba kushtan barozi awwal*, "the cat must be killed on the first night", the Government decided that before we proceed much further they should show that they do not want this precedent to be followed in all cases. I was particularly anxious to get the rule-making power of the Provincial Governments scrutinised by their respective Legislatures because of the rather dangerous message which the Defence Secretary read out this morning, emanating from my friend, the Honourable Dr. Katju, the Minister for Justice in the United Provinces. That only made me feel that Government is Government; and a Minister is a Minister, whether he is a Congressman or not. Dr. Katju in that message says that the rule-making power is a privilege of the executive and that the Legislature at best can only pass a censure on the action of the executive if they should not like its action. That is exactly why we were anxious that the rules made under this Act should be laid on the table of the Houses of the Legislature so that Members may have a chance to have their say.

I agree with the Defence Secretary that much latitude must be left to the local authorities because there are differences in conditions in various places and, therefore, there are different laws but sometimes some authorities are exceedingly indiscreet and even tyrannical. For instance, in my Province at the present moment the Government gives no compensation for the evacuation of cattle, but in the Province of Delhi I find that they do give some compensation. Here they give four annas for every bullock, two annas for every cow and six pies for even a goat. Even the little ones are not forgotten; for every child of a buffalo, its owner gets one anna. But in my Province this is not done. Therefore, I was anxious that the members of the Legislature who would be directly in touch with the conditions of the localities they represent might have occasion to give their opinions on the rules that Government might make; and we can only hope that the rules that Government will make will be reasonable. I am particularly glad personally that I have had something to do with this Bill because military manœuvres are very common in the great district of Jhansi which I happen to represent in this House and there were many scandals which I had occasion to relate to this House over and over again. Only this morning I received a letter from one of my friends in Jhansi saying that he hoped that I have not forgotten the Military Manœuvres Bill and that we would be able to do what they all expected us to do. I am glad that I shall be able to write to him this evening saying that a proper Bill has been placed on the Statute-book and that the residents of Jhansi need have no further fear of any injustice or tyranny.

Sir, with these words I welcome this measure and I hope it will be worked in the spirit in which it has been enacted. I am really grateful to the Honourable the Defence Secretary for having been so accommodating and I am sure that if he had not been momentarily misled by the Chief Whip of his Government, he would have agreed to our proposals without creating a temporary hitch in the Chamber this afternoon. But, Sir, let it be made clear that I for one—and I hope I am voicing the feelings of many Members in this House—am not quite convinced that these manœuvres and these military preparations are as necessary as the Defence Secretary seems to be convinced that they are.

I think, Sir, that the army is a necessary evil; so I am anxious that its activities should be limited and that the damages that arise to the civil population from its operations should be minimised. I am at one with Bernard Shaw when he says that army rehearsals are absolutely useless because first of all they are in preparation of a day that may never come; and then even when that day does come the events that take place are very different from the rehearsals. We have in our province rehearsals of Hindu-Muslim riots. The police have some fun on the public streets; but when an actual riot takes place, things are very different. No one carries on his operations in front of police stations and high roads where the rehearsals take place. Stabbing goes on in the narrow streets and blind alleys in the interior; and so is the case also when an actual war breaks out. But I can understand that soldiers when they are there, must, like the jinn in the story, be busily employed lest they create worse mischief. (Laughter.) Therefore, Sir, finding that there was no way out of these difficulties, we felt that we might just as well have this on the Statute-book as an improvement on the present 'lawless' condition. Let not the Defence Secretary however forget one thing. Merely putting

[Mr. Sri Prakasa.]

a good law on the Statute-book does not solve all the problems. The law has to be properly worked and the men in charge must be the proper sort of persons. I am, therefore, particularly pleased that the Defence Secretary more than once in the course of these debates has assured us that he is going to write to the Provincial Governments to tell them what he wishes them to do both as regards the rates of compensation and as regards the procedure that is to be followed in giving compensation. I hope that he will give liberal directions to the Provincial Governments from his own knowledge of things and that the Provincial Governments will follow what he says and will even go one step further. They should no doubt remember that the Provincial Governments now have not to pay; that they are to get payments from others; and one can always be more generous at other people's expense. (Laughter.) Sir, so far, the Provincial Governments and the Central Government were not very much differentiated in the eye of the Tahsildar who was in charge of the localities for the payment of these dues. To him all government was one; and as the very name signifies, a Tahsildar makes the tahsil, that is, he takes money. He never gave money; and so as a faithful servant of Government he is anxious not to make the Government pay more than is absolutely necessary. Sir, you will have met in your own experience many of these faithful servants of Government of the lower ranks, who think that though a thousand rupees or so per month is not too much for themselves, two pice is much too much for the poor man who carries the official's heavy luggage on his head. But now that the Government of India differs from the Governments of the Provinces, and as the Government of India are going to foot all the bills, the Provincial Governments may be asked to lay down the schedule of compensation on a liberal scale. I hope they will do so; and so far as my own Province is concerned, I am sure I am going to use the little influence that I possess with that Cabinet, despite what the Honourable Mr. Katju has said . . . .

Sardar Sant Singh: Ask him to read "New Despotism".

Mr. Sri Prakasa: . . . . to get proper compensation for my people, and especially my constituents of Jhansi so that if possible they may send me up again! Sir, I must also thank all my colleagues on the Select Committee because for the first time I have learnt that law-making is not such a simple process as I thought it would be. Even the putting of a small Bill like this on the Statute-book has required many months of hard work and the staving off of many difficult human situations. I am glad to have had this experience and happy that all is over. I am thankful for the results. Sir, I express my gratitude once more to all concerned.

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

"That the Bill, as amended, be passed."

The motion was adopted.

THE DESTRUCTIVE INSECTS AND PESTS (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 Destructive Insects and Pests Act, 1914, for certain purposes, be taken into consideration.";

but inasmuch as prolixity is a pestilential quality, I would like to tell Honourable Members of the House in advance that I propose to be very brief in my prefatory and explanatory remarks.

The existing Act is defective in two respects. In the first place, it covers the regulation only of the import of insects and pests into this country. If any occasion arose to prohibit or regulate the transportation of a diseased plant or fruit from one province to another, then action could not be taken to that end under the existing Act. The first purpose of the amending Bill is to remedy that defect. The second defect of the existing law is that its restrictive power is limited only to that kind of insect, fungus or pest which is or may be destructive to crops by reason of being infectious. Now, modern science has told us or brought to our notice that it is not only infectious insects that may cause damage to crops. There may be insects and pests which are beneficial for certain purposes but which in certain manifestations of their activities may do damage to crops, and their import and transport from one province to another has also to be regulated in the interests of the cultivator and the horticulturist. Those are the main defects of the existing law and the amending Bill is designed to remedy those defects.

Honourable friends will observe that we have put in a clause [clause 4 (B) as it will be, if the Bill is passed] for the purpose of empowering the station master to refuse consignments of insects of pests or of infected fruit or plant, as the case may be, in accordance with the Notification which may be issued under section 4 (A). This is an implementing provision and it is necessary for us in order to make any regulation that may be notified under section 4 (A) effective. That is all I need say at this stage.

Sir, I move.

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

"That the Bill further to amend the Destructive Insects and Pests Act, 1914, for certain purposes, be taken into consideration."

Mr. K. Santhanam (Tanjore *cum* Trichinopoly; Non-Muhammadan Rural): Sir, I rise to a point of order. Under Standing Orders No. 45 and 46 two clear days notice must be given of any motion of amendments.

Mr. President (The Honourable Sir Abdur Rahim): There is no amendment now before the House.

Mr. K. Santhanam: We have had no opportunity to give notice of amendments and that is exactly the point of order which I am now making. Before this motion can be moved, we must have an opportunity to move that the Bill might be referred to a Select Committee or that it may be circulated or we may give notice of other amendments. Now, we have been denied this opportunity. No notice of this Bill was given to us till last Sunday and so we could not give any valid notice of such motions. Therefore, it is practically depriving the House of all its privileges by introducing Bills on the first and second day without giving previous notice. If previous notice had been given, we would have sent notices of amendments from our places. As it is, we did not get any such notice and, therefore, I submit that this motion is not in order and that the House and the Members should be given due time to table down the motions which they are entitled to move in connection with this Bill.

Mr. President (The Honourable Sir Abdur Rahim): I understand that the agenda containing this Bill was issued as far back as the 26th of January.

Mr. K. Santhanam: We did not receive it.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): I got the agenda only yesterday.

Mr. K. Santhanam: We got the agenda only on the 31st of January. We were all travelling from Madras and other places to Delhi and there is no use posting the agenda on the 26th of January.

Mr. President (The Honourable Sir Abdur Rahim): What I can do under the circumstances is that if any notice of amendment is given, I shall be prepared to waive the time-limit of 2 days. I suppose the Bill will go on till tomorrow. Notice of amendments may be given now. In future, Bills should be sent to the addresses of the Honourable Members as early as possible.

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): In that case the Bill may be taken up tomorrow.

Mr. President (The Honourable Sir Abdur Rahim): Let the consideration of the Bill go on in the meantime.

Mr. M. S. Aney (Berar: Non-Muhammadan): May I ask what is the notice which you will be pleased to admit? Would a notice for circulation or for public opinion be admitted after the motion for consideration is admitted by the House?

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): Sir, last time when this Bill was introduced, I tried to have a talk with the Honourable Member in charge of this Bill and ascertain from him whether the Provincial Governments had agreed to this or not. I do not remember now exactly what his answer was on that occasion. Anyhow, I had expected that this time, since so much time had elapsed, Government would have come forward with the views of various Provincial Governments in regard to this Bill. We have no such information now before us. The Honourable Member in charge of the Bill has also not produced any information. It is true it is a short Bill and the Statement of Objects and Reasons wants us to believe that it is really an essential Bill and an innocuous one and therefore we should pass it straightaway. But I am rather surprised at the manner in which the Honourable Member, who is really well known for his good manners and *bonhomie* temperament, should not have taken any opportunity of taking any of us on this side into his confidence and letting us know what his attitude has come to be in regard to the amendments of which I had given notice last time and which he was really prepared to accept at that time. It only shows, as my Honourable friend, Mr. Asaf Ali, says, that since he has to deal with pests, he must somehow or other deal with them in a pest-like fashion. It may be because we are at the beginning of the Session and he is assured of some sort of strength on his side that he has not tried to show any conciliatory attitude and tried to meet us more than half way. We were then given to understand that this Bill was urgently needed and ought to

be passed without any delay because there was a great urgency for trying to prevent the spread of those dangerous and destructive insects and pests in this country. Yet nearly four months have elapsed and I do not know what has happened in those four months,—whether any dangerous insects and pests had come to spread from one province to another and whether any damage has come to be experienced by the peasants in these different provinces or come to be felt by the Directors of Agriculture in various provinces. We are not given any information whatsoever. That only shows that this Bill is not so urgently needed as we were told it was. At the same time, I do admit that a Bill like this is needed and we are quite prepared to co-operate with Government in trying to get this Bill passed as soon as possible.

But we would like to know what the attitude of the Government is in regard to some of the amendments that I had then given notice of and in regard to the amendments that I propose to give notice of now. At the same time we are also anxious to gain as much time as possible to understand the real implications of the various provisions of this Bill. It is only for that purpose that at an earlier stage I gave notice of a motion for referring this Bill to a Select Committee. Later on I was advised that I had better try to co-operate with this Government a little more expeditiously and help them to get this Bill passed into law without being referred to a Select Committee. Even then, I want to know whether it is right that a heavy fine of Rs. 500 should be sought to be imposed upon any peasant who out of ignorance may come to export some bush or plant or trade in anything which might in the opinion of the expert—I do not know what you call this expert, a botanist or otherwise—be considered dangerous. How is any ordinary peasant to know which particular plant is prohibited from being exported from one province to another. We may be told that he should look up the local official Gazette. But how many peasants do really get an opportunity or how many are really able to look into the official Gazette and ascertain which particular plant is prohibited. How are they to know what particular plant is infested with what insect or by what pest. It is very very difficult to expect these people to know all these. To try to penalise them by imposing a fine of Rs. 500 merely because by an accident they happen to have exported such and such a plant whose export has been prohibited is really very unreasonable. Therefore I suggest that Government should take us into their confidence and give us more information and also show more conciliatory spirit and try to meet us more than half way and thus enable us to help our ignorant peasants to get out of the mischief of this Bill.

Then I come to another point. On a subsequent conviction a peasant is liable to imprisonment which may extend to three months or with fine which may extend to Rs. 2,000. Sir, most of our peasants who are interested in raising these small plants or bushes which may be exported from one province to another for the sake of gardening purposes are very poor. Of course, they are ignorant. If by any chance, almost by accident, a peasant comes to be convicted once and he comes to be fined as much as Rs. 500 and if later on, on another occasion, he is again caught hold of and is convicted, he is liable to be put in jail for three months or he is even liable to a fine up to Rs. 2,000. Is it not unfair to pass a second sentence of Rs. 2,000 or three months imprisonment? Yet it is just the proposal that we are asked to accept. I consider this proposal to be an unreasonable one and I hope that the Government will try

[Prof. N. G. Ranga.]

to agree to some compromise by which we can do away with this imprisonment completely and reduce the fine proposed.

Then again a lot of discretion is being given to the Central Government in making rules for prescribing the documents which shall accompany any article or insect the export and transport whereof is subject to conditions imposed under section 4-A. What sort of documents they are going to be, we are not told. Everything depends upon the kind of document that is going to be prescribed. Why? There may be any number of conditions imposed upon him. An ordinary peasant who either raises these plants or who deals in the marketing of these plants is naturally expected to go through these rules and then deal in these plants. As is well known ignorance of law is no excuse. Therefore, whether a peasant is able to ascertain what all rules are prescribed by Government in regard to this particular certificate to be issued or other documents to be prescribed by Government or not, he is to be expected to know all these and, therefore, later on he is to be penalised for having contravened any of the terms of these rules that may be prescribed by the Central Government. Especially in a thing like this where such a heavy fine is sought to be imposed almost indiscriminately, it is urgently necessary that such rules and documents which may be prescribed by the Central Government ought to be placed on the table of the House, and this House should be given an opportunity of scrutinising these rules as soon as may be and of satisfying themselves that there is nothing not innocuous in such rules, a knowledge of which is likely to be disseminated as freely as possible not only through the local official Gazettes but also through the local newspapers. Therefore, Sir, I want the Government to be a little more communicative and take us into their confidence and give us as much information as possible in regard to these points that I have raised and also the other points that may be considered to be important and thus help us in understanding their motives as well as their objectives in trying to move this Bill and also give us an indication as to how far they are prepared to co-operate with us in lessening these fines that are prescribed here and in making some of these clauses as innocuous as possible.

Mr. K. Santhanam: Sir, I do not rise to oppose either the principle of the Bill or the actual provisions, but I wish to make a few remarks regarding the procedure adopted in regard to this Bill. It is no doubt true that this Bill comes in item 30 of the Concurrent Legislative List. At the same time it is also a matter concerning item 20 in the Provincial Legislative List—protection against pests and prevention of plant diseases. Being a common item in the Provincial Legislative List and in the Concurrent Legislative List and also being a matter in which the Provincial Governments are primarily interested, we should expect the Central Government to assure us whether they have consulted the Provincial Governments and also give us the benefit of their views.

In the Statement of Objects and Reasons it is not stated that this Bill has been approved of by the Provincial Governments or that the Provincial Governments were even consulted in the matter. I suggest that it is not a fair way of dealing with matters of this kind. In such matters the parties primarily interested are the Provincial Governments and before such a legislation is brought before this Legislature we ought to be assured that the Provincial Governments were consulted and the Central Government have got full permission to introduce this Bill.

Then again, I wish Government had moved for a small select committee to go into this Bill, and for this reason. Take for instance the proposed section 4C which seems to be a reciprocity in insects. I do not see why, the Central Government should not prevent the importation of insects into that State whether that State has prohibited it or not. In fact, if the Central Government is convinced that insects are being carried it ought to prevent its entry into that State or anywhere else. Such things ought to have been looked into by a select committee. And even at this stage I would suggest that if a small committee sits and scrutinises the clauses it will facilitate the passage of the Bill. Otherwise we would have to table a lot of amendments on each clause and much time of the House will be taken up. On these two matters I am afraid Government have not adopted the proper procedure.

Mr. J. Ramsay Scott (United Provinces: European): Sir, I should like to ask a couple of questions on this Bill. The first is that power, from the Statement of Objects and Reasons, is needed to deal with the San José scale fruit pest, but the powers will be available to deal with other pests, and I presume that there will be a notification by Government on each occasion it is intended to use it. The second is whether it is intended to use it with regard to the moth borer in sugarcane. The damage done by this pest to sugarcane is in the neighbourhood of 2 crores of rupees per annum. The use of the powers in this Bill would have to be considered carefully for factories in one province often get their cane from an adjoining province. I would urge that this moth borer pest be taken up at once as it reduces the yield of cane per acre and the income of the ryot who plants sugarcane.

Sir Girja Shankar Bajpai: Sir, my Honourable friend, Professor Ranga, who is very chary of complimenting anybody on this side of the House at all referred to my good manners. I hope, Sir, that I have, in this particular case, not lapsed from the good manners which, I think, make gentlemen whether on this side or on that side of the House. Really I do not know in what respect any discourtesy has been shown by us to Honourable Members opposite. My Honourable friend has been a Member of this House sufficiently long to know that amendments of which he gives notice in one Session expire as a result of prorogation. I had no notice of a single amendment before me until two hours ago, when some were passed up to me by the Clerk of the House. In the circumstances I cannot really be accused of any discourtesy in the matter of not having told my Honourable friend what my attitude towards non-existent amendments would be.

Then, Sir, he made great play with the alleged lack of candour or communicativeness on the part of Government as regards the attitude of Provincial Governments in respect of this measure. I can reassure both my Honourable friend and Mr. Santhanam by saying at once that our idea to undertake this legislation was communicated to each Local Government, that the Local Governments blessed the principle of this measure, that they made certain suggestions of detail which relate more to the rules that may be made hereafter than to the substance of the provisions of the Bill, and that the Bill therefore is not merely a thing which the Government of India have evolved in their autocratic fashion independently, but it is

[Sir Girja Shankar Bajpai.]

something which the Local Governments have been consulted upon and which embodies in its provisions the result of that consultation.

Now, Sir, my Honourable friend, Professor Ranga, said something about penalties. You, Sir, have ruled that you do not propose to enforce the Standing Orders in this particular case, and that amendments which have already been received or which may be received will be allowed and considered on their merits. That being so, I shall be prepared to consider the question of penalties if any proposal as regards individual penalties is made. I do not know that it is possible for me to say anything more at this stage.

Then, Sir, Mr. Santhanam from Madras said something about the necessity of having to table a number of amendments. Well, quite frankly, he seemed to me to exaggerate the complexity of this particular measure. It really is quite a simple measure. In so far as the substantive provision is concerned, it does no more than give to the Governor General in Council power to make rules for the purpose of regulating the movement of certain insects or pests or infected articles. It does not do anything more than that; and it is really impossible, when you are dealing with an agricultural country of the size of India, and a country where so many varieties of crops are grown, to attempt to incorporate in the body of the law itself the conditions which shall apply. The conditions that apply to sugarcane will not automatically apply to custard apple, or the conditions that apply to oranges will not apply to blackberries. It is, therefore, impossible and it is not really fair to the fruit grower or the agriculturist himself that we should go into details of that kind in the body of the Bill.

Then I think my Honourable friend had something to say with regard to section 4C in clause 5 of the Bill. If my Honourable friend will read section 4A he will find this:

"The Central Government may by notification in the Official Gazette, prohibit or regulate, subject to such conditions as the Central Government may impose, the export from a province or the transport from one province to another province in British India of any article or class of articles likely to cause infection to any crop or of insects generally or any class of insects."

The point being that, in so far as the power of prohibition is concerned, that power is absolute. There is nothing really to prevent the Governor General from prohibiting the export from any part of British India to any Indian State whatsoever of anything which is deceased or infected. There is no lacuna or defect there. In so far as import into British India from any State of insects or pests or an infected article is concerned, power to prohibit that already exists under Act 2 of 1914. So I do not think that the proposed section 4C is really defective in any way. I do not know that there is any other point raised by the two Honourable Members opposite that I need deal with.

I have to say one word or two in answer to the two questions asked by my Honourable friend, Mr. Ramsay Scott. In so far as his point as regards notification is concerned, I think I have already indicated that it is impossible to cover all commodities or all crops by way of one notification. The intention is that with regard to a particular pest or a particular crop there will have to be a separate notification. Then,

as regards the San José disease; we are not limiting ourselves to prohibiting or restricting or regulating the movement of a thing which is infected only with the San José disease. The law will really be extended as and when occasion requires, to other diseases as well. As regards sugarcane I am not aware that it is the intention of the framers of the Bill or our advisers to apply the restrictions contemplated here automatically to the transport of infected sugarcane. But my Honourable friend's suggestion is one which I shall put to our expert advisers when the time arrives for that. That, Sir, is all that I need say.

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

"That the Bill further to amend the Destructive Insects and Pests Act, 1914, for certain purposes, be taken into consideration."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I should like to know in this connection whether Government intend to bring on the Bill tomorrow, because sufficient time should be given for notice of amendments to be given. I do not know whether there are any serious amendments in contemplation.

Mr. N. V. Gadgil: I have given notice of some.

Mr. President (The Honourable Sir Abdur Rahim): Will it suit the convenience of the House as a whole if the Bill is taken up tomorrow?

Honourable Members: Yes: we are agreeable.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 2nd February, 1938.

LEGISLATIVE ASSEMBLY

Wednesday, 2nd February, 1938.

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

MEMBER SWORN.

Mr. Rangiah Subra Mani, M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(*a*) ORAL ANSWERS.

CONTRIBUTION OF THE BRITISH GOVERNMENT TOWARDS THE MECHANISATION OF THE INDIAN ARMY.

†79. ***Mr. Akhil Chandra Datta:** (a) Will the Defence Secretary state the amount required for mechanisation of the Indian Army?

(b) Is the Defence Secretary aware that the grant of £600,000 from the British Exchequer to the Government of India towards the mechanisation programme is inadequate?

(c) Will the Defence Secretary state whether the Indian Government propose to move the British Government to make a more equitable contribution towards the mechanisation of the Indian Army?

Mr. C. M. G. Ogilvie: (a), (b) and (c). The Honourable Member is referred to my speech of the 31st January, 1938, on Mr. Avinashilingam Chettiar's adjournment motion.

LOANS ADVANCED TO INDIAN STATES.

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

(a) the amount of money advanced to the States by the Government of India;

(b) whether interest on that loan is realised by the Government of India every year; if so, what the amount of interest is;

(c) whether these loans were advanced for productive purposes;

(d) if not, for what other purposes;

(e) whether, besides there being a general charge on revenues, there is any charge on any productive undertakings; and

(f) what States owe how much?

The Honourable Sir James Grigg: (a) The total amount outstanding on the 31st of March, 1937, was Rs. 13,24,29,165.

(b) to (f). A statement is laid on the table.

† Answer to this question laid on the table, the questioner being absent.

STATEMENT.

Name of State.	Amount of loan.	Year in which loan was granted or consolidated.	Purpose.	Terms.		
				Rate of interest.	Annual instalment.	Specific security other than the general revenues of the State.
	Rs.				Rs.	
1. Phaltan . .	3,00,000	1928	Rehabilitation of State finances.	6%	30,000 *plus* interest.	Payments due to the State under Abkari leases.
2. Tripura . .	9,00,000	1933	Rehabilitation of State finances.	6%	92,666	
3. Alwar . . .	25,00,000	1933	Rehabilitation of State finances.	4½%	2,44,000	
4. Tonk . . .	1,50,000	1934	Construction of a bridge on an important road passing through the State.	4½%	15,000	Annual payment of Rs. 20,000 due to the State in respect of salt.
5. Bahawalpur . .	32,03,200	1934	Payment of debts in the account current.	4½%	3,03,414-12-9	Amount payable to the State under the agreement relating to the division of the revenue derived from the Sutlej Valley Project.

6. Bahawalpur . .	12,41,95,900	1935	State's share of expenditure on the Sutlej Valley Project.	Principal and interest are to be repaid in 50 years by instalments rising from 15 lakhs in 1935-36 to 55 lakhs in 1944-45 and subsequent years.		Revenue of the State's portion of the Sutlej Valley Project.
7. Dhrangadhra .	55,00,000	1935	Rehabilitation of State finances.	4%	3,52,000 (approximately).	Net earnings of the State Railway and State ginning and pressing factories.
8. Dir . . .	2,00,000	1935	Assistance in administration of States whose stability is an important element in North-West Frontier Policy.	Free of interest.	10,000	Subsidy of Rs. 50,000 payable to the Nawab of Dir.
9. Chitral . .	1,00,000	1936		,,	10,000	Subsidy of Rs. 57,000 payable to H. H. the Mehtar of Chitral.
10. Cochin . . .	15,00,000	1937	Cochin Harbour Works .	3¼%	Repayable in equated instalments in 50 years.	Revenues of the Cochin ports.

Seth Govind Das: Is it a fact that most of these loans have been advanced to States for the private trips of Their Highnesses to European countries?

The Honourable Sir James Grigg: Of the 13¼ and odd crores outstanding roughly 12½ crores refers to Bahawalpur State on account of the Sutlej Valley Irrigation Project which seems to me to give a clear disproof of what the Honourable Member just said.

Seth Govind Das: And the remaining amount?

The Honourable Sir James Grigg: The Honourable Member can see that from the Statement.

Mr. Badri Dutt Pande: Which is the State that owes the largest amount to the Government?

The Honourable Sir James Grigg: I have just said that out of the 13¼ and odd crores outstanding, 12½ crores refers to Bahawalpur State. This amount was advanced, I think, at the instance of the Government of India in order that they might take part in the Sutlej Valley Irrigation project.

Mr. Badri Dutt Pande: Is that loan secured?

The Honourable Sir James Grigg: Yes, on the revenues of the Sutlej Valley project.

Mr. Lalchand Navalrai: Does the State pay any interest on it?

The Honourable Sir James Grigg: Yes, it pays the interest as well as the instalments duly, in fact it has made certain advance payments. The Honourable Member had better look at the details given in the statement and then ask a question. There are consolidated instalments fixed and those have been duly paid, and certain advance payments have been made in addition.

Mr. Lalchand Navalrai: May I know from the Honourable Member if Khairpur State has been given any loan, and, if so, how much?

The Honourable Sir James Grigg: I must have notice of that,—does the Honourable Member ask if there is any loan given to Khairpur State?

Mr. Lalchand Navalrai: Yes.

The Honourable Sir James Grigg: To the best of my belief, no; it does not appear in the list.

Seth Govind Das: Are these loans to be paid in yearly instalments?

The Honourable Sir James Grigg: The Honourable Member had better look at the Statement; in most cases certainly.

Seth Govind Das: What are the conditions imposed for default?

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member should read the Statement first.

Seth Govind Das: I am asking if there is any default, then whether the whole loan would have to be repaid together?

The Honourable Sir James Grigg: The Honourable Member had better look at the statement before he puts any other question.

Mr. T. S. Avinashilingam Chettiar: Is there any State which is not paying interest regularly?

The Honourable Sir James Grigg: I must have notice.

Mr. T. S. Avinashilingam Chettiar: May I know, Sir, whether, besides a general charge on the revenues, there is any productive undertaking behind these loans?

The Honourable Sir James Grigg: The Honourable Member had better look at the Statement first and then put down further questions if necessary.

PRECAUTIONS AGAINST AIR RAIDS AND GAS ATTACKS.

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

(a) whether precautions against air-raids and the use of gas are being taken in all western countries;

(b) whether any such precautions are being taken in this country; and

(c) if so, what those precautions are?

The Honourable Sir Henry Craik: (a) Government do not possess complete information on the subject.

(b) and (c). The question of what precautions are necessary in this country is being examined.

Mr. Lalchand Navalrai: May I know whether the Government are aware if any such defence precautions are going to be taken at Karachi?

The Honourable Sir Henry Craik: Yes, I understand they are.

Mr. Lalchand Navalrai: May I know what they will be?

The Honourable Sir Henry Craik: I am not in a position to give details.

Mr. M. Ananthasayanam Ayyangar: Is it a fact that the Secretary to the Home Department of the Government of Bengal has issued instructions to the general public that they should undergo gas mask drill to provide themselves against air attacks or air raids?

The Honourable Sir Henry Craik: I am not in a position to answer questions regarding the discharge of its functions by the Local Government.

Mr. T. S. Avinashilingam Chettiar: May I know when Government expect to finish their investigations in this matter?

The Honourable Sir Henry Craik: A committee has been sitting, and I understand its report has just been completed.

Mr. M. Asaf Ali: Am I to understand, Sir, that all these experiments at Karachi, Bombay and Calcutta about precautions against air raids are being carried out without any instructions from the Central Government?

The Honourable Sir Henry Craik: Those experiments, as far as I know,—and I depend entirely on the press for what I know,—are being carried out by the Local Governments in consultation with the local military authorities.

Mr. M. Asaf Ali: May I remind the Honourable Member that about this time last year I put a question about these very precautions against air raids, and I remember it was then stated that the contingency was far too remote, and, therefore, the Central Government were not then prepared to consider it. May I know if now the contingency is so near as to persuade the Government of India to carry out these experiments?

Mr. President (The Honourable Sir Abdur Rahim): He answered that question. He said that a committee was sitting and a report was being issued.

Mr. M. Ananthasayanam Ayyangar: May I know, Sir, if the cost is met by the provincial revenues or by the central revenues?

The Honourable Sir Henry Craik: Do you mean the cost of the experiments that have been carried out in Bombay and Karachi?

Mr. M. Ananthasayanam Ayyangar: Yes.

The Honourable Sir Henry Craik: I cannot answer that off hand.

CONTRIBUTION OF THE BRITISH GOVERNMENT TOWARDS THE MECHANISATION OF THE INDIAN ARMY.

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

(a) whether the recent contribution of His Majesty's Government towards the mechanisation of the Indian Army has been given with any conditions imposed on the Government of India as to the utilisation of the amount;

(b) if so, what are the conditions; and

(c) whether contribution was asked for by the Government of India subject to these conditions, or whether the conditions were imposed by the British Government?

Mr. C. M. G. Ogilvie: (a), (b) and (c). I refer the Honourable Member to my speech on his adjournment motion of the 31st January, 1938.

Mr. T. S. Avinashilingam Chettiar: May I know the answer to part (c) of the question, which was not given?

Mr. C. M. G. Ogilvie: Yes, it was given.

Mr. T. S. Avinashilingam Chettiar: May I know whether the Government asked for a contribution from His Majesty's Government for mechanising the British portion of the Indian army specifically?

Mr. C. M. G. Ogilvie: You will find all that from my speech.

Mr. Lalchand Navalrai: May I know from the Honourable Member if there are any military shops, or concerns, in India which manufacture these machines or everything will have to be imported from abroad?

Mr. President (The Honourable Sir Abdur Rahim): All that was discussed on the 31st. There was an adjournment motion which was discussed for two hours, and this matter was discussed very fully.

Mr. T. S. Avinashilingam Chettiar: My point is whether the Government of India asked for a contribution from His Majesty's Government . . . .

Mr. President (The Honourable Sir Abdur Rahim): I have already said it was discussed the other day.

Mr. T. S. Avinashilingam Chettiar: Sir, you must first hear me. You have not heard what I am going to say.

Mr. President (The Honourable Sir Abdur Rahim): I am not going to hear any Member after I have given my ruling.

Mr. T. S. Avinashilingam Chettiar: This clause was not answered.

Mr. President (The Honourable Sir Abdur Rahim): I think that was answered.

Mr. T. S. Avinashilingam Chettiar: It was not answered, Sir

Mr. C. M. G. Ogilvie: It was answered.

Mr. President (The Honourable Sir Abdur Rahim): Was it answered?

Mr. C. M. G. Ogilvie: Yes, it was answered.

Mr. President (The Honourable Sir Abdur Rahim): It has been answered already.

Mr. Manu Subedar: With your permission, Sir, yesterday . . . .

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

Mr. Manu Subedar: It is a new point, Sir . . . .

Mr. President (The Honourable Sir Abdur Rahim): You cannot bring in any new point now. It ought to have been brought out then. Next question.

CONTRIBUTION OF THE BRITISH GOVERNMENT TOWARDS THE MECHANISATION OF THE INDIAN ARMY.

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

(a) what exactly is the promise of contribution by the British Government towards the cost of the Indian Army;

(b) how they propose to spend it; and

(c) whether only the British section of the Indian Army is proposed to be mechanised; if so, why?

Mr. C. M. G. Ogilvie: (a), (b) and (c). I refer the Honourable Member to my speech of the 31st January, 1938, on his adjournment motion.

SYSTEM OF DELIVERY OF SALT AT WARCHA AND KALABAGH.

84. *Mr. Sham Lal: (a) Will the Honourable the Finance Member be pleased to state whether, according to the present system of delivery of salt at Warcha and Kalabagh, the indentor has to apply to the Salt Department on prescribed form issued by the Salt Department, and whether each form for one wagon costs eight annas?

(b) Is it a fact that about one hundred wagons from Warcha and 44 wagons from Kalabagh are cleared out every month, but that about 12,000 to 14,000 wagons are indented every month and thus a good deal of money is wasted on these forms and ultimately the price of these wasted indents falls upon the poor consumers?

(c) Are Government aware that this system has led to the rise of price of salt to the extent of about two annas per maund?

(d) What are the grounds for imposing this additional burden on the poor consumer?

(e) Are Government prepared to reconsider their decision and abolish the system of charging eight annas on the indent form?

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

(b) The number of wagons cleared is as stated by the Honourable Member. Monthly average of the number of wagons indented for since the levy of the fee is about 4,700 at Warcha and 2,500 at Kalabagh.

(c) No.

(d) Does not arise.

(e) As at present advised Government are not prepared to reconsider their decision but will give careful consideration to any constructive proposal other than a proposal to revert to the old system.

Mr. Sham Lal: Is this system called a lottery system? Is this prevalent in Sambhar or Khewra?

Mr. A. H. Lloyd: This does not prevail in Sambhar or Khewra.

Mr. Sham Lal: Is it a fact that formerly the price of the salt was Rs. 1-4-0 and now it is Rs. 2 a maund?

Mr. A. H. Lloyd: I must ask for notice of that question. It is rather detailed.

Mr. Lalchand Navalrai: May I know from the Honourable Member if this eight annas charge per wagon is to be reduced by the Government or not? If not, why?

Mr. A. H. Lloyd: I must refer the Honourable Member to the answer that I have already given to part (e) of the question.

Mr. M. Ananthasayanam Ayyangar: Why is this practice prevailing here while it is not prevalent elsewhere?

Mr. A. H. Lloyd: For the reason that the sources of supply at Kalabagh and Warcha are very small sources which cannot cope with a large demand. Khewra and Sambhar, on the other hand, are large sources, and, ordinarily speaking, there is no great difficulty in coping with the demand.

Mr. Lalchand Navalrai: Can the Honourable Member give me an idea of how much is being collected by this fee of eight annas?

Mr. A. H. Lloyd: I must ask for notice of that question.

SYSTEM OF RUNNING GOVERNMENT TREASURIES BY GOVERNMENT TREASURERS.

85. *__Mr. Sham Lal:__ Will the Honourable the Finance Member be pleased to state:

(a) whether it is a fact that allowances are being paid out of public exchequer to Government Treasuries (including interests on their securities and the salaries of their cashiers) for running Government Treasuries and Sub-Treasuries in various parts of India;

(b) if so, whether the experiment of having Cashiers on suitable securities under the direct supervision of Treasury Officers and dispensing with the services of Government Treasurers has ever been tried in connection with any Treasury in any part of India;

(c) if so, what the result has been; and

(d) if not, whether Government propose to take any steps in this direction in these days of financial depression?

The Honourable Sir James Grigg: I am unable to supply the information desired by the Honourable Member, since treasuries and sub-treasuries in the Provinces are now under the control of the Provincial Governments.

RUPEE COINS WITHDRAWN FROM CIRCULATION.

86. *__Mr. Sham Lal:__ Will the Honourable the Finance Member be pleased to state:

(a) which rupee coins have been ordered to be withdrawn from circulation and when;

(b) the number of such rupee coins already withdrawn in different provinces respectively through different Government treasuries and sub-treasuries since the announcement by Government;

(c) whether it has ever been ascertained from Collectors or Deputy Commissioners if some Cashiers employed by some Government Treasurers have sometimes been found issuing back these very coins to the public from Government Treasuries and sub-treasuries; and

(d) if not, whether Government propose to take any such action to have counterfeit rupee coin scare removed amongst the public?

The Honourable Sir James Grigg: (a) I would invite a reference to the press communiqué issued by the Controller of the Currency on the 15th of July, 1937.

(b) The information is not available.

(c) and (d). The Government of India have no information regarding the re-issuing of Victoria rupees. Such rupees are, however, still legal tender, and it is open to Treasury Officers to re-issue them in cases where the stock of King's head rupees is insufficient to meet the demand. The enquiry suggested by the Honourable Member would, therefore, serve no useful purpose.

Mr. Lalchand Navalrai: Do Government propose to abolish the circulation of those rupees which are not being accepted in the market?

The Honourable Sir James Grigg: There are two questions there, one of which seems to me not to follow from the other but if the Honourable Member likes, I will read out the press communiqué:

"In accordance with a recent decision Victoria rupees are not ordinarily re-issued from treasuries or from banks which transact Government business, and these rupees are thus being gradually replaced by coins of more recent mintage."

Mr. Lalchand Navalrai: Does the Honourable Member know that these Victoria rupees and other rupees are not being accepted when tendered, on flimsy grounds?

The Honourable Sir James Grigg: That is a different story, it relates to counterfeiting. That is a matter for police measures to stop counterfeiting.

Mr. K. Santhanam: May I know if the Honourable Member is aware that every rupee coin in Delhi is suspect?

The Honourable Sir James Grigg: That is a question of counterfeiting, but anyhow, I do not accept that statement.

Mr. M. Ananthasayanam Ayyangar: Are the Government aware that in Delhi Victoria rupees are not taken in the bazar?

The Honourable Sir James Grigg: I have just answered that question, and, anyhow, it is a repetition of the main question.

Mr. M. Ananthasayanam Ayyangar: Will Government issue a press communiqué to the effect that so long as these rupees are in the hands of the public they are current coin?

The Honourable Sir James Grigg: I will read out the rest of the communiqué:

"It is understood that in some districts this decision has led to a belief that Victoria rupees are no longer legal tender. This belief is entirely erroneous. Victoria rupees are exchangeable at their full face-value and there is no intention of altering the existing position in this respect."

FAILURE TO NOTE DOWN RAILWAY TICKET NUMBERS BY OFFICIALS CLAIMING TRAVELLING ALLOWANCES.

87. ***Mr. Sham Lal:** Will the Honourable the Finance Member be pleased to state:

(a) whether it is a fact that Government officials claiming travelling allowances for journeys performed in public interest do not note down railway ticket numbers by which they have had their journeys for the satisfaction of their controlling officers, and write down merely their own certificates under their very signature about the class by which they have travelled;

(b) if so, whether it is a fact that some of them defraud railways of their rightful share of income; and

(c) if so, whether any action is intended to be taken in the matter?

The Honourable Sir James Grigg: (a) Yes.

(b) No such case has been brought to notice.

(c) No.

PERIOD FOR DETENTION OF PERSONS TRANSPORTED FOR LIFE.

88. ***Mr. Lalchand Navalrai:** (a) Will the Honourable the Home Member be pleased to state what period of confinement, maximum and minimum, is counted for those who are transported for life?

(b) Is there any circular or order of Government that the period would ordinarily be 14 years?

(c) Are there any conditions under which the period of 14 years may be prolonged?

(d) Do Government propose to make a uniform system and fix the maximum period beyond which under no circumstances such prisoners be detained? If not, why not?

The Honourable Sir Henry Craik: (a) to (c). A sentence of transportation for life is a life sentence and, unless commuted, is in force until the convict dies. Instructions were issued in 1905, directing that the cases of all prisoners sentenced to more than 14 years (including those sentenced to transportation for life) should be reviewed after they had undergone 14 years' imprisonment including remisisons earned, with a view to remitting the remainder of the sentence under section 401, Criminal Procedure Code, in suitable cases. These instructions are still in force in Chief Commissioners' Provinces. The Government of India have no definite information as to the practice now followed in Governors' Provinces.

(d) The Government of India have now no power to dictate to the Governors' Provinces in a matter of this sort.

Mr. Lalchand Navalrai: Are these instructions applicable to the political prisoners also, or only to the ordinary criminals?

The Honourable Sir Henry Craik: They are applicable to all prisoners convicted by the criminal Courts.

Mr. Lalchand Navalrai: I do not think the Honourable Member is sure of it. My question is whether those prisoners who are being transported for life are now being also sent to the Andamans as formerly?

The Honourable Sir Henry Craik: That is an altogether different question.

Mr. Lalchand Navalrai: The point is that prisoners who had to undergo life sentences used to be sent formerly to the Andamans.

The Honourable Sir Henry Craik: No, not all of them.

Mr. Lalchand Navalrai: Formerly it was I know, but since then, may I know whether they are at present being sent to the Andamans or they are going to have their imprisonment undergone here in India?

The Honourable Sir Henry Craik: No prisoner is sent to the Andamans unless he volunteers to go there.

CONTINUATION OF "TENURE SYSTEM" AS RECOMMENDED BY THE WHEELER COMMITTEE.

89. ***Mr. K. Santhanam:** Will the Honourable the Home Member be pleased to state:

(a) whether they have ascertained the views of the Provincial Governments regarding the continuation of the "tenure system" as recommended by the Wheeler Committee report; and

(b) if the answer to part (a) be in the affirmative, whether Government will be pleased to lay copies of the opinions on the table?

The Honourable Sir Henry Craik: (a) Yes.

(b) I am unable to lay the papers on the table, as the views of Local Governments have been ascertained informally and by personal discussions.

Mr. N. M. Joshi: May I ask whether the Government of India will be pleased to supply copies of the Wheeler Report to the Members of the Legislature in view of the importance of the question?

The Honourable Sir Henry Craik: I understand that copies have been supplied.

Some Honourable Members: No, no.

The Honourable Sir Henry Craik: It is in the Library any way.

Mr. N. M. Joshi: My question was, whether Government would supply copies to individual Members?

The Honourable Sir Henry Craik: I will consider that, if I find that we have sufficient copies.

Mr. K. Santhanam: With reference to the answer to part (b) of the question, I have not heard whether the answer to part (a) is in the affirmative. Have the Provincial Governments approved of the tenure system?

The Honourable Sir Henry Craik: Yes, they did.

STOPPAGE OF THE EXODUS OF CERTAIN ATTACHED OFFICES TO SIMLA.

90. *__Mr. K. Santhanam:__ Will the Honourable the Home Member be pleased to state:

(a) whether it has been decided to stop the exodus of certain attached offices to Simla;

(b) if the answer to part (a) be in the affirmative, the names of such offices;

(c) the saving of expenditure by such stoppage: and

(d) whether a similar stoppage in other sections of the Secretariat is under consideration?

The Honourable Sir Henry Craik: (a), (b) and (d). I would refer the Honourable Member to the Press Communiqué, dated the 19th January, 1938, a copy of which has been placed in the Library of the House.

(c) The necessary information is being collected and will be laid on the table of the House.

Mr. N. M. Joshi: When it is said that the exodus of certain attached offices to Simla is stopped, may I ask whether the going of the clerks to Simla is stopped or the going of officers also is stopped?

The Honourable Sir Henry Craik: That is stated in the press communiqué. It means some officers and most of the clerks.

Mr. M. Asaf Ali: With reference to the answer to part (a), if I remember aright, there was no mention made of the Army Headquarters. Will the Army Headquarters also be located in Delhi and not in Simla? That will mean a lot of saving.

The Honourable Sir Henry Craik: I must have notice of that question.

Mr. M. Ananthasayanam Ayyangar: May I know on what principle certain offices are kept here and others are allowed to go to Simla?

The Honourable Sir Henry Craik: Public convenience.

Mr. M. Asaf Ali: Not economy!

CONSTITUTION AND POWERS OF THE STANDING FINANCE COMMITTEE OF THE CENTRAL LEGISLATIVE ASSEMBLY.

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

(a) whether he has come to any decision as to the future constitution and powers of the Standing Finance Committee of the Assembly; and

(b) if so, what is the decision arrived at?

The Honourable Sir James Grigg: (a) and (b). I hope to be in a position to table a suitable Resolution in the matter during the present Session.

Mr. Lalchand Navalrai: May I know why the Standing Finance Committee was not re-constituted this year?

The Honourable Sir James Grigg: I put down a Resolution on the question in two previous Sessions of the Assembly. It was clear that the Resolutions would not be readily acceptable to the House, and in one instance I was urged to consider the possible formation of a Committee on different lines. In the next Session, I put down a Resolution, but as consideration of certain suggested alternative forms had not been concluded, I suggested that a Resolution might be passed without discussion setting up the Committee in its old form. But from enquiries it was found that that was not readily acceptable, and so the Resolution was postponed.

Mr. T. S. Avinashilingam Chettiar: May I know whether the Honourable Member has not made up his mind in the matter?

The Honourable Sir James Grigg: I have certain proposals in my own mind, which I contemplate discussing informally with various Members of the Assembly who are interested in the constitution and functions of the Standing Finance Committee but there will be a little delay, for the Honourable Member is aware that the Member most interested in these questions is unfortunately away from the House through illness.

Mr. T. S. Avinashilingam Chettiar: In the absence of the Standing Finance Committee this year, may I know whether the Honourable Member proposes to have any *interim* committee to go into the supplementary demands.

The Honourable Sir James Grigg: I put down Resolution on that subject on two different occasions, but they were unacceptable.

FOOD SERVED TO INDIAN CADETS IN THE ROYAL MILITARY ACADEMY AT DEHRA DUN.

92. *Mr. Badri Dutt Pande: (a) Will the Defence Secretary be pleased to state whether it is a fact that in the Royal Military Academy in Dehra Dun, Indian Cadets are compelled to take nothing except English food?

(b) Are Indian dishes tabooed? If so, why?

Mr. C. M. G. Ogilvie: (a) and (b). The reply in each case is in the negative.

Mr. Sri Prakasa: What is the exact meaning of English food? Is it the manner of taking the food or the matter thereof?

Mr. Badri Dutt Pande: Is it a fact that Indian dishes are not allowed?

Mr. C. M. G. Ogilvie: I have already said that Indian dishes are allowed.

Mr. Lalchand Navalrai: Are there separate kitchens for the English, the Hindus and the Muhammadans?

Mr. C. M. G. Ogilvie: I do not know what the kitchen arrangements are.

Mr. Badri Dutt Pande: Has the Honourable Member seen the mess arrangements there?

Mr. C. M. G. Ogilvie: I had lunch myself with the cadets of the Indian Military Academy, and for the information of the Honourable Member I can say that the main features of the meal were two dishes of curry, one of meat and one of vegetable and both were excellent.

NOTICE SERVED ON CERTAIN CONGRESSMEN OF DELHI UNDER THE CRIMINAL LAW AMENDMENT ACT.

98. ***Mr. Badri Dutt Pande:** Will the Honourable the Home Member please state whether he is aware:

(a) that five prominent Congressmen of Delhi, *viz.*, 1. B. Brij Kishen Chandiwalla, 2. Srimati Satyawati Devi, 3. Swami Saroopanand, 4. Sjt. Krishna Nair and 5. Pandit Satrughan, were touring in November in and around the Delhi villages to study famine conditions due to failure of rains in the rural areas and also to consult the villagers regarding the Army Manœuvres Bill;

(b) that a *kisan* conference was arranged at Delhi on the 24th November, 1937, and it was decided that a deputation of the above mentioned gentlemen was to wait on the Chief Commissioner to acquaint him with the conditions prevailing in the rural areas when suddenly on the 19th November a notice was served on these gentlemen under Criminal Law Amendment Act not to participate in any meeting, procession or political agitation; and

(c) for what reasons and by whom the notices were sent to these public workers?

The Honourable Sir Henry Craik: (a) It is a fact that the persons named were touring in the rural area of the Delhi Province last November. Their object was apparently to incite the local cultivators not to pay land revenue, and I understand that in some villages they also endeavoured to stimulate agitation against the conduct of military operations in the rural area.

(b) A meeting of cultivators was advertised for the 24th November, 1937, the declared intention being to conduct a "peasants' march" on the Chief Commissioner's house. Orders under the Punjab Criminal Law

(Amendment) Act were served on the five persons concerned on various dates from the 19th to 24th November last.

(c) The orders were issued by the Chief Commissioner of Delhi on the ground that the activities of the five persons concerned were prejudicial to the public peace.

Mr. M. Asaf Ali: With reference to (a) I wonder if the Honourable Member is aware of the fact that a large number of complaints were made against certain activities of persons who participated in the manœuvres and these complaints were sent on to the Army Secretary?

The Honourable Sir Henry Craik: I am not aware of that.

Mr. M. Asaf Ali: Considering the fact that these complaints are being investigated now in the Army Department, does the Honourable Member suggest that the action taken by the Chief Commissioner was justified?

The Honourable Sir Henry Craik: The agitation against the conduct of military operations was, I understand, only a subsidiary activity of these persons. Their main object was, as I have said, to incite the local cultivators not to pay land revenue.

Mr. M. Asaf Ali: Is the Honourable Member aware that there has been failure of crops in irrigated areas, and that the sugar-cane crop has completely failed this year, and the cultivators are unable to pay land revenue. Does the Honourable Member think it justifiable . . . . .

Mr. President (The Honourable Sir Abdur Rahim): That is a matter of argument. That question cannot be discussed now.

Mr. M. Asaf Ali: With respect to (c) . . .

(At this stage other Honourable Members on the Congress Benches rose to put supplementary questions.)

Mr. President (The Honourable Sir Abdur Rahim): I find that three or four Honourable Members stand up at the same time on these Benches (referring to Congress Benches) to put supplementary questions. Unless members of the Party arrive at some sort of understanding among themselves, it is impossible to regulate the proceedings.

Mr. Badri Dutt Pande: This is a very important question.

Mr. President (The Honourable Sir Abdur Rahim): That may be, but if a number of Honourable Members stand up at the same time to put supplementary questions, the Chair will be compelled to apply the Standing Orders strictly and only those persons who catch the eye of the Chair will be allowed to put supplementary questions. That is what the Chair will be compelled to do, unless Honourable Members observe some sort of order themselves.

Mr. M. Asaf Ali: I submit very respectfully that the complaint you have made may be true in certain cases, but it is not the general practice as far as this part of the House is concerned.

Mr. President (The Honourable Sir Abdur Rahim): I have noticed it on several occasions. The Honourable Member might put any further questions, in case he wants to.

Mr. M. Asaf Ali: With reference to (c), is the Honourable Member aware that the order served on these persons was of a very general nature and it actually said that these persons were not to participate in any meeting, procession or agitation? Is that a justifiable step on the part of . . . .

Mr. President (The Honourable Sir Abdur Rahim): That is a matter of opinion.

Mr. M. Asaf Ali: I am not asking for the Government's opinion at all.

Mr. President (The Honourable Sir Abdur Rahim): You said "Is it justifiable or not". That is a matter of opinion.

Mr. M. Asaf Ali: I am withdrawing it. Are the Government aware that an order of this general nature was passed by the Chief Commissioner?

The Honourable Sir Henry Craik: I have not got a copy of the order here, but I am quite prepared to accept it from the Honourable Member that the order prohibited the persons from taking part in any procession or meeting for certain periods.

CONTRIBUTION OF THE BRITISH GOVERNMENT TOWARDS THE MECHANISATION OF THE INDIAN ARMY.

94. ***Mr. K. Santhanam** (on behalf of Mr. George Joseph): Will the Defence Secretary be pleased to state:

(a) whether His Majesty's Government in Great Britain has recently made a grant of about £600,000 to the Government of India for assisting in the process of mechanisation of the army in India;

(b) whether the grant has been made as a result of representations by the Government of India for financial assistance, or whether the initiative in the matter was taken by His Majesty's Government; and

(c) whether the acceptance of the grant has in any degree fettered or qualified the discretion of the Government of India in determining their policy in the Defence Department?

Mr. C. G. Ogilvie: (a), (b) and (c). I refer the Honourable Member to my speech of 31st January, 1938, on Mr. Avinashilingam Chettiar's adjournment motion.

Mr. Manu Subedar: Was it a condition . . . .

Mr. President (The Honourable Sir Abdur Rahim): This matter has been already discussed.

Maulana Zafar Ali Khan: What is the total amount of money which the Government of India . . . .

Mr. President (The Honourable Sir Abdur Rahim): The whole matter was gone into very fully on the adjournment motion.

CONSUMPTION OF ALCOHOLIC LIQUORS BY THE PERSONNEL OF THE ARMY IN INDIA.

95. *Mr. K. Santhanam (on behalf of Mr. George Joseph): Will the Defence Secretary be pleased to state:

(a) whether in the rations supplied to the army in India, alcoholic liquors form a part and, if so, what was the cost of such alcoholic liquors during the last year, for which accounts were completely available;

(b) if he is aware that the sale and consumption of alcoholic liquors and intoxicating drugs are being prohibited in certain provinces in India, and what is the policy of the Government of India in regard to the consumption of such liquors by the personnel of the army in India; and

(c) whether the Defence Department are prepared to enforce prohibition in the army, and if not, why not?

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

(b) The policy of the Government of India is opposed to the imposition of prohibition on the Defence Services and is unaffected by the fact that some Provinces have introduced prohibition in certain areas.

(c) No, because it would give rise to discontent, and would have no compensating advantage.

Mr. Abdul Qaiyum: Will Government consider the desirability of introducing prohibition as far as the Indian part of the Army in India is concerned?

Mr. C. M. G. Ogilvie: Government make no distinction between the British and Indian portions of the Army.

Mr. Abdul Qaiyum: Why not follow mechanisation in this respect?

Seth Govind Das: The Honourable Member just said that the Government are not prepared to make a distinction between Indian and British soldiers in this respect. Is it then the general policy of the Government not to make any distinction in this respect?

Mr. President (The Honourable Sir Abdur Rahim): That is not a proper question.

LEGISLATION TO REMOVE CONFLICT BETWEEN CANON LAW AND THE LAW OF EVIDENCE *RE* AURICULAR CONFESSIONS.

96. *Mr. K. Santhanam (on behalf of Mr. George Joseph): Will the Honourable the Home Member be pleased to state:

(a) whether he is aware under the Canon Law of the Roman Catholic Church and other sects among Christians a priest hearing auricular confessions is prohibited under grave penalties from divulging what he hears at such confessions;

(b) whether under British Indian Law which is mainly adopted from the Common Law a priest hearing confessions may be compelled to divulge on oath what he hears at confession; and

(c) whether in view of the great conflict of duty imposed on such a priest the Government of India propose to introduce legislation to amend the Indian Evidence Act with a view to solving the conflict?

The Honourable Sir Henry Craik: (a) Government understand that this is the case.

(b) As Government read the law, the answer is in the affirmative.

(c) No.

Mr. Sri Prakasa: Is it a fact that in these confessions many unmentionable things are confessed (Laughter)?

The Honourable Sir Henry Craik: I have never attended a confession.

IMPOSITION OF PROHIBITION ON LIQUORS AND INTOXICATING DRUGS IN THE CENTRALLY ADMINISTERED AREAS.

97. ***Mr. K. Santhanam** (on behalf of Mr. George Joseph): Will the Honourable the Finance Member be pleased to state whether he is aware of the actual and proposed introduction of the prohibition of the use and consumption of alcoholic liquors and intoxicating drugs in certain provinces in India and whether the Government of India are prepared to consider the advisability of imposing similar prohibition in the areas for which the Honourable the Finance Member is responsible in such matters, namely, in the Chief Commissioner's provinces.

The Honourable Sir James Grigg: The answer to the first part of the question is in the affirmative; as regards the second part, the Government of India have no such proposal under contemplation.

DRESS OF OFFICIALS OF THE CENTRAL SERVICES SERVING IN THE MADRAS PRESIDENCY.

98. ***Mr. K. Santhanam:** Will the Honourable the Home Member please state:

(a) whether their attention has been drawn to the Press *communiqué* of the Madras Government, dated 17th August, 1937, regarding the dress of Government servants;

(b) whether there are any specific rules governing the dress of Government servants in the provinces belonging to the Central Government services; and

(c) whether they propose to consider the desirability of amending the rules relating to the dress of central services in the Province of Madras in conformity with the instructions of the Madras Government?

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

(b) There are rules prescribing the dress to be worn while on duty by members of certain central services such as the Posts and Telegraphs and the Railways with a view to distinguishing them from the general public: but with regard to other Government servants no particular kind of dress has been prescribed by the Government of India.

(c) Does not arise.

Mr. Lalchand Navalrai: May I know if they are allowed to wear clothes made of *khadi*, *i.e.*, hand-spun cloth, *khaddar*? Is there any prohibition?

The Honourable Sir Henry Craik: Not that I am aware of.

WORKING OF THE RESOLUTION REGARDING COMMUNAL PROPORTION IN THE RECRUITMENT TO SERVICES.

99. ***Sardar Mangal Singh:** Will the Honourable the Home Member please state:

(a) whether Government have examined or propose to examine the working of the Government of India resolution No. F.-14/17-B./33, dated Simla, the 4th July, 1934, regarding the communal proportion in the recruitment to services; and

(b) whether Government have received complaints from any community that its claims have not been fairly dealt with?

The Honourable Sir Henry Craik: (a) The working of the Resolution is being continuously watched. Annual returns have been prescribed in accordance with paragraph 5 of the Resolution and these, when received, are examined in the light of the relevant orders.

(b) Yes, and all such complaints have been considered.

Sardar Sant Singh: May I know if complaints have been received from the Sikh community on the working of this Resolution?

The Honourable Sir Henry Craik: I expect so.

Sardar Sant Singh: May I know how many complaints were received?

The Honourable Sir Henry Craik: I should think a considerable number but I cannot say off-hand.

Sardar Sant Singh: Are Government considering the desirability of reviewing the situation in regard to the proportion to be fixed for the Sikh community both in the Government of India and in the provinces?

The Honourable Sir Henry Craik: As far as I remember, no exact proportion has been fixed for the Sikh community in the services of the Government of India, and the Resolution does not apply—as the Honourable Member should be aware—to services employed by the Provincial Governments.

Maulvi Abdur Rasheed Chaudhury: Have complaints been received from the Muhammadan community also?

The Honourable Sir Henry Craik: Yes.

Mr. President (The Honourable Sir Abdur Rahim): That does not arise out of this question.

Sardar Sant Singh: In view of the fact that the Resolution does not fix any proportion for the Sikhs, as such, in the services of the Government of India, is it not a fact that the Sikhs have not got their due share of the recruitments to new posts after this Resolution was passed?

The Honourable Sir Henry Craik: I do not know what the Honourable Member means by "due share"?

Sardar Sant Singh: Is it not a fact that the share of the Sikhs based on their population, apart from the weightage involved, is not adequate?

The Honourable Sir Henry Craik: I should say that on the population basis the Sikhs have more than their due share, but I am speaking without papers, and I am not absolutely certain. My impression is that on their population basis they have more.

Mr. N. M. Joshi: Do Government intend to publish a report on the working of this Resolution?

The Honourable Sir Henry Craik: I have said that certain annual returns have been prescribed by the Resolution itself and, when ready, they are laid on the table of this House.

Mr. Lalchand Navalrai: Is the Honourable Member aware that there are two kinds of Sikhs—Keshadharis and Sechadharis, those that wear hair and those that do not? May I know if those who are by faith Sikhs are also included in that minority community, or not?

The Honourable Sir Henry Craik: I am aware of the distinction that the Honourable Member has mentioned between Keshadhari and Sechadhari Sikhs, but I am also aware that the only statutory definition of a Sikh takes no account of these distinctions. Anybody is a Sikh under the law who professes the Sikh religion.

Mr. Lalchand Navalrai: I ask whether the Sechadhari is also a Sikh or not under the law. That is the question.

The Honourable Sir Henry Craik: According to the Sikh Gurdwaras Act he is.

Mr. Sri Prakasa: In view of the fact that there is always a tendency to new religions arising in India, will Government issue a final list of religions that are recognized by them (Laughter)?

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

Posts of Customs Preventive Officers reserved for Anglo-Indians at the Karachi Port.

100. ***Sardar Mangal Singh:** Will the Honourable the Finance Member please state:

(a) whether it is a fact that in the recruitment of preventive officers (Customs) 50 per cent. posts are reserved for Anglo-Indians at the Karachi port;

(b) the reason for this unusually large share reserved for Anglo-Indians; and

(c) whether Government are prepared to reconsider the position and make a fair reservation for all communities?

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

(b) This is in accordance with the requirements of sub-section (3) of section 242 of the Government of India Act, 1935, and the provisions of paragraph 9 (3) of the Government of India, Home Department, Resolution No. F. 14/17-13/33 Ests., dated the 4th July, 1934, regarding communal representation in the services.

(c) The Government do not propose to reconsider the decision.

Mr. Lalchand Navalrai: May I know if there is any proportion for the other communities also in the Customs Office there, or it is only for Anglo-Indians?

Mr. A. H. Lloyd: Reservation of what is left, after the Anglo-Indians have had their share, is made in respect of minority communities.

Mr. Lalchand Navalrai: How is it done—what is the ratio?

Mr. A. H. Lloyd: I shall have to ask for notice.

Mr. Lalchand Navalrai: May I know if the recruitment of even that percentage is done by selection or it is all influence?

Mr. A. H. Lloyd: It is done by selection. I do not understand the second part of the question.

Mr. Lalchand Navalrai: May I know who forms this Selection Board?

Mr. A. H. Lloyd: The appointments are made by the Collector of Customs; whether he has a Board to assist him or not is not a question that I can answer off-hand.

Mr. Lalchand Navalrai: Will the Honourable Member make inquiries and find out whether it is only the Collector who does it?

Mr. A. H. Lloyd: If the Honourable Member will put down a question, I will see what the answer is.

Mr. Sri Prakasa: May I know how many persons belonging to the new "religion" of the Congress there are in these services (Laughter)?

MANUFACTURE AND FREE SUPPLY TO THE POOR OF GAS MASKS.

101. ***Sardar Mangal Singh:** Will the Honourable the Home Member please state:

(a) whether Government have considered or are prepared to consider the question of the supply of gas masks free of cost to poorer sections of the people;

(b) whether Government have considered the proposal of the manufacture of gas masks in this country; and

(c) whether Government propose to take special care that there is no profiteering in the manufacture of gas masks?

The Honourable Sir Henry Craik: (a), (b) and (c). I would invite the Honourable Member's attention to the reply given by me, today to Mr. T. S. Avinashilingam Chettiar's starred question No. 81.

Mr. M. Ananthasayanam Ayyangar: May I know whether there is any proposal for the manufacture of gas masks in this country either for the general population, for sale to the general public, or for supply to the soldiers who go to the front?

The Honourable Sir Henry Craik: I have nothing to add to the answer to this question. The question of adequate defence against air raids is under consideration.

Mr. M. Ananthasayanam Ayyangar: Is this matter also under consideration, *viz.*, the question of the manufacture of gas masks in *this* country?

The Honourable Sir Henry Craik: As I have not yet seen the report of the Committee, I cannot say.

REVISED SCHEME FOR THE INDIAN MEDICAL SERVICE.

102. ***Mr. Abdul Qaiyum:** (a) Will the Honourable the Home Member please state whether the Government of India have drawn up a revised scheme for the Indian Medical Service?

(b) If so, what are the main provisions of the new scheme?

(c) Is it a fact that the proportion of Indians to British in the permanent cadre in the revised scheme is much less than it prevails today?

(d) Has the number of Indians in the permanent cadre in the new scheme been further reduced by the provision of 58 Indian officers on the short service commission?

(e) Is it a fact that there will be no such service commission in the case of British officers?

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

(b) I refer the Honourable Member to the Defence Department Resolution No. 205, dated the 25th March, 1937, published in the Gazette of India Extraordinary, on the 25th March, 1937, a copy of which is in the Library of the House.

(c) The proportion of Indians to British under the scheme is approximately 1:2, *i.e.*, 198 Indian officers to 386 British officers. The proportion of Indians to British today is approximately the same.

(d) The permanent cadre under the scheme is 364 officers on the military side. Of these a number not exceeding 220 will be British and the remaining 144 will be Indian, of whom a number not exceeding 58 will hold short service commissions. No one holding a short service commission will be employed on the civil side.

(e) Yes.

Mr. Abdul Qaiyum: May I know if under the new scheme any steps have been taken in the direction of greater Indianisation in this service?

Mr. C. M. G. Ogilvie: I think that the answer to that question will be given on another question shortly to follow which has also been asked by the Honourable Member.

Mr. Abdul Qaiyum: May I know if any proportion was fixed for the Indian element in this service under the old scheme?

Mr. C. M. G. Ogilvie: The proportion of Indians was not, I think, fixed exactly or accurately, but 1:2, as I stated, is the approximate proportion.

Mr. Abdul Qaiyum: May I know if any proportion has been fixed under the revised scheme for Indians?

Mr. C. M. G. Ogilvie: I have said that.

REVISED SCHEME FOR THE INDIAN MEDICAL SERVICE.

103. *Mr. Abdul Qaiyum: (a) Will the Honourable the Home Member please state what will be the proportion of Indians under the revised scheme for the Indian Medical Service and what is their existing proportion?

(b) Has any provision been inserted for the increase in the proportion of Indians under the Revised Scheme? If not, why not?

(c) Do Government contemplate completing Indianisation of the service within the shortest possible period? If not, why not?

Mr. C. M. G. Ogilvie: (a) I refer the Honourable Member to my reply to part (c) of his starred question No. 102.

(b) Yes. I refer the Honourable Member to paragraph B (4) of Part I of the Defence Department Resolution No. 205, dated the 25th March, 1937, published in the Gazette of India Extraordinary, on the 25th March, 1937, a copy of which is in the Library of the House.

(c) The policy of Government is laid down in the Defence Department Resolution referred to above, and at preesnt they do not intend to depart from it.

Mr. Abdul Qaiyum: May I ask if there has been any improvement under the revised scheme so far as Indians are concerned?

Mr. C. M. G. Ogilvie: It is difficult to say what the ultimate effect of the revised scheme will be as it is unlikely to come fully into force in practice for a considerable number of years.

OVERSEAS ALLOWANCE AND RESERVATION OF CERTAIN APPOINTMENTS FOR BRITISHERS IN THE INDIAN MEDICAL SERVICE.

104. *Mr. Abdul Qaiyum: (a) Will the Honourable the Home Member please state what the existing overseas allowance for Britishers in the Indian Medical Service is, and what their allowance will be under the revised scheme?

(b) Does any provision exist for a similar allowance for Indians?

(c) Is it a fact that certain educational and administrative appointments with handsome emoluments have been reserved for the Britishers?

(d) Are any combatants in any section of the Indian or British Army, other than the Indian Medical Service, ever transferred to the civil side as War Reserves?

(e) How many British and Indian members of the Indian Medical Service will be kept as War Reserve Officers in the Civil Section of the Indian Medical Service?

(f) Does any similar practice prevail in any other country? If not, has it not resulted in increasing the British personnel in the Indian Medical Service?

(g) Do Government propose to do away with this system?

Mr. C. M. G. Ogilvie: (a) I refer the Honourable Member to Appendix III to the Defence Department Resolution No. 205, dated the 25th March, 1937, a copy of which is in the Library of the House.

(b) Yes. I refer the Honourable Member to the Resolution mentioned above and to paragraphs 18 (i) (c) and 176 to 176B of Pay and Allowance Regulations for the Army in India, Part I, a copy of which is also in the Library of the House.

(c) Certain educational appointments (those of specialists mentioned in Appendix II to the Resolution of the 25th March, 1937) have been so reserved.

(d) No.

(e) I refer the Honourable Member to Part I-B of the Resolution above mentioned.

(f) The answer to both parts of the question is No.

(g) No.

Mr. Abdul Qaiyum: With reference to parts (a) and (b) of the question, may I know whether the overseas allowance fixed for Indians and British, respectively, is the same or whether there is any discrimination against the Indians?

Mr. C. M. G. Ogilvie: It is the same.

Mr. Abdul Qaiyum: With reference to part (c) of the question, may I ask why is it that Indians are not considered eligible for the reserved posts if they possess the requisite qualifications? Why is it that the Government have reserved them for Europeans?

Mr. C. M. G. Ogilvie: That is a very detailed question which, I think, can hardly be answered in the course of a supplementary question, which, I suggest, should be put to the Secretary of the Department of Education, Health and Lands.

Dr. G. V. Deshmukh: May I ask why these educational appointments have been reserved for the British officers?

Mr. C. M. G. Ogilvie: I have already answered that in my reply to Mr. Abdul Qaiyum's last supplementary question.

Dr. G. V. Deshmukh: Does the Defence Secretary know that Education is a provincial subject?

Mr. C. M. G. Ogilvie: I think the extent of my knowledge on that subject does not arise on this question.

IMPENDING ELECTIONS TO, AND THE CONSTITUTION OF, THE CANTONMENT BOARD, PESHAWAR.

105. *__Mr. Abdul Qaiyum:__ (a) Will the Defence Secretary please state whether the elections for the Cantonment Board, Peshawar, are about to take place?

(b) What is the total number of seats on the Board? Is it a fact that five seats will be filled up by nomination with a view to representing military interest?

(c) What is the total number of voters in each of the wards where seats will be filled up by election? How many of these voters belong to the military?

(d) Why have these military voters been bracketed with the voters of civil areas, and why were they not constituted into separate wards? Do the authorities propose to permit the candidates to distribute leaflets, do personal canvassing and address meetings of military voters? If not, why not?

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

(b) The total number of seats on the Board is nine. Of these four are *ex-officio*—the Officer Commanding, Station, the Executive Engineer, the Health Officer and a Magistrate of the first class nominated by the District Magistrate. One military officer has been nominated, and the remaining four seats are filled by election.

(c) and (d). Government have no information. Elections in Cantonments are regulated by rules framed by Provincial Governments under section 31 of the Cantonments Act, 1924. No general answer can be given to the latter part of the question. Whether or not the activities mentioned would be allowed and the extent to which they would be allowed must depend on the circumstances of each particular case. It can however be stated categorically that in no circumstances would political meetings of any kind, or any distribution of leaflets be permitted in the lines of units.

Mr. Abdul Qaiyum: May I know if it is a fact that in all these elections the military authorities have instructed the voters not to vote for the Congress?

Mr. C. M. G. Ogilvie: I have no information on the subject.

Mr. Abdul Qaiyum: May I know the reason why these candidates will not be allowed to do canvassing in these military areas?

Mr. C. M. G. Ogilvie: I have already answered that question. It is in the discretion of the Officer Commanding the Station. If he considers that the canvassing can be carried on in such a way and will be of such a type as not to affect the discipline and good order or allegiance of the troops, it may be allowed under certain conditions otherwise not.

Mr. Abdul Qaiyum: In view of these restrictions on the candidates in the matter of canvassing would it not have been much better if the military area had been constituted into a separate ward?

Mr. President (The Honourable Sir Abdur Rahim): That is a matter of opinion.

Mr. Abdul Qaiyum: Is it not a fact that the military area and the Bazaar area are absolutely separate areas?

Mr. C. M. G. Ogilvie: I think the Honourable Member has another question on that very subject.

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

IMPENDING ELECTIONS TO, AND THE CONSTITUTION OF, THE CANTONMENT BOARD, PESHAWAR.

106. ***Mr. Abdul Qaiyum:** Will the Defence Secretary please state whether it is a fact that the area occupied by the military voters is quite

apart from the Bazar Civil Area and did Government consider that separate wards could have been carved out from the area inhabited by military voters?

Mr. C. M. G. Ogilvie: Government have no information. The division of the cantonment into wards is a matter which is regulated by rules framed by the Provincial Government under clause (a) of section 31 of the Cantonments Act, 1924.

Mr. Abdul Qaiyum: May I know if any officer has been nominated to the Peshawar Cantonment Board recently?

Mr. C. M. G. Ogilvie: I do not think it arises from this question.

ATTACK ON A SWEETMEAT VENDOR BY SOLDIERS AT SOLAN.

107. ***Mr. Badri Dutt Pande:** (a) Does the Defence Secretary know that on the night of the 30th October, 1937, at about 12 o'clock (*vide Hindustan Times* report, dated the 2nd November 1937) three military soldiers attacked a sweetmeat seller at Solan when he was sitting in his shop and tried to loot him and on the shopkeeper's howling for help, the soldiers injured him and cut his ear?

(b) Were the soldiers punished in any way?

Mr. C. M. G. Ogilvie: (a) A report to this effect appeared in the *Hindustan Times*. It is however incorrect in every material particular.

The actual facts are as follows:

The time of the incident was not midnight, but 9-30 P.M. No assault was made on the sweetmeat seller, but a soldier inadvertently upset some of his sweets. The sweetmeat seller then abused the soldier, who thereupon reported him to a Baghat State policeman standing near by. None of the other shopkeepers in the Bazaar intervened in any way. The incident was subsequently investigated by a Minister of the Baghat State and a Military Officer. They came to the conclusion that the history of the affair was as stated, that the incident was of a trifling character, and that no action need be taken.

(b) No.

Mr. M. S. Aney: May I ask the Honourable Member whether the ear of that man is intact or not?

Mr. C. M. G. Ogilvie: I have not seen his ear. It may be cut or it may not be cut. If it is cut, it was not cut at the time and in the manner stated or by the person alleged.

Mr. M. S. Aney: Does the information which the Honourable Member has got make any reference to the ear at all?

Mr. C. M. G. Ogilvie: As no assault took place upon the man, his ear could not have been cut by the soldier who has been blamed for it.

Mr. M. S. Aney: Does the report in the possession of the Honourable Member make any reference to the man's ear being cut or not?

(No answer.)

Mr. Lalchand Navalrai: May I know if the sweetmeat seller has been compensated for the loss sustained by him on account of the soldier throwing away the sweetmeats?

Mr. C. M. G. Ogilvie: I have no information about it. The fact is not alluded to at all.

Mr. Lalchand Navalrai: In view of the fact that there have been several cases of robberies and misbehaviour by soldiers . . . .

Mr. President (The Honourable Sir Abdur Rahim): That question cannot be allowed. The Honourable Member can put a supplementary question in order only to elucidate an answer that has already been given.

Mr. Lalchand Navalrai: I am asking if any steps have been taken against such attacks being repeated in future.

Mr. President (The Honourable Sir Abdur Rahim): That was not the Honourable Member's question. The question disallowed was not in proper form. The Honourable Member can put his question in proper form.

Mr. Lalchand Navalrai: Will the Honourable Member tell me if any orders have been issued to warn these soldiers not to do any such acts?

Mr. C. M. G. Ogilvie: What acts?

Mr. Lalchand Navalrai: Acts of assault and criminal trespass.

Mr. President (The Honourable Sir Abdur Rahim): That question is not in order. The Honourable the Government Member already said that there had been no assault, and, therefore, he cannot assume that there had been assault.

SEIZURE AND CONFISCATION OF COPIES OF THE "VANISHING EMPIRE" WRITTE BY MR. CHAMAN LAL.

108. ***Mr. Badri Dutt Pande:** (a) Will the Honourable the Home Member be pleased to state if it is a fact that the custom authorities at Bombay seized and confiscated all copies of the *Vanishing Empire* by Mr. Chaman Lal, a journalist, now an officer of the United Provinces Government?

(b) If so, why?

The Honourable Sir Henry Craik: (a) Yes.

(b) The entry of the book into India has been prohibited by a notification under section 19 of the Sea Customs Act.

Mr. Badri Dutt Pande: Has the book been examined by the Government of India?

The Honourable Sir Henry Craik: Yes.

Mr. M. Ananthasayanam Ayyangar: May I ask if any Provincial Government are in favour of allowing the circulation of that book, what procedure has got to be adopted by that Government?

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

Mr. Sri Prakasa: What was the effect produced on the Honourable the Home Member's mind on reading that book?

(No answer.)

MADRASIS TRANSFERRED TO BURMA IN THE POSTAL AUDIT AND CONTROLLER'S DEPARTMENT.

109. *Mr. M. Ananthasayanam Ayyangar: (a) Will the Honourable the Finance Member please state how many Madrasis have been transferred to Burma from Madras or India, on its separation, in the Postal Audit and Controller's Departments?

(b) Are they given any extra allowances or salary?

(c) Is the scale of extras the same as in other departments?

(d) Have Government received representations from the transferred employees complaining of disabilities? If so, what action has been taken by Government thereon? If no action has been taken, why not?

(e) Is it not a fact that a number of employees in the subordinate services so transferred are anxious to come to India? Have any facilities been afforded to them to return to India and provision made for their absorption from time to time as vacancies arise? If not, why not?

The Honourable Sir James Grigg: (a) The number of Madrasis so transferred is being ascertained, and the information will be laid on the table in due course.

(b) Yes.

(c) Substantially so, I believe.

(d) Representations from the Postal Audit staff concerned were received and considered, but as Government had already secured the best possible terms from the Government of Burma for these men, no further action was feasible.

(e) The reply to the first part is in the affirmative, so far as the Postal Audit staff is concerned, but as they are now permanently employed under another Government, the question of the grant of facilities, etc., raised by the Honourable Member does not arise. He will, however, observe from the reply given by me to part (i) of starred question No. 1132 asked by him on the 12th October, 1936, that these men were transferred to Burma at their own request.

UNSTARRED QUESTIONS AND ANSWERS.

REVENUES FROM DUTIES ON PETROL AND MOTOR SPIRITS AND IMPORT DUTY ON MOTOR VEHICLES.

7. **Mr. Brojendra Narayan Chaudhury:** Will the Honourable the Finance Member please state the revenues derived from:

(a) duties on petrol and motor spirits; and

(b) import duty on motor vehicles;

in each year since 1929-30?

Mr. A. H. Lloyd: (a) and (b). A statement is laid on the table showing the revenue derived from the import and excise duties on motor spirit and the import duty on motor vehicles during the years 1929-30 to 1936-37.

Statement showing the net revenue derived from import and excise duties on motor spirit and import duty on motor vehicles during the years 1929-30 to 1936-37.

—	1929-30.	1930-31.	1931-32.	1932-33.	1933-34.	1934-35.	1935-36.	1936-37.
				In thousands of rupees.				
Import duty on motor spirit*	16,35†	32,32†	66,96	28,53	10,06	5,12	7,96	53,20
Excise duty on motor spirit*.	2,78,93	2,63,48	3,42,62	3,80,87	4,26,14	4,74,13	5,11,58	5,37,40
Import duty on motor vehicles	91,55‡	69,62‡	60,79‡	62,37‡	89,62	1,28,96	1,23,88	1,31,50

* The amounts assigned to the road fund out of the net proceeds from the duty on motor spirit during these years were as follows: —

	In thousands of rupees.	
1929-30	97,88	
1930-31	98,03	
1931-32	1,02,01	
1932-33	1,01,77	
1933-34	1,08,52	
1934-35	1,58,88	(including a special grant of Rs. 40 lakhs from the revenue surplus.)
1935-36	1,28,69	
1936-37	1,46,30	

† Gross receipts. Figures showing net receipts are not available.

‡ These figures exclude figures for duty on motor omnibuses and motor lorries etc., which are not available.

MEASURES AGAINST CORRUPTION IN THE SERVICES.

8. **Prof. N. G. Ranga:** Will the Honourable the Home Member be pleased to state:

(a) if he is aware of the constitution of a committee by the United Provinces Government to concert measures for fighting corruption prevailing in the services, and the appointment of a bureau by the Sindh Government for receiving complaints of corruption prevailing in the services;

(b) if he is aware of the complaints made on the floor of the House during every Railway Budget discussion against the prevalence of bribery in the Railways;

(c) if he is aware of the resolutions passed at the conference of salt-manufacturers in 1936 in the Madras Presidency, against corruption in the ranks of the Salt Department; and

(d) if he is prepared to constitute a Committee on the lines of that of the United Provinces Government to study the various means of fighting this canker of corruption, or a bureau like that of the Sindh Government to receive complaints against such corruption as prevails in the Central Services?

The Honourable Sir Henry Craik: (a) I have seen certain statements in the Press.

(b) and (c). I understand that allegations have been made.

(d) Government are not in favour of the methods suggested.

UTILISATION OF THE RURAL DEVELOPMENT GRANTS.

9. **Prof. N. G. Ranga:** Will the Honourable the Finance Member be pleased to state:

(a) the present position of the distribution and expenditure of the Rural Development grants;

(b) how much of it has been spent and on what objects in the different provinces; and

(c) what is the future programme for the utilisation of the outstanding sums?

The Honourable Sir James Grigg: Reports are being obtained from all Provinces and Local Administrations. A consolidated statement will be supplied to Honourable Members as soon as possible.

DEFENCE AGAINST AIR-RAIDS AND POISON-GAS ATTACKS.

10. **Prof. N. G. Ranga:** Will the Defence Secretary be pleased to state:

(a) what steps are being taken to protect Indian ports and other vulnerable towns from possible air-raids and gas-attacks;

(b) the exact nature and extent of air-defences provided for India;

(c) whether any anti-aircraft artillery is being installed for coastal defences and for defences of important towns; and

(d) whether any active steps are being taken to train Indian citizens to protect themselves against air-raids and poison-gas attacks; and, if so, what steps?

Mr. C. M. G. Ogilvie: (a), (b) and (c). I can assure the Honourable Member that the Defence Department is fully alive to the necessity of safeguarding the coastal ports and other vulnerable points against the menance of air attack. Certain measures in that respect have already been taken and others are projected. It would obviously be contrary to the public interest to give specific information as to the degree and nature of the defences in question.

(d) The question of the steps necessary for training the public in passive air defence is being examined.

FACILITIES GIVEN TO MR. AMIR HYDER KHAN, A STATE PRISONER.

11. **Prof. N. G. Ranga:** Will the Honourable the Home Member be pleased to state:

(a) where Mr. Amir Hyder Khan, a state prisoner is located;

(b) how is his health;

(c) when he will be released;

(d) what allowance he is given; and

(e) whether newspapers are allowed to him, and if so, which papers are given to him?

The Honourable Sir Henry Craik: (a) to (e). The Central Government ceased to be responsible for this State Prisoner from the 1st April, 1937, on the introduction of Provincial Autonomy.

ARRANGEMENTS FOR PASSIVE DEFENCE FROM AIR ATTACKS IN DELHI.

12. **Sardar Mangal Singh:** Will the Honourable the Home Member please state whether Government propose to make arrangements for passive defence from air attacks in Delhi as has been done in other big cities?

The Honourable Sir Henry Craik: I would invite the Honourable Member's attention to the reply given by me today to Mr. T. S. Avinashilingam Chettiar's starred question No. 81.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to parts (a) and (b) of starred question No. 189 asked by Mr. K. Santhanam on the 30th August, 1937.

AMENDMENT OF POSTAL INSURANCE RULES.

Orders have been issued to the effect that if a proposer for a Post Office Insurance Policy is able to sign his name, his signature only should be obtained on the form of proposal and that he should not be required to give his thumb-impression. In the case of a porposer who is unable to sign his name, his thumb-impression will continue to be taken.

Information promised in reply to parts (b), (c) and (d) of starred question No. 542 asked by Khan Sahib Nawab Siddique Ali Khan on the 15th September, 1937.

PROMOTIONS TO THE FIRST DIVISION CLERICAL CADRE IN THE POSTAL CIRCLE OFFICE, NAGPUR.

(b) Yes.

(c) The surplus second division clerks not having passed the test prescribed in the new recruitment rules were, at that time, ineligible for promotion to the first division.

(d) Pending a decision regarding a relaxation of the conditions referred to in the reply to part (c) of the question, they could not be allowed to officiate and draw pay in the higher posts. It has since been decided to permit the deserving men in the second division to be promoted and all those who were considered duly qualified and fit have been absorbed in the first division.

THE IMPORT OF DRUGS BILL.

APPOINTMENT OF SIR MUHAMMAD YAMIN KHAN TO THE SELECT COMMITTEE.

Mr. President (The Honourable Sir Abdur Rahim): Legislative Business.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): Sir, I beg to move:

"That Sir Muhammad Yamin Khan be appointed to the Select Committee on the Bill to regulate the import into British India of drugs and medicines in place of the Honourable Sir Muhammad Yakub."

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

"That Sir Muhammad Yamin Khan be appointed to the Select Committee on the Bill to regulate the import into British India of drugs and medicines in place of the Honourable Sir Muhammad Yakub".

The motion was adopted.

THE DESTRUCTIVE INSECTS AND PESTS (AMENDMENT) BILL.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the Bill further to amend the Destructive Insects and Pests Act, 1914, for certain purposes. Clause 2.

Mr. Sami Vencatachelam Chetty (Madras: Indian Commerce): I have given notice of some amendments to this clause this morning. They do not seem to have been circulated to Honourable Members.

Mr. President (The Honourable Sir Abdur Rahim): Then I will take up other clauses.

The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was aded to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): Clause 4.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): There are some amendments to clause 4 also which have not yet been circulated to Honourable Members.

Mr. President (The Honourable Sir Abdur Rahim): Then, I will proceed with clause 5.

Mr. K. Santhanam: Sir, I beg to move:

"That in clause 5 of the Bill, in clause (*a*) of the proposed section 4B for the words 'or allow' occurring in the third line the words 'or knowingly allow' be substituted."

Sir, I think this amendment is self-explanatory, because the Act says 'allows', it may be the case of a man who is an absentee or who is a silent partner with somebody else doing business or who simply allows the thing to be done without knowing that he is a pest,—I submit he should 'knowingly allow' if he is to come under the penalty of the law. I hope this amendment will be accepted.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): I have no objection to this amendment.

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

"That in clause 5 of the Bill, in clause (*a*) of the proposed section 4B for the words 'or allow' occurring in the third line the words 'or knowingly allow' be substituted."

The motion was adopted.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): Sir, I beg to move:

"That to clause 5 of the Bill the following proviso be added:

'Provided that the said notification shall be placed, as soon as may be, on the table of both Chambers of the Central Legislature'."

Sir, I move.

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

12 NOON.

"That to clause 5 of the Bill the following proviso be added:

'Provided that the said notification shall be placed, as soon as may be, on the table of both Chambers of the Central Legislature'."

Sir Girja Shankar Bajpai: Sir, I accept the amendment.

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

"That to clause 5 of the Bill the following proviso be added :

'Provided that the said notification shall be placed, as soon as may be, on the table of both Chambers of the Central Legislature'."

The motion was adopted.

Mr. Sami Vencatachelam Chetty: Sir, I have given notice of another amendment to clause 5 which I beg leave to move. It is in the new list.

Mr. President (The Honourable Sir Abdur Rahim): But how can amendments be moved unless they are circulated?

Sir Girja Shankar Bajpai: Sir, the idea yesterday was that Honourable Members who wished to move amendments would get them circulated in time. I got these amendments at 10 o'clock last night and we are ready to deal with them, but your indulgence with regard to suspending the Standing Order should not, I submit, extend to amendments which have not been circulated.

Mr. President (The Honourable Sir Abdur Rahim): They have been submitted in time in the circumstances.

Sir Girja Shankar Bajpai: In that case the only suggestion that I can make is that you should adjourn the House till 2-30 and in the meantime, these amendments can be typed and circulated.

Mr. President (The Honourable Sir Abdur Rahim): As there are quite a number of amendments it is difficult to get them typed and circulated within this short time, and Honourable Members must have some time to read them. As there is no other business before the House, I adjourn the House till tomorrow.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 3rd February, 1938.

LEGISLATIVE ASSEMBLY.

Thursday, 3rd February, 1938.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

RESERVATION OF MONEY DEPOSITED IN POSTAL SAVINGS BANK IN THE NAME OF MINORS TILL ATTAINMENT OF MAJORITY.

110. ***Mr. Sham Lal:** Will the Honourable Member for Railways and Communications be pleased to state:

(a) whether it is a fact that several parents invest money in the names of their minor children in Postal Savings Bank Accounts;

(b) if so, whether Postal authorities keep some part of this money at current rates of Government interest in the accounts of minors in order to ensure them a start in life at their reaching the age of majority without the whole of these sums being paid to their legal guardians in the event of the death of their own parents; and

(c) if not, whether Government propose to take steps to reserve some money until the minors attain majority?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) and (c). No.

OPENING OF NEW RURAL POST OFFICES IN THE PUNJAB.

111. ***Mr. Sham Lal:** (a) Will the Honourable Member for Railways and Communications be pleased to state what amount of money Government have allotted according to the new scheme for post offices in rural areas, and how much Government have spent during the year 1936-37?

(b) Have some villages in the Punjab contributed money for opening new post offices there?

(c) Have post offices been opened in some villages which have not contributed anything at all?

(d) What is the rule with regard to the contribution of money for these post offices?

(e) In what cases are the villages required to contribute and in what cases they are not to contribute?

(f) Will Government lay on the table a list of the villages in the Punjab where new post offices have been opened specifying the amount that each village has contributed for the post offices?

The Honourable Sir Thomas Stewart: (a) A sum of Rs. 2,50,000 was provided in the Budget Estimates for the year 1936-37 for the extension of postal facilities in rural as well as in urban areas. A sum of Rs. 1,62,000 was actually spent in providing postal facilities in rural areas during that year.

(b) and (c). Yes.

(d) and (e). Post Offices which are expected to earn sufficient revenue to ensure that the loss, if any, incurred in their working in the beginning will not exceed Rs. 240 per annum and which are ultimately expected to pay their way are opened without any contribution from the public. In all other cases, a non-returnable contribution sufficient to cover the whole of the estimated loss in the working of the office for one year is required to be paid in advance by the individual or the particular section of the public who ask for the opening of the office.

(f) A statement containing the desired information for the year 1936-37 is placed on the table of the House.

List of Villages in the Punjab where Post Offices have been opened during the year 1936-37.

Name of Village.	Amount contributed. Rs. A. P.
1. Chak Sher Singh	150 0 0
2. Skhakot	198 0 0
3. Aliabad	20 5 6
4. Chak No. 355 Aminpur	186 0 0
5. Tibba Sultanpur	90 0 0
6. Chak 64/4R Bahadurnagar	114 0 0
7. Petwar	90 0 0
8. Mohugarhwal Doaba	90 0 0
9. Tal	90 0 0
10. Loharka Kalan	137 4 0
11. Chak 27 S. B.	138 0 0
12. Rajewal	138 0 0
13. Hafizabad Chak 124 G. B.	114 0 0
14. Daiwal	174 0 0
15. Chak 130/9L	126 0 0
16. Chhani Teka Chak 72 G. B.	95 10 0
17. Chak 69/12 L. Kamad 3	210 0 0
18. Chak 88/7R Tanda	90 5 0
19. Kangnah	25 9 0
20. Taragarh Kalan Chak 201 R. B.	65 7 0
21. Chak 174 A/9L	42 5 0
22. Dhob Santika	96 0 0
23. Parial	126 0 0
24. Chak 100A/6AR	58 11 0
25. Sirikot	29 4 0
26. Chak 172/9L	57 7 0
27. Dhok Angra	109 9 0
28. Jui	26 1 0
29. Palahi	46 9 0
30. Kot Ganesh Daswala Chak 27/15L	153 7 0
31. Ladaln	57 15 0
32. Gur Fatehpur Chak 19/8BR	91 14 0

List of Villages in the Punjab where Post Offices have been opened during the year 1936-37—contd.

	Name of Village.	Amount contributed. Rs. A. P.
33.	Chak 171/EB	93 6 0
34.	Daulatpur	34 3 0
35.	Tandaura	46 4 0
36.	Ucha	47 0 0
37.	Hiro Sharki	44 4 0
38.	D. A. V. High School Patti	90 0 0
39.	Sutlej Cotton Mills	162 0 0
40.	Shewa	*Nil.*
41.	Gohatti	*Nil.*
42.	Jaggan Nath	*Nil.*
43.	Pundar	*Nil.*
44.	Hasilpur Mandi	*Nil.*
45.	Dagarnari	*Nil.*
46.	Jhok Uttra	*Nil.*
47.	Dhobian	*Nil.*
48.	Sheikh Chuhar	*Nil.*
49.	Shakti Ghat	*Nil.*
50.	Lote	*Nil.*
51.	Sewah	*Nil.*
52.	Mallian	*Nil.*
53.	Chak 4/1 RA	*Nil.*
54.	Chak Sadu	*Nil.*
55.	Mudki	*Nil.*
56.	Painsi	*Nil.*
57.	Maloya	*Nil.*
58.	Nadhkhokhar	*Nil.*
59.	Gangana	*Nil.*
60.	Nau Rohtak Chak 130 G. B.	*Nil.*
61.	Pirkot Sidhana	*Nil.*
62.	Bhanohar	*Nil.*
63.	Nizampur	*Nil.*
64.	Sarchar	*Nil.*
65.	Kot Sayed Mahmud	*Nil.*
66.	Abbuwal	*Nil.*
67.	Mangali	*Nil.*
68.	Va lala Kalan	*Nil.*
69.	Chak Kalal	*Nil.*
70.	Ghot	*Nil.*
71.	Jasawar Kheri	*Nil.*
72.	Mari Buchian	*Nil.*
73.	Fatehpur Afghanan	*Nil.*
74.	Manga	*Nil.*
75.	Khaur	*Nil.*
76.	Barwal	*Nil.*
77.	Chak Ganda Singh	*Nil.*
78.	Samchana	*Nil.*
79.	Mundlana	*Nil.*
80.	Raipur Rasulpur	*Nil.*
81.	Khaisora	*Nil.*
82.	Kurnali	*Nil.*
83.	Chak 6/8AR Kot Sardaran	*Nil.*
84.	Emerson Eye Hospital	*Nil.*

Mr. M. Ananthasayanam Ayyangar: Are the Government aware that while some more village post offices were opened in the Madras Presidency, some postal facilities were withdrawn, *e.g.*, by appointing postal agents instead of postmen to deliver articles and asking villagers themselves to go to the post offices five or six miles away to take parcels, etc.?

The Honourable Sir Thomas Stewart: I am informed that the practice to which the Honourable Member refers was in existence, but our policy now is to replace these extra-departmental deliverers by full time postmen.

Mr. N. M. Joshi: May I ask what is the principle underlying the Government's policy of asking the villagers to make good the loss incurred under post offices?

The Honourable Sir Thomas Stewart: The principle is this, that the Posts and Telegraphs Department is presumed to be a commercial department, and we must as far as possible avoid a loss on its working.

Mr. N. M. Joshi: May I ask why there should be a loss under the Telegraph Department at all, if the Government are following this policy?

The Honourable Sir Thomas Stewart: I think that the Honourable Member will find that the Indian telegraph system is not alone in working at a loss.

Mr. T. S. Avinashilingam Chettiar: What is the minimum business necessary for a rural post office?

The Honourable Sir Thomas Stewart: The amount of business which will enable the post office to work at a profit or at least at no loss.

Mr. N. M. Joshi: May I ask whether it is the policy of Government to ask only the villagers to make good the losses made in the post office, and not make the people in the cities to make good the losses made in the telegraph offices? My point is that the losses are made on the telegraph offices, and if Government had been following the policy of making the people who use their telegraph offices to make good the losses, there would have been no losses at all.

The Honourable Sir Thomas Stewart: I think the Honourable Member is indulging in argument rather than asking me a question.

Mr. N. M. Joshi: May I ask whether Government are aware that the Post Office is a Government monopoly?

The Honourable Sir Thomas Stewart: Yes.

Mr. N. M. Joshi: If that so . . . .

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

Mr. Ram Narayan Singh: May I know whether the Postal Department takes the initiative in opening rural post offices?

The Honourable Sir Thomas Stewart: Yes.

EXAMINATION FOR RECRUITMENT OF POSTAL CLERKS, ETC., IN SIND.

112. ***Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Communications be pleased to state if an examination took place on the 26th September last at various places in Sind for recruitment to the Postal Department in the clerical and other similar services?

(b) Is it a fact that in the press statement of recruitment for the Sind and Baluchistan Circle it was announced that 162 posts had to be filled up, and that a fee of Rs. 10 per candidate had to be charged?

(c) Will the Honourable Member be pleased to state how many candidates applied for being admitted to the examination and how many in fact appeared?

(d) Is it a fact that only 30 were taken up including the departmental candidates instead of 160 as stated in the *Sind Observer* of the 3rd December, 1937? If so, why was only this number employed?

(e) Do Government propose to take up more persons from amongst these who appeared at the examination or hold a supplementary examination for those who have already paid the fees and failed?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) The number of posts announced was 160. The reply to the second part is in the affirmative.

(c) 227 and 154 respectively.

(d) The selection of candidates from among those appearing at the examination is subject to the candidates attaining a qualifying standard. Only 30 candidates reached that standard, but after reduction of the qualifying percentage required for it 17 more qualified. The rest have not qualified and, therefore, cannot be considered for employment.

(e) Government do not propose to employ candidates who failed to qualify at the examination nor to hold a supplementary examination for them. It is open to them to appear again when a fresh examination is held provided they continue to fulfil the prescribed conditions.

Mr. Lalchand Navalrai: Is it the rule that only qualified persons would be allowed to the examination, and, if so, why were they allowed when they were not qualified?

The Honourable Sir Thomas Stewart: If I may explain to the Honourable Member, one of the conditions for admission to the examination is that the candidates should possess a certain standard of education: thereafter they sit at the examination, and they have to pass the examination with a certain minimum percentage of marks before they can be selected for the Department.

Mr. Lalchand Navalrai: May I know why these men who are on the top of the failed men should be charged Rs. 10 again when a supplementary examination is held?

The Honourable Sir Thomas Stewart: As I explained three days ago, we cannot examine candidates for employment unless we charge a fee in order to cover the expenses of the examination.

Mr. Lalchand Navalrai: Will the Honourable Member please consider the question and find out whether Rs. 10 is too much or not?

The Honourable Sir Thomas Stewart: Again three days ago, I admitted that on the information we have at present, Rs. 10 probably is too high, and we shall reduce the fee in future.

Seth Haji Sir Abdoola Haroon: What is the income from these applications?

The Honourable Sir Thomas Stewart: I have not with me complete figures, but the Honourable Member will get some information if he looks up the reply I gave to a similar question in regard to the Madras Presidency three days ago.

PROMOTION OF INDIANS AS STATION SUPERINTENDENTS ON THE NORTH WESTERN RAILWAY.

113. ***Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways and Communications be pleased to state the number of the Station Superintendents employed on the North Western Railway and how many of them are Indians?

(b) If there are no Indian Station Superintendents, will the Honourable Member be pleased to state the reasons for ignoring Indians for promotion as Station Superintendents?

(c) Is it a fact that there are on the North Western Railway senior Indians as grade VIII Station Masters on Rs. 500 per mensem?

(d) Is it a fact that these senior men have been overlooked for promotion to Station Superintendent's posts? If so, why?

(e) Is it a fact that there is nothing against these men and that they got good confidential reports as well as their names are borne on the Recommendation Rolls for higher appointments? If so, why are Indians overlooked for promotion to the next higher grade as Station Superintendents?

(f) Will the Honourable Member please state how promotions are made to Station Superintendent's posts and by whom? Is there any provision for appeal by the superseded persons? If not, why not?

(g) Is it a fact that some time ago, Indians were overlooked for promotion as grade VIII, Station Masters, and that Europeans and Anglo-Indians were allowed to supersede their senior Indian colleagues? Is it also a fact that as a result of protests some time in 1932 and after and the general desire on the part of the Government of India to do away with racial discrimination in railway service, the Indians were given their rights in the matter of promotion and seniority as grade VIII Station Masters?

(h) Is it a fact that formerly, military and important stations like Quetta were out of bounds for Indian Station Masters but these stations are now manned by Indians?

(i) Do Government propose to hold an enquiry into the charge of supersession of Indians in the matter of promotion as Station Superintendents or put matters right?

The Honourable Sir Thomas Stewart: (a) Three. None of these is an Indian.

(b) Selection for promotion to Station Superintendents' posts is made from Station Masters, grade VIII, who are considered suitable. So far no Indian Station Master, grade VIII, has been sufficiently senior to warrant consideration for such promotion.

(c) There is only one Indian Station Master, grade VIII, on the North Western Railway.

(d) and (e). The reply to the first part of part (d) is in the negative. The second part of part (d) and part (e) do not arise in view of the reply to part (b) above.

(f) As regards the first part, the Chief Operating Superintendent and the Chief Commercial Manager make the selection after considering the confidential reports and the capabilities of the senior Station Masters, grade VIII. As regards the second part, the reply is in the affirmative. The last part does not arise.

(g) The reply to the first part is in the negative. As regards the second part, any racial discrimination which may have existed in filling higher grade posts of Assistant Station Masters and Station Masters was removed in 1920.

(h) No.

(i) In view of the replies to part (b) to (g) above, this does not arise.

Mr. Lalchand Navalrai: May I know, Sir, if there are only three Superintendents at Delhi, Lahore and Karachi, and all these three people are Europeans?

The Honourable Sir Thomas Stewart: I have already said that none of the three posts is held by an Indian.

Mr. Lalchand Navalrai: Is it also a fact, Sir, that recently the place of Superintendent at Delhi station fell vacant, and instead of a senior Indian, a European was appointed?

Mr. President (The Honourable Sir Abdur Rahim): That does not arise out of this question.

Mr. Lalchand Navalrai: It does arise out of this question, Sir.

Mr. President (The Honourable Sir Abdur Rahim): No, no.

Opening of Rural Telegraph Offices.

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

(a) the ordinary procedure for opening a rural telegraph office;

(b) whether it is opened only on guarantee; and

(c) in how many cases the telegraph offices were opened with and without guarantee in the last and the present year?

The Honourable Sir Thomas Stewart: (a) Telegraph offices are opened at places where there is a demand for telegraph facilities and where the traffic offering is estimated to be sufficient to cover the extra cost involved in establishing and working the office. In cases where the telegraph income from the office is not likely to cover the extra cost, a guarantee is demanded for a term of years to safeguard Government against loss. This procedure applies both to urban and rural areas.

(b) No.

(c) Eighteen telegraph offices were opened during 1936-37 of which eight are guaranteed and ten are without any guarantee. Thirteen offices were opened during 1937-38 of which four are guaranteed and nine are without any guarantee.

Mr. T. S. Avinashilingam Chettiar: May I know, Sir, whether the amount of guarantee demanded varies with the places?

The Honourable Sir Thomas Stewart: The amount of the guarantee is determined by the probable loss that is likely to be incurred.

Mr. T. S. Avinashilingam Chettiar: May I know what is the minimum amount of business required for working a telegraph office without loss? I want to know it in money.

The Honourable Sir Thomas Stewart: That, I am afraid, I cannot answer, because the cost of working any particular office depends on its situation. For example, it depends on the amount of line that has to be erected in order to serve the office. It is impossible to give any answer.

Mr. N. M. Joshi: May I know, Sir, on what principle Government take a decision whether a guarantee should be asked or not?

The Honourable Sir Thomas Stewart: Government make an estimate of the amount of business that is likely to result by the setting up of the telegraph office.

Mr. N. M. Joshi: May I know whether the Government of India find out after the experience of one year, whether the telegraph offices from which no guarantee was taken are self-supporting?

The Honourable Sir Thomas Stewart: Certainly, if a telegraph office becomes an unpaying proposition, then it is a matter for consideration whether it should not be closed down.

Mr. K. Santhanam: May I know, Sir, whether it is the policy of the Government not to provide poorer areas with telegraph offices?

Seth Govind Das: Is it not a fact that certain expenditure which is incurred in working a telegraph office is capital expenditure and the other expenditure which is incurred is for running it? Which expenditure is taken into consideration when a new telegraph office is opened?

The Honourable Sir Thomas Stewart: We should take into consideration both these expenses.

VANS FOR CARRYING MOTOR VEHICLES ON THE ASSAM BENGAL RAILWAY.

†115. ***Mr. Brojendra Narayan Chaudhury:** Will the Honourable Member in charge of Railways please state:

(a) the number of vans for carrying motor vehicles on the Assam Bengal Railway at present;

(b) the amount of freight realised from transportation of motor vehicles in the latest year for which figures are available; and

(c) if it is proposed to add four more vans at a cost of twenty-four thousand rupees?

The Honourable Sir Thomas Stewart: The information is being collected and will be laid on the table of the House in due course.

† Answer to this question laid on the table, the questioner being absent.

INTERIM TIME TABLE ISSUED BY THE EAST INDIAN RAILWAY.

116. ***Mr. Badri Dutt Pande:** (a) Will the Honourable Member in charge of Railways and Communications be pleased to state why it was considered necessary by the East Indian Railway to change the Railway time-table twice and issue two time-tables during the last six months and thus add unnecessarily to the expenditure?

(b) What was the additional cost in issuing an interim time-table?

(c) How many time-tables were printed and exchanged for the old ones?

The Honourable Sir Thomas Stewart: (a) On the East Indian, as on other principal railways, revised time tables are issued to have effect from 1st April and 1st October each year. After the issue of the October time table last year, various representations were received, in regard to the revised timings of No. 6 Down Mail, and the Administration decided to revert to the timings previously in force. This necessitated considerable adjustments in the timings of other trains, and the opportunity was also taken to introduce certain other trains which had become necessary, owing to an increase in the number of passengers. In order to avoid confusion and inconvenience to the public, the October time table, embodying the changes made, was re-printed and issued to have effect from 15th December, 1937.

(b) and (c). The Agent, East Indian Railway, states that the accounts have not yet been closed, and the figures asked for are, therefore, not available at present.

Dr. Sir Ziauddin Ahmad: Are the trains on the E. I. R. running according to the timings indicated in those time tables?

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

Sir, I beg to point out that in this question there is a misprint. Instead of Bengal Nagpur, it should be Bengal and North Western Railway. What is shown in the question list is a misprint in the second line.

NON-ACCEPTANCE OF CERTIFICATES FROM OTHER REGISTERED DOCTORS, ETC. ON THE BENGAL NAGPUR AND THE ROHILKUND RAILWAYS.

117. ***Mr. Badri Dutt Pande:** (a) Will the Honourable Member in-charge of Railways please state why the Bengal Nagpur and the Rohilkund Railways accept medical certificates only from the doctors under their employment and not from other registered doctors, vaids and hakeems as is done in other Railways and Departments?

(b) Are Government aware of the fact that this rule causes hardship to innumerable petty and subordinate servants of the Railways, who have to go to their towns and villages on leave?

The Honourable Sir Thomas Stewart: I think that even so I can answer the Honourable Member's question.

(a) and (b). Government have no information. This is a matter of detailed administration, which is within the competence of the Agents of the Bengal and North Western and the Rohilkund and Kumaon Railways, which are company-managed. I may mention for the information of the

Honourable Member that on the State-managed Railways medical certificates from non-railway doctors are subject to acceptance by Railway Medical Officers.

Seth Govind Das: May we take it with respect to a question like this that Government have no information regarding any railway line?

The Honourable Sir Thomas Stewart: The Honourable Member may not take it.

Mr. Badri Dutt Pande: Is it the intention of the Honourable Member to refer this matter to the Railway Administrations for their consideration?

The Honourable Sir Thomas Stewart: I have informed the Honourable Member that this is a matter of detailed administration which is entirely within the competence of the Railway Administrations concerned.

Mr. Lalchand Navalrai: Is not the Honourable Member aware that in the civil departments the certificates of registered doctors are accepted and not referred or de-subjected to the approval of any Government doctors?

Mr. President (The Honourable Sir Abdur Rahim): That is a matter of argument.

Mr. Lalchand Navalrai: I want to know, Sir, if the Honourable Member is aware of it?

Mr. President (The Honourable Sir Abdur Rahim): It does not arise out of this question.

FEE OF MR. BARWELL, A BARRISTER OF CALCUTTA, ENGAGED IN THE BIHTA TRAIN ENQUIRY.

118. ***Mr. Badri Dutt Pande:** Will the Honourable Member in charge of Railways and Communications be pleased to state the amount of fee that Mr. Barwell, a Barrister of Calcutta High Court, is getting daily in the Bihta train enquiry case? Is it a fact that that gentleman is getting Rs. 800 per diem and his two assistants Rs. 300 per diem?

The Honourable Sir Thomas Stewart: Mr. Barwell, Barrister-at-Law, has been appointed as the leading Counsel for the railway with a junior to assist him in connection with the Bihta Accident Judicial Enquiry on the following terms:

(1) For advising the Administration with regard to the Agent's report—10 Gms.

(2) For perusal including consultations—30 Gms.

(3) For the enquiry itself including consultations—50 Gms. per diem out of Calcutta including periods at the site of the accident and for professional visits to workshops, etc., in relation to the accident, but excluding days spent wholly in travel.

(4) Ordinary travelling and hotel expenses,

(5) Clerkage at Rs. 7 per diem.

(6) 20 Gms. per diem *plus* expenses for the junior.

Mr. Badri Dutt Pande: What was his fee in Calcutta?

The Honourable Sir Thomas Stewart: I cannot inform the Honourable Member.

Mr. Badri Dutt Pande: Did the Government inquire before giving him this big fee which was the regular fee he was receiving in Calcutta?

Sir Abdul Halim Ghuznavi: Will the Honourable Member please state since how long Mr. Barwell has been counsel for the East Indian Railway?

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

Sir Abdul Halim Ghuznavi: I want to know, Sir, what fee he was getting in Calcutta?

The Honourable Sir Thomas Stewart: I have already informed the Honourable Member that I am not aware of it.

Qazi Muhammad Ahmad Kazmi: May I know, Sir, who was responsible for engaging Mr. Barwell; is it the Railway or some agent of the Government?

The Honourable Sir Thomas Stewart: The Agent of the East Indian Railway.

Qazi Muhammad Ahmad Kazmi: Did he make any inquiries as to the previous emoluments Mr. Barwell was getting in Calcutta in ordinary practice?

The Honourable Sir Thomas Stewart: I have no information as to the inquiries made by the Agent of the East Indian Railway.

Sir Abdul Halim Ghuznavi: Is the Honourable Member aware that Mr. Barwell has been counsel for the East Indian Railway for the last 20 years, and he is virtually irremoveable?

The Honourable Sir Thomas Stewart: I am prepared to accept the Honourable Member's statement.

Sir Abdul Halim Ghuznavi: Is the Honourable Member aware that Mr. Barwell has very little practice at the Calcutta Bar?

(No reply.)

DISAPPEARANCE OF SARDAR MUHAMMAD UMAR KHAN FROM NAINI TAL.

119. ***Mr. Badri Dutt Pande:** (a) Will the Secretary for External Affairs be pleased to state the circumstances in which political prisoner Sardar Muhammad Umar Khan suddenly disappeared from Naini Tal?

(b) Where is he now?

(c) Why has the allowance of other members of the family been stopped?

Sir Aubrey Metcalfe: (a) Sardar Umar Khan whose movements were restricted under Regulation III of 1818, eluded police surveillance and disappeared from Naini Tal early in October last. His escape is reported to be due to negligence on the part of the police constables responsible for his surveillance.

(b) Government have no information.

(c) The members of Sardar Muhammad Umar Khan's family were not in receipt of a separate allowance, and the question of the stoppage of their allowance does not, therefore, arise. The allowance which was sanctioned in the name of the Sardar himself has been stopped on account of his disappearance.

Mr. Badri Dutt Pande: Where is he nowadays?

Sir Aubrey Metcalfe: I wish I knew.

Mr. Mohan Lal Saksena: May I know how the family members of this Sardar support themselves?

Sir Aubrey Metcalfe: I may tell the House that we are considering sympathetically an application from the United Provinces Government to give them some allowance until the head of the family is traced and reappears.

EXPENDITURE ON ADVERTISEMENTS BY THE POSTS AND TELEGRAPHS DEPARTMENT.

120. ***Mr. Manu Subedar:** Will the Honourable Member for Railways and Communications be pleased to state:

(a) what sum from the beginning of the year to the end of November 1937 has been spent by the Posts and Telegraphs Department on advertisements; and

(b) the amount paid, or payable, in respect of such advertisements, with the names of the papers in which the advertisements were inserted?

The Honourable Sir Thomas Stewart: (a) Rs. 42,295.

(b) A statement is laid on the table.

Statement showing the amount spent on advertising in Newspapers during January, 1937, to November, 1937.

Bengal and Assam Circle.

Names of Newspapers.	Amount paid or payable to each. Rs. A. P.
Statesman, Calcutta and New Delhi	4,741 7 0
Amrita Bazar Patrika, Calcutta	703 13 0
Star of India, Calcutta	76 3 0
Advance, Calcutta	499 8 0
Musalman, Calcutta	160 0 0
Indian Finance, Calcutta	160 0 0
Commercial Gazette, Calcutta	392 0 0
Whip, Calcutta	500 0 0
Darjeeling Times and Planters Gazette	13 0 0
Chief Commissioner's Press, Port Blair	3 8 0
Indian Economist, Calcutta	224 0 0
Indian Monthly Magazine, Calcutta	700 0 0
Annanda Bazar Patrika, Calcutta	857 8 0
Basumati, Calcutta	472 0 0
Vishwamitra, Calcutta	594 0 0
Asr-e-Jadid, Calcutta	278 0 0

Statement showing the amount spent on advertising in Newspapers during January, 1937, to November, 1937—contd.

Names of Newspapers.	Amount paid or payable to each. Rs. A. P.
Bengal and Assam Circle—contd.	
Lokamanya, Calcutta	420 0 0
Hanafi, Calcutta	15 0 0
Dacca Prakash, Dacca	8 0 0
Mursidabad Hitaisi	3 4 0
Swayatta-Sasan, Bogra	2 8 0
Charumihir	12 12 0
Banga Ratna	6 4 0
Rangpur Darpan	5 4 0
Rangoon Gazette	18 0 0
Times of Assam, Dibrugarh	52 8 0
Sylhet Chronicle, Sylhet Town	22 4 0
Assamiya, Gauhati	53 8 0
Janasakti, Sylhet Town	77 8 0
Jugabheri, Sylhet Town	15 0 0
Calcutta Exchange Gazette	151 14 0
Bihar and Orissa Circle.	
Indian Nation, Patna	467 14 0
Searchlight, Patna	333 0 0
Cuttack Observer	14 12 0
Navashakti, Patna	130 0 0
Ittehad, Patna	109 0 0
Hitaisi, Arrah	8 0 0
New Orissa, Berhampore	15 8 0
Orissa Gazette	53 12 0
Samaj, Cuttack	52 8 0
Bombay Circle.	
Times of India, Bombay	3,843 2 0
Bombay Chronicle	1 3 0
Indian Social Reformer, Bombay	168 0 0
Bombay Samachar, Bombay	420 0 0
Sandesh, Ahmedabad	106 2 0
Jam-e-Jamshed, Bombay	517 8 0
Navakal, Bombay	8 12 0
Dhyan Prakash, Poona	406 14 0
Samyukta Karnatak, Belgaum	67 0 0
Gujrat Samachar, Ahmedabad	21 6 0
Kathiawar Times, Rajkot	12 0 0
Kandesh Baibhab, Dhulia	8 0 0
Karnatak Times	5 14 0
Colaba Sadvritta	27 0 0
Belgaum Samachar	11 0 0
Kesari, Poona	21 0 0
Vividha Vritta, Bombay	206 4 0
Praja Bandhu, Ahmedabad	9 0 0
Gujrati Punch, Ahmedabad	28 14 0
Gujrati Mitra and Gujrat Darpan, Surat	11 4 0
Nava Karnatak	12 8 0
Lohana Hetechu, Rajkot	45 0 0
Aikya, Satara City	53 0 0
Parikshak, Belgaum	23 15 6
Vichari Karwar	10 8 0
Sayajibijaya, Baroda	46 5 0
Tarun Bharat, Belgaum	9 8 0
Ajmal, Daily, Bombay	30 0 0
Probodh Chandrika	18 12 0
Sholapur Samachar	9 12 0

Statement showing the amount spent on advertising in Newspapers during January, 1937, to November, 1937—contd.

Names of Newspapers.	Amount paid or payable to each. Rs. A. P.
Central Circle.	
Hitabada, Nagpur	236 8 0
Daily News, Nagpur	217 0 0
Maharashtra, Nagpur	303 8 0
Karama-Vir, Khandwa	20 0 0
Al-Burhan, Akola	20 0 0
Madras Circle.	
Hindu, Madras	2,066 9 0
Madras Mail, Madras	1,600 2 0
Jaya Bharati, Madras	150 0 0
Andhra Patrika, Madras	372 8 0
Ceylon Observer, Colombo	30 0 0
Swadeshamitran, Colombo	151 8 0
Ceylon Daily News, Colombo	45 0 0
Mathrubhumi, Calicut	112 8 0
Times of Ceylon, Colombo	40 0 0
Monorama, Colombo	38 4 0
Tai Nandu, Bangalore City	10 0 0
Kantirava, Mangalore	67 8 0
Punjab and N.-W. F. Circle.	
Civil and Military Gazette, Lahore	1,456 8 0
Tribune, Lahore	803 4 6
Eastern Times, Lahore	216 12 0
Pilot, Amritsar	8 0 0
Weekly Advertiser, Multan	25 6 0
Inqilab, Lahore	263 12 0
Pratap, Lahore	248 14 0
Milap, Lahore	337 8 0
Ihsan, Lahore	26 0 0
Hindu, Lahore	24 0 0
Vir Bharat, Lahore	225 0 0
Biswa-Bandhu, Lahore	337 8 0
Khalsa Sewak, Amritsar	187 8 0
Hindustan Times, New Delhi	1,162 8 0
National Call, Delhi	680 8 0
United India and Indian States, New Delhi	20 0 0
Iolanthe, New Delhi	30 0 0
Tej, Delhi	781 4 0
Millat, Delhi	585 0 0
Arjun, Delhi	730 0 0
Nav Yug, Delhi	210 0 0
Watan, Delhi	481 4 0
Swarajya, Delhi	562 8 0
Hindustan, New Delhi	270 0 0
Khyber Mail, Peshawar	123 11 0
Frontier Advocate, Peshawar	990 0 0
Mujahid, D. I. K.	112 0 0
Sind and Baluchistan Circle.	
Sind Observer, Karachi	605 6 0
Daily Gazette, Karachi	368 10 0
Sind Samachar, Karachi	38 4 0
Hindu, Karachi	165 3 0
Sansar Samachar, Karachi	110 15 0
Albert Press, Quetta	23 3 0
Sind Sewak	18 6 0

Statement showing the amount spent on advertising in Newspapers during January, 1937, to November, 1937—concld.

Names of Newspapers.	Amount paid or payable to each.
United Provinces Circle.	Rs. A. P.
Leader, Allahabad	2,542 12 0
Pioneer, Lucknow	1,700 4 0
Pratap, Cawnpur	451 0 0
Medina, Bijnor	8 8 0
Aj, Benares City	304 8 0
Bharat, Allahabad	600 0 0
Hamdam, Lucknow	188 0 0
Abhyudaya, Allahabad	180 0 0
Sarfaraz, Lucknow	18 12 0
Agra Akhbar, Agra	5 0 0
Total	42,294 12 0

Mr. Manu Subedar: Have Government found any difficulty in giving the information relating to the Postal Department through press notes. Have any newspapers refused to take Government press notes?

The Honourable Sir Thomas Stewart: No, Sir.

Mr. Manu Subedar: Will Government save the whole of this outlay in future from public funds by discontinuing the advertisements?

Mr. President (The Honourable Sir Abdur Rahim): That is asking for action which is not allowed.

RADIO LICENCE-HOLDERS, RADIO PROGRAMMES AND REMUNERATION TO SINGERS, ETC.

121. ***Mr. Manu Subedar:** Will the Honourable Member for Railways and Communications be pleased to state:

(a) the number of licence-holders for radios in India as on the last date for which information is available, and the total amount of fees payable by such licence-holders;

(b) how many of these licence-holders are Indian, and how many are non-Indian;

(c) whether Government propose to direct that programmes should be so adjusted as to be available to the majority, particularly after 9 o'clock every evening;

(d) how much of the total revenue is spent on administration, and how much is spent on honorarium and remuneration to singers and others; and

(e) how much of this outlay has gone to Indian artists and how much to non-Indian?

The Honourable Sir Thomas Stewart: (a) On 31st December, 1937, there were 50,164 licence-holders, and the fees payable by them amounted to Rs. 4,56,408.

(b) The information is not available, as details of Indian and non-Indian licence-holders are not maintained separately.

(c) Programmes are available to all listeners both before and after 9 P.M.

(d) In 1936-37 a sum of Rs. 3,70,587 was spent on honoraria and remuneration to singers and others, and Rs. 2,39,342 on administration.

(e) The figures are not readily available and the collection of the information will involve an expenditure of time and labour disproportionate to the result.

Mr. Manu Subedar: Is it true that the Indian music programme is generally not given after 9 P.M. and that after nine English programmes are given?

The Honourable Sir Thomas Stewart: That is not my information.

Mr. Manu Subedar: Would Government consider relaying better European programmes from London rather than spend Indian money on English music?

Mr. President (The Honourable Sir Abdur Rahim): That is again asking for action which is not allowed.

APPOINTMENT OF AN INDIAN AS CHAIRMAN OF THE BOMBAY PORT TRUST.

122. ***Mr. Manu Subedar:** Will the Honourable Member for Railways and Communications be pleased to state:

(a) whether they have received any representation now or on any previous occasion, when such appointments fell vacant, pressing for the appointment of an Indian as Chairman of the Bombay Port Trust;

(b) whether Government have selected an Indian for this post; and

(c) if not, why not?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) and (c). The question of filling the post permanently is still under the consideration of Government.

Mr. Manu Subedar: Will Government try to get a suitable Indian either by advertisement or by referring to Provincial Governments?

The Honourable Sir Thomas Stewart: I have told the Honourable Member that the question of filling the post permanently is under consideration, and he may take it that we are exploring all avenues in order to do so.

Mr. Manu Subedar: Are Government prepared to give an assurance that an Indian will be appointed?

The Honourable Sir Thomas Stewart: I would refer the Honourable Member to the reply I have already given.

MAIL CONTRACT WITH THE PENINSULAR AND ORIENTAL STEAM NAVIGATION COMPANY.

123. ***Mr. Manu Subedar:** Will the Honourable Member for Railways and Communications be pleased to state:

(a) when the mail contract with the Peninsular and Oriental Steam Navigation Company is terminating;

(b) whether any communication has been sent to or received by Government in regard to this contract; and

(c) what procedure Government propose to adopt in respect of the new contract, when it falls due, for the future?

The Honourable Sir Thomas Stewart: (a) The contract for the conveyance of mails by the Peninsular and Oriental Steam Navigation Company is between His Majesty's Postmaster-General and the Company. So far as is known at present the contract is not terminable before the 31st January, 1939.

(b) and (c). Do not arise as the contract is not with the Government of India.

Mr. K. Santhanam: Will the contract be renewed by the Indian Government or the British Government?

The Honourable Sir Thomas Stewart: It is a contract between His Majesty's Government and the Steamship Company in question.

Mr. K. Santhanam: Who will renew the contract—the Indian Government or His Majesty's Government?

The Honourable Sir Thomas Stewart: As the contract exists between His Majesty's Government and the P. and O. Steamship Company it is obvious that it is His Majesty's Government that will renew the contract, if the contract is to be renewed.

Mr. T. S. Avinashilingam Chettiar: Have the Government to be consulted in this matter before the contract is renewed?

The Honourable Sir Thomas Stewart: No, Sir.

Qazi Muhammad Ahmad Kazmi: Do the Government contribute anything towards the contract?

The Honourable Sir Thomas Stewart: They do not contribute towards the contract.

Mr. Manu Subedar: Is there a clause that if notice is not given after the date of the expiry of the contract, the contract would continue until notice is given.

The Honourable Sir Thomas Stewart: That is so. I have been informed that if no notice is given, the contract continues.

Mr. N. M. Joshi: May I know whether the Government of India contribute anything for the carriage of mails between India and England?

The Honourable Sir Thomas Stewart: Certainly they do.

Mr. N. M. Joshi: To whom do they make this contribution?

The Honourable Sir Thomas Stewart: To His Majesty's Government.

Mr. N. M. Joshi: May I ask whether the Government of India cannot influence the decision of His Majesty's Government in this matter.

The Honourable Sir Thomas Stewart: No, Sir.

Mr. N. M. Joshi: May I know if the Government of India pay whatever contribution is asked for by His Majesty's Government.

The Honourable Sir Thomas Stewart: That is a matter of negotiation between the two Governments.

Qazi Muhammad Ahmad Kazmi: Does not any part of the money contributed by India go to the P. and O. Company by way of payment?

The Honourable Sir Thomas Stewart: I could not say with any degree of confidence that the actual money that we pay to His Majesty's Government is transferred immediately to the P. and O. Company.

Mr. M. S. Aney: For whom do His Majesty's Government demand this contribution? Is it not for making payment to this Company?

The Honourable Sir Thomas Stewart: No, Sir. His Majesty's Government have entered into a contract in virtue of which they are allowed the service of ships to carry their mails. These ships carry a certain amount of Indian mail, and for that service we pay a certain sum to His Majesty's Government.

Mr. Manu Subedar: What savings do Government expect from the carriage of mails by air in future?

The Honourable Sir Thomas Stewart: I cannot give you any detailed estimate.

Mr. President (The Honourable Sir Abdur Rahim): There is nothing here about carrying mails by air.

Mr. Manu Subedar: Mails are in future going to be carried by air.

Mr. President (The Honourable Sir Abdur Rahim): That is a different question altogether. Next question.

APPOINTMENT OF A COMMERCIAL MANAGER AND COMMERCIAL STAFF ON RAILWAYS.

124. ***Sardar Mangal Singh:** Will the Honourable Member for Railways and Communications please state:

(a) whether Government have considered the proposal of the Indian Railways Enquiry Committee regarding the appointment of a Commercial Manager and commercial staff on all the Railways; and

(b) whether the new Commercial Manager would not be imported from Great Britain, as was recommended by the Wedgwood Committee, but he would be an Indian as announced by Sir Sayad Sultan Ahmad Khan in this House during the Simla Session?

The Honourable Sir Thomas Stewart: With your permission, Sir, I will reply to questions Nos. 124, 125, 126 and 127 together. I would refer the Honourable Member to my reply given to starred question No. 18 asked in this House by Mr. Badri Dutt Pande on the 31st January, 1938.

Sardar Mangal Singh: May I know whether the Commercial Manager will be an Indian?

The Honourable Sir Thomas Stewart: If I may remind the Honourable Member of the substance of the reply which I quoted, I propose in the near future to lay on the table of the House a full statement of the decisions taken on the Wedgwood Report, and I would ask the Honourable Member to wait until I have had the opportunity of placing that statement on the table.

Sardar Mangal Singh: I would remind the Honourable Member that at the last Simla Session, the then Railway Member assured the House that the Commercial Manager would be an Indian. Do the Government of India now stand by that or not, now?

The Honourable Sir Thomas Stewart: That, I submit, does not arise out of this question or the answer I gave to it.

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

SUBORDINATE SUPERVISORY TECHNICAL ESTABLISHMENT AND GAZETTED POSTS IN THE MECHANICAL ENGINEERING DEPARTMENTS ON RAILWAYS.

†125. ***Sardar Mangal Singh:** Will the Honourable Member for Railways and Communications please state:

(a) whether the recommendations of the Indian Railways Enquiry Committee in connection with the subordinate supervisory technical establishments and the gazetted posts in the Mechanical Engineering Department have been considered by Government and how the matters stand at present; and

(b) whether the assurance given by the then Railway Member would be fulfilled and appointments to these posts would be made from this country?

APPOINTMENT OF A PRESS LIAISON OFFICER WITH STAFF ON RAILWAYS.

†126. ***Sardar Mangal Singh:** Will the Honourable Member for Railways and Communications please state:

(a) whether Government have considered the recommendation of the Indian Railway Enquiry Committee regarding the appointment of a Press Liaison Officer with staff; and

(b) whether an Indian journalist would be appointed to this post, and when the appointment is likely to be made?

APPOINTMENT OF A STATISTICAL OFFICER IN THE RAILWAY BOARD'S OFFICE.

†127. ***Sardar Mangal Singh:** Will the Honourable Member for Railways and Communications please state:

(a) whether Government have considered or propose to consider the question of the appointment of the statistical officer in the Railway Board's office; and

†For answer to this question, *see* answer to question No. 124.

(b) what efforts Government have made to secure a suitable person from India for the post of a statistical officer?

RAILWAYS AS A DISAPPEARING SOURCE OF REVENUE FOR THE RELIEF OF GENERAL TAXATION.

128. ***Sardar Mangal Singh:** Will the Honourable Member for Railways and Communications please state:

(a) whether Government have considered the proposal of the Wedgwood Committee that railways should no longer be looked upon as a possible source of revenue for the relief of general taxation; and

(b) what decisions Government have taken or propose to take in the matter?

The Honourable Sir Thomas Stewart: (a) and (b). Government have nothing to add at present to the statements made in this House on this subject by my predecessor in the course of the debate on the Report of the Railway Enquiry Committee on the 27th August last and by the Honourable the Finance Member on the 7th October last during the debate on the Resolution permitting Railway Revenues to postpone repayment of their outstanding debt to the Depreciation Fund and payment of their arrear contribution to general revenues.

Dr. Sir Ziauddin Ahmad: Will Government issue a statement of their decisions on the Wedgwood Committee's Report?

The Honourable Sir Thomas Stewart: I have just referred one Honourable Member to the reply I gave in which I stated that I would lay on the table a comprehensive list of the decisions that had been taken on the Wedgwood Committee's Report.

Mr. K. Santhanam: Question No. 129. I wish to point out that there is a misprint in clause (b) of the question: it should be "have *not* got to be delivered", instead of "have got to be delivered".

CASUAL LEAVE TO POSTMEN.

129. ***Mr. K. Santhanam** (on behalf of Mr. George Joseph): Will the Honourable Member for Railways and Communications be pleased to state:

(a) whether postal peons are entitled to casual leave every year and, if so, for how many days in the year;

(b) whether there is any single day in the year, including postal holidays, when postal articles have got to be delivered at least once a day;

(c) when postmen are granted casual leave, what are the arrangements made for effecting the deliveries of postal articles normally to be made by them;

(d) whether there is a reserve of men available to relieve and take the place of postmen on casual leave, and if so, what is the percentage of such reserve to the total number of postmen; and

(e) if there is no such reserve, how the grant of casual leave works out in practice?

The Honourable Sir Thomas Stewart: (a) The maximum amount of casual leave admissible to postmen is twenty days in a year; but I may add for the information of the Honourable Member that casual leave cannot be claimed as a matter of right.

(b) At least one delivery of postal articles by postmen is made every day in the year.

(c) Ordinarily the work of the absentee postman is distributed among the rest of the staff present for duty. In the case of smaller post offices where the total number of postmen and inferior servants does not exceed four, it is permissible to employ a paid substitute in the place of the absentee postman granted casual leave. In the case of the larger offices, it is also similarly permissible to employ paid substitutes if by reason of the absence of an abnormally large number of postmen and inferior servants it is found impossible to distribute the work among the staff present for duty.

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

(e) I would refer the Honourable Member to the reply already given by me to part (c) of the question.

Mr. K. Santhanam: Am I to understand that postmen are as a matter of fact given these 20 days' casual leave a year on the average?

The Honourable Sir Thomas Stewart: So far as it is possible to do so.

Seth Govind Das: Is it not a fact that various complaints are generally made by the staff that these twenty days are not given to them?

The Honourable Sir Thomas Stewart: It is perfectly true that it is not possible to give every man his twenty days' casual leave a year; but again I must remind the Honourable Member that casual leave is not a right but a privilege.

Seth Govind Das: But is it not a fact that this privilege is generally used by the higher officials and only the lower staff has to suffer?

The Honourable Sir Thomas Stewart: My information does not agree with that of the Honourable Member.

Mr. N. M. Joshi: May I ask whether Government will make inquiries in order to find out what is the extent of the actual casual leave enjoyed by the postal peons?

The Honourable Sir Thomas Stewart: I cannot promise to make any such inquiry.

Mr. N. M. Joshi: May I ask why Government should not make the inquiry in the interests of the employees?

The Honourable Sir Thomas Stewart: First of all because I think there would be no useful result to any such inquiry. In the second place I am sure it would involve more time and expense than we can afford to give to it.

Mr. N. M. Joshi: Are not the Government of India interested in the welfare of these low-paid employees?

The Honourable Sir Thomas Stewart: Most certainly they are.

Mr. K. Santhanam: Will Government kindly make test inquiries in selected circles? Why cannot they do that?

The Honourable Sir Thomas Stewart: Because I cannot imagine that any useful result would emerge from any such inquiry.

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

EXTENSION OF FACILITIES FOR POSTAL SERVICES IN RURAL AREAS.

130. ***Mr. K. Santhanam** (on behalf of Mr. George Joseph): Will the Honourable Member for Railways and Communications be pleased to state:

(a) whether it is the policy of the Government of India to extend facilities for postal services in rural areas;

(b) whether in the carrying out of such policy the postal department follow the practice in other countries of the running of village and branch post offices, as a part time business by literate people running stores, grocery, sweet shops, etc.; and

(c) whether the Postal Department are in such cases prepared to give preference to retired postmen, or their sons, or dependents, who are otherwise qualified?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) It has long been the policy and practice of the Department to utilise extra-departmental agents for the working of the smaller post offices in rural areas, and this policy will be continued.

(c) No.

UNSTARRED QUESTIONS AND ANSWERS.

AUDIT OF ACCOUNTS OF THE OFFICE OF THE CHIEF AERODROME OFFICER, KARACHI.

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

(a) when the accounts of the office of the Chief Aerodrome Officer, Karachi, were last audited;

(b) whether these accounts are being audited every year;

(c) what remarks were made in the audit report for the same office for the last year; and

(d) what is the system of inspecting and checking the accounts of all aerodrome offices, and what is the system of regularly auditing them?

The Honourable Sir Thomas Stewart: (a) and (b). The accounts of the Chief Aerodrome Officer are under the audit control of the Accountant General, Central Revenues, who carries out their audit in accordance with the normal procedure.

(c) Routine objections were made to certain items of expenditure, such as the absence of supporting vouchers or copies of sanctions by competent authorities.

(d) The Chief Aerodrome Officer and the Aerodrome Officers are responsible for inspection and checking of the accounts of their respective offices. These accounts are also received monthly in the office of the Accountant General, Central Revenues, and audit is conducted in accordance with the normal procedure adopted in respect of all Government offices under his audit.

EXPENDITURE AND PERIOD OF TRAINING FOR OBTAINING A COMMERCIAL PILOT'S LICENCE.

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

(a) if it is not a fact that there is not a single country in the whole of Europe or Asia in which the requirement for a commercial pilot's licence is 200 hours except in India; and that the cost of a commercial pilot's licence at one of the Government subsidised flying clubs in India is nearly four times higher than, for instance, the cost of the same licence at one of the Government subsidised flying clubs in England; and

(b) if Government have considered that the introduction of 200 hours for a commercial pilot's licence tends to discourage Indian young men in taking up aviation as their career, and that this 200 hours requirement is not in the interest of safety or efficiency of Indian aviation?

The Honourable Sir Thomas Stewart: (a) The Honourable Member is referred to the reply I gave to parts (a) and (b) of starred question No. 30 by Mr. Abdul Qaiyum in this House on the 31st January, 1938. Government have no information with regard to countries in Europe and Asia other than Great Britain and India.

(b) As I stated in reply to part (f) of starred question No. 1027 by Mr. Abdul Qaiyum on the 6th October, 1937, the requirement of 200 hours solo flying for commercial pilots was introduced, because it was considered the minimum necessary to ensure that the pilot could safely be entrusted with the lives of passengers. This requirement has resulted in trainees being more nearly fitted for employment on gaining their licences than they would otherwise have been. Government do not consider that it has discouraged young men from taking up aviation as a career. There is an increasing number of them taking flying training.

WITHDRAWAL OF RECOGNITION OF THE GREAT INDIAN PENINSULA RAILWAY WORKERS' UNION.

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

(a) when the recognition of the Great Indian Peninsula Railway Workers' Union was withdrawn;

(b) how many times the Union has asked for the restoration of the recognition;

(c) when it was last decided not to restore it; and on what grounds;

(d) whether there have been any fresh representations from the Union since the last decision was taken; and

(e) what conditions Government consider should be satisfied by the Union if the recognition is to be restored?

The Honourable Sir Thomas Stewart: I am obtaining information and will lay a reply on the table of the House in due course.

RESTORATION OF RECOGNITION OF THE BENGAL NAGPUR RAILWAY EMPLOYEES UNION.

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

(a) if the recognition of the Bengal Nagpur Railway Employees Union has been restored; and

(b) if not, why not?

The Honourable Sir Thomas Stewart: (a) and (b). Presumably the Honourable Member is referring to the Bengal Nagpur Railway Indian Labour Union. If so, recognition of this Union was withdrawn, by the Agent, Bengal Nagpur Railway, in February last. From the information available with Government, it is understood that the matter is under the consideration of the Agent, Bengal Nagpur Railway, who is fully competent to deal with it.

EXPENDITURE AND PERIOD OF TRAINING FOR OBTAINING AN AVIATION LICENCE.

17. **Mr. Akhil Chandra Datta:** (a) Will the Honourable Member in Charge of Communications state whether it is a fact that an aviation licence involves the expenditure of Rs. 8,000 and twentyfour months' training in India, whereas in Great Britain and the continental countries the expenditure is Rs. 2,000 only and training is required for six months only?

(b) Will he also state whether, in view of the necessity for military as well as for civilian activities, Government are prepared to consider the advisability of reducing the amount and period and thus make the avocation attractive to Indians?

The Honourable Sir Thomas Stewart: (a) The figure given as regards Great Britain is not correct. The Honourable Member is referred to the reply to part (g) of question No. 196 by Mr. Amarendra Nath Chattopadhyaya laid on the table of this House on the 31st January, 1938. Government have no information as regards the cost in continental countries.

(b) No, Sir. I would refer the Honourable Member to my reply to part (b) of unstarred question No. 14 by Prof. N. G. Ranga today.

MOTION FOR ADJOURNMENT.

TRANSFER OF CERTAIN VILLAGES IN MERWARA DISTRICT TO THE ADMINISTRATIONS OF JODHPUR AND UDAIPUR STATES.

Mr. President (The Honourable Sir Abdur Rahim): I have received notice of a motion for the adjournment of the business of the House from Mr. Mohan Lal Saksena. He proposes to move the adjournment of the Assembly "for the purpose of discussing a definite and specific matter of urgent public importance of recent occurrence, namely, the transfer of certain villages in Merwara District from the Government administration to the administrations of Jodhpur and Udaipur States without consulting the wishes of the people of the area or the Legislative Assembly. The communique announcing the decision of the Government was issued on the 2nd February, 1938."

Is there any objection?

The Honourable Sir Nripendra Sircar (Leader of the House): Sir, I have no objection to take in this forum.

Mr. President (The Honourable Sir Abdur Rahim): The motion will be taken up at 4 o'clock.

THE DURGAH KHAWAJA SAHEB (AMENDMENT) BILL.

Mr. President (The Honourable Sir Abdur Rahim): Legislative Business. Further consideration of the Bill to amend the Durgah Khawaja Saheb Act, 1936. Clauses from No. 2 to No. 8 have been disposed of. Clause 9. Syed Ghulam Bhik Nairang.

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): Sir, I beg to move:

"That in clause 9 of the Bill, in the proposed section 16 the words 'powers or' occurring in the fourth line be omitted."

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

"That in clause 9 of the Bill, in the proposed section 16 the words 'powers or' occurring in the fourth line be omitted.".

The motion was adopted.

Syed Ghulam Bhik Nairang: Sir, I beg to move:

"That in clause 9 of the Bill, the proposed section 16 be re-numbered as sub-section (*1*) of section 16 and the following be added as sub-section (*2*) :

'(*2*) No suit shall lie in any Court in respect of any matter which is required by sub-section (*1*) to be referred to a Board of Arbitration'.".

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

"That in clause 9 of the Bill, the proposed section 16 be re-numbered as sub-section (*1*) of section 16 and the following be added as sub-section (*2*) :

'(*2*) No suit shall lie in any Court in respect of any matter which is required by sub-section (*1*) to be referred to a Board of Arbitration'."

Mr. M. S. Aney (Berar, Non-Muhammadan): Sir, what I find is this that at the end of this clause 9 appear the following words: "and the decision of the Board shall be final and shall not be questioned in any Court". In view of these words, I believe this proviso which my Honourable friend wants to add is superfluous. I want him to consider this point.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): It is not superfluous. The new sub-clause provides that that is the only way by means of which the cases will be decided. The other sub-clause says that if you go to the Tribunal, you cannot appeal to any Court against its decision, but this sub-clause provides that even in original suit you ought to go to the Tribunal and not to the ordinary Court. So, it is not redundant.

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

"That in clause 9 of the Bill, the proposed section 16 be re-numbered as sub-section (*1*) of section 16 and the following be added as sub-section (*2*):

'(*2*) No suit shall lie in any Court in respect of any matter which is required by sub-section (*1*) to be referred to a Board of Arbitration'."

The motion was adopted.

Clause 9, as amended, was added to the Bill.

Clauses 10, 11 and 12 were added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): The question is that clause 1 stand part of the Bill.

Dr. Sir Ziauddin Ahmad: May I move just a verbal amendment to this clause, namely:

"That in clause 1 for the figures '1937' the figures '1938' be substituted."

Mr. President (The Honourable Sir Abdur Rahim): I allow that amendment. The question is:

"That in clause 1 for the figures '1937' the figures '1938' be substituted."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

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

"That the Title and the Preamble stand part of the Bill."

Mr. M. S. Aney: A consequential amendment will have to be made in the Preamble also. The figures '1936' will have to be changed to '1938'.

Mr. President (The Honourable Sir Abdur Rahim): That is the original Act. The question is:

"That the Title and the Preamble stand part of the Bill."

The motion was adopted.

The Title and the Preamble were added to the Bill.

Dr. Sir Ziauddin Ahmad: Sir, I beg to move that the Bill, as amended, be passed.

In this particular Bill we have made no change in the principle of the original Bill. We have only made it more practicable and we have improved its drafting. We remember that the last Bill was drafted very hurriedly and neither the Government nor the Mover of the Bill had time to scrutinise all the details. We discovered subsequently that the Bill, as it emerged from the Assembly and the Council of State, was not workable. Now, we hope that this Bill, as we have now passed it, will be a great improvement and will lead to the better administration of the Durgah Property. All the Mussalmans of India and especially the Muslim Members of this Legislature are very anxious to see improvement in the administration of the Durgah and we sincerely hope that the new Committee that we have formed will be able to administer the affairs of the Durgah in a more efficient manner and that the good sense will prevail in Ajmer itself and all the troubles that are there will cease to exist. I also acknowledge with thanks the assistance given to me by Mr. Williams. I beg to move that the Bill, as amended, be passed.

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

"That the Bill, as amended, be passed."

Maulvi Syed Murtuza Sahib Bahadur (South Madras: Muhammadan): Sir, it is with great pleasure that I support the motion that the Bill, as amended, be passed. In so doing, I want to give a word of warning to those servants of the Durgah who were concerned in the assault on two staunch supporters of this measure, I mean, Mirza Abdul Qadir Beg, M.A., LL.B., Advocate, who is the founder of the Mohammad Ali High School at Beawar, and Gazi Mohiuddin. In fact, the first gentleman is the author of this Bill and it was on that account that the encomiums were showered on him by many Members of this Assembly when this measure was passed into law. These gentlemen were assaulted by some servants of the Durgah simply because they evinced much interest in this measure, which is calculated to improve the administration of the Durgah, which is held, as is rightly pointed out by the Mover of the Bill, as the most important shrine in the whole of India. It was on the 17th of January, 1938, that these two gentlemen were assaulted and it is our duty to resent such act on the part of the servants of the Durgah. Should such a thing occur again, we would be driven to the necessity of passing more stringent laws than this. The redeeming feature of this incident, however, is that the authorities of Ajmer have taken up this question in right earnest and many of these Khadims are to be bound down under section 107 of the Criminal Procedure Code. With these few remarks, I support the motion.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): Sir, I beg to add a few words in support of the measure proposed by my friend, Dr. Sir Ziauddin Ahmad. The Khanqah of Ajmer is one of the most sacred shrines of Islam throughout India. The efficient management of this shrine was jeopardised by the autocratic attitude of those who held the sway formerly. Many stories were heard of people being assaulted and insulted who dared to challenge the autocratic decisions of the Sajjadanashin, the Manager, and his comrades there. This measure is intended to put a check upon the unlawful tendencies of those gentlemen who used to think that they were the masters of the situation and that there was nobody to prevent them from carrying things in a high-handed fashion.

[Maulana Zafar Ali Khan.]

The Committee proposed under this law that will shortly come into force will act as a check upon the vagaries of those gentlemen. The object of the Bill is to ensure the efficience management of the shrine so far as the finances are concerned, so that there should be no dishonest practices.

But there is another aspect of the question. Sajjadanashins and Mutawallis have got certain prescriptive rights and those rights belong to their holy position as the guardians of the shrine and, having enjoyed those rights and privileges from time immemorial, we do not want to interfere in those privileges. But they should have no authority and no power to interfere in those matters which affect the efficient management of the shrine as regards the finances. Let them do what they like so far as the privileges are concerned, and if any difference arises between the Committee as a whole and the Sajjadanashins and Mutawallis as its members, then that matter should be taken to a tribunal which is proposed under this Bill with one of the Judges at its head and two of the nominees of both parties who are affected. One member of this tribunal might be nominated by the Sajjadanashins and another nominated by the Committee and their decision shall be final. In respect of other matters we trust that all interference will cease. They shall have no authority to carry the matter to the other tribunals and thus place the whole matter in jeopardy. With these few words, I strongly support the motion.

Mr. Abdul Qaiyum (North-West Frontier Province: General): Sir, I think the Honourable Members of this House in general and the Honourable Member-in-charge of the Bill in particular deserve to be congratulated on having effected considerable improvements in this very important measure. It is a well-known fact that the Durgah of Khawaja Sahib at Ajmer is held in great veneration and respect by Muslims throughout India. It is this Durgah which attracts annually thousands of people from the Frontier and even from across the Frontier who come for the purpose of pilgrimage. There is no doubt that the present Bill has brought about great improvements in the Bill which was passed in 1936.

But there is one aspect of the Bill about which I would like to say something. There is a very large volume of opinion in this country which believes that all these charitable endowments stand in need of a thorough overhaul in the matter of management. Very large properties have been placed at the disposal of these trusts and they are being managed by persons selected on the principle of heredity. They go on managing and mismanaging these properties from generation to generation with the result that the very valuable trusts of a community which is very poor are being wasted in useless directions. There is no doubt that in this Bill a representative and a more democratically constituted Committee has been set up, but I am sure that the time is not far off when this Bill and other similar Bills dealing with Muslim endowments will require more radical changes and amendments.

I think, Sir, if democratically constituted Committees are set up to deal with various Muslim trusts in different parts of India, it is desirable that they should be given more latitude and more powers in the matter of spending the incomes of these trusts, and that they should not be bound

down to merely carrying out the wishes of the donors. They should have the powers, where no wishes have been expressed by the donors, to suggest better substitutes so that the community can benefit from these suggestions and decisions of these Committees. Recently, Sir, a Wakf Bill was introduced in the North-West Frontier Province Assembly and many eminent Muslim Divines were sent for and their evidence was recorded before that particular Committee, and there was a very large volume of opinion in favour of the proposal that the democratically constituted Committees should have powers to spend the money in any manner which they think will result in the betterment of the lot of the Muslim community. In the old Act, we find that there is section 19 which states:

"The Committee shall in the expenditure of the income of the Durgah endowment abide by the directions contained in the wakf-deed and shall allot not less than 20 per cent. of the income from Durgah endowment to religious preaching."

There may be cases where no specific directions have been laid down in the wakf deed. What has the Committee to do in such a case? I think the time is not very far off when ampler powers will be given to such well constituted and well set up Committees to make suggestions for the better use of the income from these various wakfs. I also think that the amount allotted for preaching is quite sufficient and I also imagine that the balance could have been spent in providing better facilities for the education of Muslim boys and girls, and for looking after the orphans and for other purposes which are very necessary for the betterment of the Muslim community. But, I am sure it will take some time. Public opinion is moving in that direction and the time is not far off when a check will be put on this scandalous waste of public funds. There are a very large number of trusts and the income derived from them is being frittered away and wasted away at present by incompetent Mutawallis; and I hope, Sir, the time is not far off when Bills will be passed dealing with all these various trusts and that the income derived from these trusts will be used for better purposes,—for improving the educational condition of the Muslims and for other objects which may result in the general improvement of the Muslim community. I congratulate my Honourable friend, Dr. Sir Ziauddin Ahmad, on the very noble effort made by him in taking away this management from out of incompetent hands and setting up a Committee which is a very well constituted Committee indeed. With these remarks, I support the motion.

12 NOON.

Maulvi Abdur Rasheed Chaudhury (Assam: Muhammadan): Sir, I think I must congratulate Dr. Sir Ziauddin on this amendment to the Durgah Khawaja Saheb Act. He deserves thanks for the labour he took in framing a Bill of this nature. It is well-known how difficult it is to frame a Bill and specially for those Members of the Assembly who are not lawyers. I do not know how often he must have mended his drafts before he could finally frame his Bill. We have been seeing for the last two days how anxious he was to have this Bill of his passed in the Assembly. He got all the Muslim Members together to see the amendments proposed in the Bill. He was very particular about one thing and that is that he wanted to deal with the administration of the endowment and not with the administration of the shrine; and he persuaded everybody else to withdraw his amendments simply because he wanted to avoid interference with the internal administration of the

[Maulvi Abdur Rasheed Chaudhury.]

shrine. In fact, I myself had a few amendments and gave them to the Notice Office in time but I do not know what happened to them in the meantime.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should have made all possible efforts himself to find out what happened to them. But, I am told now that his amendment related to a clause which has already been disposed of by this House.

Maulvi Abdur Rasheed Chaudhury: They ought to have returned them to me saying . . . .

Mr. President (The Honourable Sir Abdur Rahim): Not at all. There is no such duty laid on the Office.

Maulvi Abdur Rasheed Chaudhury: At any rate, I had something to say about some clauses of this Bill. Of the 25 members of the Committee I find that Sind and the North-West Frontier Province have each been given a member, but Assam has not got any member although the Sylhet district itself contains a Muslim population as large as in any of those two provinces. I complained of this to Sir Ziauddin but he told me that he could meet my demand as one of the members elected by the Central Legislature would be allotted to Assam. So, I kept quiet. Another point I wanted to criticise was that with regard to the Presidentship; I did not want to make anybody permanently disqualified for it. In this Bill they have permanently disqualified those referred to in clause 3 (*a*) to (*c*) from the Presidentship. In spite of individual complaints I would not like to make anybody permanently disqualified.

With regard to the endowment of the Durgah, I understand that the income of the endowment will be about 7 lakhs of rupees a year. It would have been a nice thing if a portion of this income could have been utilised for the education of the people of Ajmer. I paid a visit to Ajmer some time last year and I was surprised to find the extent of illiteracy prevailing there. I think it is the most illiterate part in the whole of India. So, if a portion of the income could have been utilised in providing education to the people of that locality, it would be well spent. I think sooner or later the Bill will have to be further amended in order to provide facilities for education from the funds of this endowment. I again thank those Members who took part in the deliberations on this Bill and specially Mr. Aney who took keen interest in some of its clauses. Sir, I support the motion.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, I thank the entire body of Muslim Members of the Central Legislature who gave whole-hearted support in making such amendments to the "Durgah Bill" as were necessary in the circumstances. My Honourable friend, Mr. Abdul Qaiyum, has justly said, the Bill was not ideal and the clauses were not free from defects, but in the circumstances that the Bill was rushed through at the end of the Simla Session of 1936, I think it is to our credit that we could unanimously agree on so many things and evolved a measure which was best in the circumstances. I congratulate and thank every one of the Members in this

House and in the Council of State who worked hard in connection with this Bill with a sincere and honest purpose and specially my Honourable friends, Syed Ghulam Bhik Nairang and Dr. Sir Ziauddin, deserve our heartfelt thanks for the initiative they took in reaching at an agreement.

Now, Sir, the Ajmer Durgah is an institution of world-wide interest for Muslims although situated in India, every part of the Muslim world has been looking with some amount of interest to our activities in connection with this Bill, as they all look upon the Ajmer Durgah with respect. We have passed an Act which could be best possible in the circumstances and we hope that in practical working of this Act conventions will grow whereby the Committee will be able to function to the best possible use and do the all what may be best thing possible for Muslims of India in the matter of education and other things as Mr. Abdul Qaiyum has suggested. Our Honourable friend, Mr. Syed Murtaza Saheb Bahadur, has rather introduced irrelevant matters in his speech, and I think his information is not based on any investigation but just on rumours, which always party feelings do spread in every country. We have tried our best to maintain the *status quo* for the hereditary posts, like those of Mutawallis and *khadims*, and we sincerely hope better sense will prevail among them to avoid any further party strife and to make us feel by working this Act that they have been handling the institution sincerely and honestly and with a desire to do good to the community. With these few words, I resume my seat.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I am one of those who think that all these institutions, Muhammadan or Hindu, should be controlled. The Ajmer Durgah has been a reputed institution of olden times where many people go who have faith: even Hindus go to that Durgah. I took some part in the discussion because I found that the proposers had completely omitted Sind representation on the Committee. I am now thankful to them for having added a representative from Sind and I congratulate Dr. Sir Ziauddin Ahmad for the efforts he has made to have this Bill passed. My present object is to draw the attention of the Hindus of Sind and of India to these institutions in Sind and indeed all over India, in which there is no discipline and no committees to take care of these institutions . . . .

An Honourable Member: Bring a Bill.

Mr. Lalchand Navalrai: Yes: I am requesting my friends, Hindus and Muhammadans, to join in passing such Bills to control these temples and *tikanas*. Provincial Governments have made some attempts in this direction by enacting Endowment Bills and the like, but they are not put into force. One was passed in the Bombay Council a long time ago, but it has not functioned at all. In those days it extended to Sind also but no officer was appointed as directed and it is more or less a dead letter, at least in Sind. I would ask the Sind Government and other Governments to take up this very important question and come to the help of the people whose money is being looted. I therefore support this Bill wholeheartedly and repeat my request to the Members to bring up Bills of this nature here as well as in the Provincial Assembly.

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

"That the Bill as amended, be passed."

The motion was adopted.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 386.)

Sardar Sant Singh (West Punjab: Sikh): Sir, before I make the motion that stands in my name, in regard to my Bill, I want your indulgence just to make this point clear whether Standing Order 4 applies to these Bills . . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member knows very well that he himself wrote to me a letter in which he asked for my ruling on the question whether a motion like this is necessary for continuance of the Bill or not. I considered the matter carefully and I gave my ruling, and in accordance with that ruling he has brought forward the motion. The only question now is whether he will go on with the motion or not. If any question arises in future I may reconsider the matter.

Sardar Sant Singh: All right, Sir. Then I make my motion. In deference to your ruling, I move:

"That the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of section 386*) be continued."

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

"That the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of section 386*) be continued."

The motion was adopted.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 205.)

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 section 205*) be continued."

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

"That the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of section 205*) be continued."

The motion was adopted.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 103.)

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 section 103*) be continued."

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

"That the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of section 103*) be continued."

The motion was adopted.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 167.)

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 section 167*) be continued."

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

"That the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of section 167*) be continued."

The motion was adopted.

THE CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I move:

"That the Bill to amend the Child Marriage Restraint Act, 1929, be taken into consideration."

Every one knows that in 1929 an Act was passed called the Child Marriage Restraint Act by which it was recognised in India that child marriages should be stopped. This was in the interests of every one living in India. Since 1929, this Act has been in force, under which a male under the age of 18 years and a female under the age of 14 years are prohibited from solemnising a marriage. The object of that need not be gainsaid. They were no doubt ancient times in which child marriages were rampant, but, Sir, the environments and circumstances were different, and they had perhaps certainly very sound reasons for celebrating child marriages in those days, but those times have gone by. We have now reached a stage where child marriages are a curse to India. In fact, till the passing of the Child Marriage Act in 1929, it was really a great curse to the country. People used to marry children of 5 and 6, nay, in some cases as soon as children were born they were tied down in marriage. This curse was realised by the public and the Government generally, and they not only welcomed the Child Marriage Enactment but were thankful to the authors of that Act. Here I must mention that the Government of India played a very laudable part in the passing of that Act. They also strengthened the hands of Rai Bahadur Harbilas Sarda, who was the principal author of this measure in those days. I must say, Sir, that when this measure was passed there was universal satisfaction. There were meetings held at several places by women's associations, and resolutions were passed thanking Rai Bahadur Harbilas Sarda for the great part he took in initiating such an important measure as this, and his name will go down to posterity, because, Sir, this measure is in common parlance known as the Sarda Act.

But, Sir, even after the passing of this measure, there are still some gaps in it, and I desire that they should be filled up. There was of course some prejudice and some opposition, in those days, to the passing of this measure, and therefore things had to be hurried up with the result that many loop-holes have come to notice in actual practice. One of these

[Mr. Lalchand Navalrai.]

defects is that people do not want to go before a Magistrate where they have to deposit money as compensation to be awarded in case of the failure of the prosecution. There are many ways in which the provisions of general law are evaded, and I don't see why the same general law applicable to evasion of the provisions of other laws should not be made applicable in this case also. Then there is also a question with regard to the offence under this Act being made cognisable or otherwise, and the insufficiency of the punishment provided for offences under this Act. I merely mention this to draw the attention of the House that there are many defects which require to be remedied, and perhaps when the motion of my friend, Mr. B. Das, comes up, those gaps will be filled in.

At present I am concerned with a small matter which is defined in the Act. Sir, immediately after the Act was passed in 1929, people who had some dissatisfaction owing, I should say, to their selfish ends, began to invent some devices,—I don't suggest that all people did so, but some. The orthodox people in those days were naturally against the provisions of this measure, but many of them have now realised the evil effects of child marriages, and I do not think there will be any objection from their side, because we find that resolutions are passed at various places in India including the most orthodox centres condemning child marriages. Sir, it was one year after I entered the Assembly, that is to say, in 1929, the Sarda Act was passed. Immediately after that I made a move for the remedy contained in my Bill which fortunately has come up for consideration today. Till now for some reason or other this measure could not come before the House, and I am very thankful that this Bill has after all come to this stage before the House. Better late than never. As I was saying, Sir, immediately after the Sarda Act was passed, people devised some means or other to defy the provisions of that Act, and I say it was really a great misfortune that they should have done so for so long from 1929 up till now. People saw that it was no offence to perform a marriage in an Indian State or to go outside India, and thus evaded the provisions of the Act. My Bill now aims at making such an offence punishable under this Act, so that any British subject who is bound by our laws in all other matters, if he hops across the borders of his place in a British territory to an Indian State, and performs the marriage of his child, he will be punishable under the provisions of this measure. Those who offend the provisions of the Sarda Act in British India are punished, but if they go a few miles away from their own place into an Indian State and quietly perform the marriage and get back to their own place in British India they go scotfree. Sir, to my knowledge several marriages have been performed in this manner. As soon as I saw that after the passing of the Sarda Act in 1929 serious evasions of the law were taking place and the Act was virtually infructuous, I corresponded at least with one Native State which is close to my own place in Sind, I mean the Khairpur State. And what was the reply I got? The Administrator of the State wrote to me to say that he was not in a position to check the evil. The reason perhaps is this. There has been unfortunately a shameless practice prevalent in some of the States to charge Rs. 100 for each such marriage which is celebrated in the State. Now, what do the parties do? I shall just give an instance. They do not go even to the interior of the State. Now Sind and the Khairpur State are divided by the stream of the Indus river. What happens is that people perform the preliminary ceremonies at home, then go in a procession

and cross the river in boats and as soon as they reach the current in the middle of the river, they perform the ceremony. No body can tell them that they have committed an offence. They therefore go unpunished. These are things that have happened. I only ask you to bring those culprits within the clutches of the law.

There is another reason also for my moving this Bill. According to the general law if an offence is committed by any British subject outside British India, then under sections 3 and 4 of the Indian Penal Code, though that person commits an offence outside he can be tried in India and will be punished. There is, however, a difference of opinion as to whether any person who commits an offence under the Sarda Act can be so treated by operation of sections 3 and 4 of the Penal Code. There are two differing judgments on the subject, one by the Madras High Court and another by the Bombay High Court. The Madras High Court is of opinion that it is covered by sections 3 and 4 and the man guilty of it was actually punished by the Madras Courts; but the Bombay High Court have given a contrary view. Therefore, there is a difference of opinion and it is for this Honourable House to rectify that defect and pass this Bill in order to remove that doubt.

It would be seen from para. (4) of clause 2 that

"The provisions of this Act shall apply also to any offence committed under this Act by any British subject within the territories of any Native Prince or Chief in India and he shall be dealt with according to the provisions of this Act in British India in the same manner as if such act had been committed in British India."

This means that the act would be punishable if it took place in the territories of any Indian Prince or Chief but in India there are certain territories of foreign powers such as French Chandernagore, Pondicherry and others. If people go there and perform child marriages this Act would still be imperfect. I must say it is now to the credit of the Government that they have realised this defect and have put in an amendment to deal with this. So far as the question of territorial jurisdiction is concerned, it would be a complete Act if these amendments are accepted. I shall not take up any more time of the House. I submit that you will be gaining the blessings of India if you perfect it in such a manner that no child marriage is at all performed and therefore it will be the duty of this House to give unanimous support to this Bill and pass it into law. Sir, I move.

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

"That the Bill to amend the Child Marriage Restraint Act, 1929, be taken into consideration."

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): The intention of this proposed law is to punish people who go to Indian States or other places outside British India and perform marriages there. My personal experience is that Orissa is the worst affected, in this respect, for it is surrounded by so many Indian States and though only 3 or 4 lakhs out of 82 lakhs of people of that Province are affected by this law on restraint of child marriage, still people are evading this law and these evasions are many. So, this is a very good provision as a consequential measure of the existing law and is welcome. But I do not quite see how this will be applicable. The amendment of Government which is relevant now, for the mover will accept it, says: This applies to "all British subjects and servants of the Crown in any part of India; and all British

[Pandit Nilakantha Das.]

subjects who are domiciled in any part of India wherever they may be." Suppose a man from Puri is settled in Hyderabad. He lives there and performs the marriage. He is a British subject. Then how can this law reach him when the limitation provided in the law is one year only. After the expiry of one year, there is no offence and no Court shall try it. I am not a lawyer myself but to my ordinary common sense it appears that the hand of the law cannot reach the man who is domiciled in an Indian Prince's State. Then again with regard to British subjects, they may go and perform a marriage in an Indian State. Suppose a British subject, either the husband or the wife, either of whom may have got his or her home in an Indian State, goes and performs a marriage in an Indian State and remains there for more than a year, then how can you try them? Therefore, both the provisions of the Bill as well as the ordinary law are ineffective, and there are no other amendments I think to consider; so it is practically useless to put this on the Statute-book. With these words, I do not know really what further to do about this Bill, though I certainly accept the principle.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I am sorry to sound a discordant note, because I think that this Bill may well wait for some time more. The Mover, Mr. Lalchand Navalrai, has not placed before us the full facts; no doubt he may be obsessed with one or two marriages which were done in hot haste soon after the Sarda Act was passed in 1929.

Mr. Lalchand Navalrai: There have been any number of marriages up till now.

Mr. M. Ananthasayanam Ayyangar: Well, they seem to be peculiar to his Province. I have of course no objection to making it as strict as possible if this abuse is widely prevalent . . .

The Honourable Sir Nripendra Sircar (Law Member): I may inform you that there are dozens of cases so far as my province is concerned.

Pandit Nilakantha Das: I may say, particularly in Orissa it is numerous.

Mr. M. Ananthasayanam Ayyangar: But the number of such marriages certainly must be going down. After all, there cannot be very many persons who will wish to undergo the trouble and expense involved in crossing from one territory to another in order to perform such a marriage, —at any rate that is the position so far as my province is concerned. I submit, Sir, that a sufficient time may be allowed for this Act to percolate into the minds of various people. I might also say that since 1929 there has been objection voiced that the age ought to be put at twelve.

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): No, no.

Mr. M. Ananthasayanam Ayyangar: Mr. Gadgil from Bombay cannot question my experience in Madras. Therefore, so far as Madras is concerned, subject to what my friend, Mr. Santhanam, may say, I can certainly say that the ages of marriage of girls are very rapidly advancing. Possibly they may not wait till after the fourteenth year, but I am sure

that no marriages are celebrated before the twelfth year. (*Prof. N. G. Ranga*: "Question, question".) Professor Ranga has no children to marry, and therefore he "questions".

Mr. President (The Honourable Sir Abdur Rahim): Such personal remarks ought not to be made.

Mr. M. Ananthasayanam Ayyangar: I withdraw those remarks. Sir, in matters of this kind, society or the community has to be taken step by step. Marriages are celebrated on auspicious occasions. People would naturally like to celebrate a marriage with eclat on an auspicious occasion in the presence of a number of relations and friends, in their own place and so few people will put themselves to the inconveniences involved in running away from their homes in order to celebrate such marriages on an auspicious occasion outside their homes because they fear they might be disobeying the injunctions of religion by postponing these marriages but after all such cases are few in these advanced days, and the number of such marriages is rapidly going down. So, those few persons ought not to be persecuted if they go to some neighbouring territory in order to marry their children after the twelfth year. Sir, it is necessary to educate the conscience of those other States which are referred to by my friend, Mr. Lalchand Navalrai. It is not correct to say that some States welcome such marriages because they can make money out of it. But after Federation, if it is inaugurated, and which will, however, be opposed (Laughter), sooner or later, we have to come to an agreement with the States as regards the manner in which they have to make similar laws to regulate social or religious matters in neighbouring States. It is better to enter into such arrangements so that even there similar laws may be made,—whether the age is to be twelve or fourteen. I am sure that in the State of Mysore there is a legislation under which marriages ought not to be celebrated of girls below the age of twelve. There is only some difference in the exact age. In Mysore marriages below the age of twelve are on the lines of this Act prohibited.

An Honourable Member: What should be the age of the boy?

Mr. M. Ananthasayanam Ayyangar: Above eighteen is the age of the boy. Sir, we are trying to become Europeans by raising the age from eighteen to twenty-one. I would like that Honourable Members should consider if they should become Europeans for all purposes and not merely for the purposes of a Child Marriage Restraint Act.

Mr. Lalchand Navalrai: And reduce the marriageable age of girls from twelve to two?

Mr. M. Ananthasayanam Ayyangar: I assert that the number of such marriages is steadily going down but if you enact this Bill you will put an improper handle in the hands of certain persons and this Act will be used for the purpose of persecuting them. Sir, I had to defend one such case where there has been a faction between Reddis and Vaishyas in Damalcheruvu. Vaishyas celebrate the marriage of a girl above twelve, possibly between thirteen and fourteen. Not one member of that community ever took exception to this case of a marriage being celebrated at an earlier age, but a certain Reddi brought forward a complaint before the District Magistrate and produced a horoscope to show that a particular

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girl had not passed the age of fourteen but was only twelve, and he said that the birth register was all wrong. So that is the way in which there have been persecutions. It is only persons who have not been able to persecute their neighbours on any other known matter that in some cases they take this sort of thing up and place a case before a Court of law. In those circumstances, I ask if it is quite wise that even those persons who for some purposes stray into a neighbouring territory, and such cases must after all be few, should be persecuted in this manner. As my friend, Pandit Nilakantha Das, has said, after all one of the parties may belong to an Indian State. How long are you to wait to launch a prosecution? You cannot file a complaint after one year and nothing can be done so far as those people are concerned. I would therefore say that this measure is unnecessary now. Let us wait for some time until the States also come in and then we can educate the States also and enter into some arrangement with them. Those people also might not tolerate the marriages in these forms which are celebrated not in the places of their domicile or origin of either the one or the other party but somewhere else. Therefore, I would suggest that my friend might well wait until some arrangement is come to between ourselves in British India and the people in the Indian States.

Mr. N. V. Gadgil: Sir, I was surprised to hear my friend, Mr. Ananthasayanam Ayyangar, opposing the consideration of this Bill which only tries to extend the extra-territorial operation of the Act which has been already passed in the year 1929. I submit that you must look at this Bill from a more scientific point of view. If I speak a little longer with your permission, Sir, I hope the House will give me the patient hearing that, at any rate, this measure demands at this juncture.

When the Sarda Act, as it is popularly known, was passed in the year 1929, the two principles that guided the Government to support that measure were those which have been well laid down in the speech that was made by the Home Member at that time. Honourable Members will find it in Paper No. 1. It reads thus:

"The first and the most reasonable conclusion, the inevitable conclusion in reference to the particular contents of this Bill is that there exists *a great and a corroding evil* in this country which is clamorous for a remedy. That evil, Sir, is one which afflicts, in the first instance, the most defenceless, innocent sections of the community, those who have the greatest claims for our protection. The evil is not only limited to that. It is not merely the large number of young girls who year by year either die or sustain serious bodily injury; but those who are acquainted with the case, those who have studied the evidence, those more particularly who have come into contact with the practical facts and the practical consequences, cannot contemplate them without—I put it no higher than this—the most serious searchings of mind, heart and conscience. It is not merely that generations after generations of young girls should be exposed to or should suffer from these evils, but there are dangers to the future generations of the country from which, if the country is not willing to adopt a remedy, it will undoubtedly suffer in its most vital and important interests.

We are convinced that this evil exists; we are convinced that the measure of Rai Sahib Harbilas Sarda is, at any rate, a first step in the direction of seeking a practical remedy. Where we find so great an evil and where we find a promising remedy, we feel we must support what we think to be right."

These are the two principles that were laid down when the Sarda Bill was under consideration. If I were to take the time of the House by giving certain facts and figures which I have found from the Census report and

which were the immediate consequence of the passing of the Sarda Act, Honourable Members will be surprised and in a way grieved to learn that that Act was practically of no use. I am giving the figures which are given in the Census report of 1931. The figure of wives below 1 year in 1921 was 9,065 and in the year 1931 the figure was 44,082. The figure of widows below 1 year in 1921 was 759 and in the year 1931 it was 1,515. The number of wives below 5 in the year 1921 was 2,09,397 and in the year 1931 it was 7,57,770. The number of widows below 5 in the year 1921 was 14,380 and in the year 1931 it was 29,365. The number of wives below 10 and above 5 in the year 1921 was 20,16,687 and in the year 1931 it was 42,00,534. The number of widows below 10 and above 5 in the year 1921 was 1,02,239 and in the year 1931 it was 1,05,482. Now, the number of wives between 10 and 15 in the year 1921 was 63,30,207 and in the year 1931 it was 72,69,208. Now, I will give you the grand total. The number of wives from zero to 15 in the year 1921 was 85,65,531 and that in the year 1931 it was 1,22,71,591. Now, what is this increase due to? As soon as it was known that the Sarda Act was to come into force, people became agitated and in this connection I shall only read what has appeared in an issue of the *Liberty* of Calcutta, dated the 30th March, 1930. Those representatives of orthodoxy who happen to be still here may carefully note it. This is what the paper says:

"A matrimonial wave is just passing over the country. Bride in embryo is being married to groom in the craddle. The Sarda Act is coming into force and the pig-tailed Pandits have sanctified juvenile to stave off perdition. Poor girl just learning to suck the feeding bottle being carried over to the wedding bower. Urchins are being snatched from the arms of their playmates to don the garb of a groom. As an emergency measure the elastic Pandits have issued an edict whereby they have certified the month of *Chaitra* to be the proper season for matrimonial alliances. Our Pandits have extended the limits this year. We are sure before the 1st April comes on there will be hardly left single unmarried man or woman in India."

That was in the month of March, 1930. Now, from January, 1930, to April, I must give some figures about marriages from Bengal as the Honourable the Law Member has said that the evil there was very great. The average in the district of Bakarganj was 192—1929—305. I am talking about Muslims. In the month of January, 1930, the number was 490. In February it was 1,529. Latterly in March it was 8,782. That will show the net result of the passing of the Sarda Act.

Now, I am coming to Madras. The reference to these figures will be found in the Census report, Vol. I. In Madura 200 Vakils got all their children below 10 married. As I said at the beginning, we must look at this question from a more scientific point of view. I do not want to reiterate the platitudes which have been reiterated many times that the child marriage is bad, that it shatters the health of the female and so on and so forth. We must remember the basic thing, namely, that the female, in fact, is definitely better equipped by nature for survival than the male. But, then, this advantage is probably neutralised in infancy by comparative neglect and in adolescence by the strain of bearing children too early and too often.

1 P.M. Now, if we go further and study facts and figures as regards the percentage of males and females and if we want that this race, in which term I include both Hindus and Muhammadans, should survive and survive in a fit and proper manner, I think the sooner we raise

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this age of marriage the better. In this connection, I may point out with your permission to the House that certain statistics were collected in the State of Baroda and some of the conclusions which were drawn from those statistics are really worth noting. In the matter of collecting statistics, 29,000 families were taken into consideration. The general average of child birth per marriage was 4·2 and the survival was 2·9. But if we take the figures of those girls married between 20 and 30, the birth average was 4·3 and the survival, 3·1. If we take girls married after 30, it is 5·1 birth and 3·6 survival. So one conclusion is inevitable and that is that if females are married not at an early age but later on, then the survival of children is greater. But if we were to compare these statistics with what we get when girls are married below 14 or 15, we find the infant mortality very much. So, I submit, from these few statistics that I have placed before this House, it is evident that this evil is very great and it is corroding into society and the remedy that was then proposed was embodied in the Act known as the Sarda Act in 1929. Since the passing of that Act, this evil has not decreased. On the contrary many efforts are being made to avoid the consequences that are contemplated in this Act. My Honourable friend, Mr. Lalchand Navalrai, referred to his province and I am also referring to this Province so that the House might understand it in its proper perspective. This is what the Government of Sind writes:

"The most serious defect in the Act is that it does not penalise a child marriage between British Indian subjects contracted outside British India. All such persons in Sind who propose to act in contravention of the Act, proceed to the territories of Khairpur or Kalat States and celebrate the marriage there. These places are so easily accessible to the residents of this Province that the Act has ceased to be effective. It would be futile to amend this Act in any way unless it is given an extra-territorial operation, on the lines of section 4 of the Indian Penal Code."

Then, Sir, I may also refer the House to the judgment that was delivered by the Bombay High Court in 37 Bombay Law Reporter. His Lordship, Sir John Beaumont, the Chief Justice, in the course of his judgment observed:

"Where the court is dealing with an act committed outside British India by an Indian subject which would be an offence if it had been committed in British India, section 4 of the Indian Penal Code as it now exists, constitutes the act an offence, and it can be dealt with under section 188 of the Criminal Procedure Code. Cases arising under other Statutes which contain a provision similar to section 4 of the Indian Penal Code (of the Indian Railway Act, 1890, and the Indian Telegraph Act, 1885) can be similarly dealt with. But the Child Marriage Restraint Act, XIX of 1929 contains no such provision, and the prosecution must prove that the Act makes penal a child marriage performed outside British India.....In my opinion, the Act is limited in its operation to British India and only strikes at marriages contracted in British India."

Therefore, Sir, it is abundantly clear that the evil has not decreased, on the other hand, it has increased. Similarly, it is abundantly clear that the remedies as they exist today in the Act as it stands today are not sufficient to meet these breaches of the law. I, therefore, submit that the Bill that has now been moved by my Honourable friend, Mr. Lalchand Navalrai, only meets a part of the evil. In fact it would have been far better if the House had an opportunity to take into consideration the Bill that was introduced by my Honourable friend, Mr. B. Das. If you, Sir, permit a reference to the Bill which Mr. B. Das was going to move for consideration

today, you will find that that Bill contains provisions which adequately, in my opinion, meet those breaches which we have found by experience during the last seven years in the working of the Act. In fact, I should have considered it to be the duty of the Government . . . . . .

Mr. Lalchand Navalrai: I do not think my Honourable friend, Mr. B. Das, in his proposed Bill refers to this question of territorial jurisdiction. Therefore, that is shut out.

Mr. N. V. Gadgil: In fact I consider that it is the duty of the Government, having had the experience gained in the working of the Act for the last seven years, that they should come forward with a Bill which would remove all these difficulties. (Hear, hear.) But Government do not seem to be very anxious to remove the defects in the existing law. I would make a present to the Government of the views expressed by Miss E. F. Rathbone, M.P., about the attitude of the Government of India. She says in her book "The Child Marriage, the Indian Minotaur":

> "The necessity for enforcing respect for law and order has recently been much in the minds and on the lips of those in authority all over India. But laws concerning social reforms are apparently an exception, being intended rather to quiet the conscience of the legislators and their critics at home and abroad than to be obeyed. The official attitude was indicated after the first recorded prosecution under the Act. The offender who had given his ten year old daughter in marriage in defiance of the warning of his village headman, was sentenced to one month's imprisonment —the maximum term permitted under the Act. Instantly the Punjab Government telegraphed to order the man's release."

That has all along been the attitude of the Government. I really wish that the Government came forward with their own measure on the lines suggested by Miss Rathbone in her book which are also practically embodied in Mr. B. Das' Bill. The present Act makes the offence a non-cognisable one and the period of limitation is laid down as one year and it is only punitive and the maximum fine of Rs. 100 does not operate as anything like a hindrance or prevention to those who really wish to marry their children below 14 or 18. In fact, I may even tell the House that this amount of fine is provided in the contract of dowry. Whenever a contract is made for marriage and when the parents know that this is against the law, they usually contract that in case any one of their relatives, or friends or foes files a prosecution under the Sarda Act, the fine should be paid either by the parents of the bride or the parents of the bridegroom. The real evil can only be checked if the Courts whether of the District Magistrates or of the District Judges are empowered to issue preventive injunctions. That may curtail the evil to some extent. But the real and radical remedy will be to incorporate a provision which will declare that any marriage celebrated in contravention of the provisions of this Act shall be invalid. That is the only real and radical remedy.

Then the third point referred to is about the non-cognisability of the offence. If the position of Government be that if the evil is so great and so corroding and if the remedies are really promising then Government are bound to support such a measure, here is an offer. The case that the evil is great is already made out inasmuch as the Act is already on the Statute-book. That it is corroding and widespread and very extensive, I believe, I have been able to prove to the satisfaction of the House. Here are the remedies. Some are contained in the Bill that was to have been moved by my Honourable friend, Mr. B. Das. It is up to Government to show that

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they act up to this old principle. It is no good saying now in the year of Grace 1938 that it is going to offend the religious scruples of this section or that section. I submit, Sir, that religion has nothing to do with marriage laws. (*Several Voices*: "Question.") But even if it has something to do with it, then so far as this Government is concerned as it stands today, I might point out what Lord Lansdowne said long ago:

"If any practice is inconsistent with public safety and condemned by every system of law and morality in the world, it is religion and not morality which must give way." (Cheers).

I therefore submit, Sir, that this is an occasion in which the conscience of Government is put to the test. The mere acceptance of the Bill which has been moved by my Honourable friend, Mr. Lalchand Navalrai, is not enough. I should like to have an assurance from Government that not only will this Bill be not opposed but that as early as possible Government will come forward with a measure of their own to remedy the evils which have been pointed out in the course of the debate today. Sir, I support the motion.

The Honourable Sir Henry Craik (Home Member): Sir, as reference has been made to the attitude of Government, I should like to make it clear at the outset that the Bill which we are discussing today has the sympathy of Government and that they will support the motion for consideration, but will move amendments on one or two minor points which I understand will be accepted by the Honourable the Mover of the Bill. Sir, the last speaker in the course of his speech, evidently composed with reference to Mr. B. Das's Bill, tried, as is often the attitude of the Benches opposite, to put the blame on Government for not doing more to close the gaps in the original Act. May I remind the Honourable Member that if he and his Party are really so eager to close those gaps, how is it that Mr. B. Das's Bill, which Government are ready to support and which has had two opportunities of coming up before this House and might, so far as it lies within Government's powers, have been passed by this House on either occasion, has dropped because the Honourable Member who devised the Bill did not take the trouble to be here? That is slightly inconsistent . . .

Mr. M. Asaf Ali (Delhi General): He is engaged in Government work in Orissa. It is not a case of voluntary absence at all.

The Honourable Sir Henry Craik: If he is really keen about his Bill, he could surely have arranged to be present, moved his own Bill and secured its passage. And I am certain that I am not wrong in saying that if he had moved that Bill it would have been passed by this House by this evening. This is the second occasion on which the Bill has been on the Order Paper and he has not been present on either occasion to move it.

I have only one other remark to make and that is that I am frankly astonished by the attitude taken up by the Honourable gentleman who spoke last but one, Mr. Ayyangar. I have always suspected the Honourable Member of being at heart a really hard-boiled Tory; and now I know my suspicions are correct. I noticed that in respect of another piece of legislation of which I was in charge relating to the peasant debtor, the Honourable Member made it perfectly clear . . . . .

Mr. M. Ananthasayanam Ayyangar: Sir, is the Honourable Member in order in referring to what I said on another Bill in the Select Committee?

The Honourable Sir Henry Craik: I did not mention the Select Committee at all. From his attitude in this House the Honourable Member made it perfectly clear that he had very little sympathy with the peasant-debtor just as he has made it clear today that he has little sympathy with the child bride. According to the Honourable Member's speech today, it is perfectly justifiable for a parent who can afford the trouble and expense involved in jumping across the border of the nearest Indian State to marry his infant daughter to somebody else. In other words, the rich man who evades this law ought not to be punished while the poor man who cannot afford the trouble and expense of evading it is to be punished. That is the Honourable Member's attitude. I must say that that seems to be an astonishing attitude to take up and it certainly is not the attitude that Government propose to take up. And it would be a reproach to this House, extending far beyond the walls of this Chamber and far beyond the bounds of India, if the House as a whole were to take up the attitude advocated by the Honourable Member.

The principle that child marriage is undesirable is enshrined in the Sarda Act. If we find that there are gaps in that Act which make evasion possible, surely it is our duty to do all that we can and as quickly as we can to close those gaps.

Pro. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): Why not Government come forward with a Bill?

The Honourable Sir Henry Craik: Because private Members have come forward with Bills and though we have given them every possible facility, they do not take the trouble to come up and move them. If private Members time after time draw up Bills which Government are ready to support, why should Government put forward legislation to the same effect? If we had known that they would not be there we would have brought forward a Bill of our own and Government would be perfectly willing to support any Bill, provided it has the clearly expressed support of the communities affected, that is designed to make the Sarda Act more effective.

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 Cowasji Jehangir (one of the Panel of Chairmen) in the Chair.

MOTION FOR ADJOURNMENT.

TRANSFER OF CERTAIN VILLAGES IN MARWARA DISTRICT TO THE ADMINISTRATIONS OF JODHPUR AND UDAIPUR STATES.

Mr. Chairman (Sir Cowasji Jehangir): The adjournment motion moved by Mr. Mohan Lal Saksena—"to move the adjournment of the business of the Assembly for the purpose of discussing a definite and specific matter of urgent public importance of recent occurrence, namely, the transfer of certain villages in Marwara District from the Government administration

[Mr. Chairman (Sir Cowasji Jehangir).]

to the administrations of Jodhpur and Udaipur States without consulting the wishes of the people of the area or the Legislative Assembly. The communiqué announcing the decision of the Government was issued on the 2nd February, 1938"—has been disallowed by His Excellency the Viceroy on the ground that the motion cannot be moved without detriment to the public interest.

THE CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL.

Mr. N. M. Joshi (Nominated Non-Official): Mr. Chairman, the Child Marriage Restraint Act was passed in 1929. I have no doubt that since the passing of that Act a large number of child marriages have been prevented. At the same time it will be admitted by all that although the Act has been on the Statute-book for more than 8 years, the total number of child marriages taking place in India has not been reduced considerably. Child marriages are taking place in India as openly as before, and in almost as large numbers as before. As has been pointed out by previous speakers, this is due to several defects that have been allowed to remain in the original Statute of 1929.

In the first place, although when a child marriage takes place it is necessary to punish the offender, what is more important from the point of view of the community is the prevention of the marriage itself. Unfortunately it is a doubtful point whether the Courts in India have got powers to issue injunctions when they hear of a child marriage taking place. In Bombay, the Courts have issued injunctions, but in other provinces injunctions have not been issued. If child marriages are to be prevented this defect of the law must be remedied.

Then, it has been made obligatory upon the Courts to take up cases of breaches of the law only upon complaint being made. It is not easy to get people to come forward openly to make complaints about breaches of law, by their neighbours or by the people in the same village or town. Similarly, the man who has to make a complaint has to execute a bond, and in case he fails in his case he loses the amount of the bond. Under these circumstances only a few cases come to the Court. We must, therefore, amend the law enabling the Court to take cognisance of cases of breaches of the law on private complaint.

There is another very serious defect. If an illegal marriage takes place, there is no power given to the magistrate to prevent consummation of that marriage or to prevent the husband and the girl living together after the marriage. It is necessary that the magistrate should be empowered in these cases if they consider it to be necessary to prevent the girl and the boy living together after the illegal marriage takes place.

The Bill under discussion has also exposed a very serious difficulty. A very large number of people avoid the law by going to Indian States. I was glad to hear that the Government of India propose to support this Bill. I have no doubt that a large number of child marriages will be prevented if we pass this Bill. The passing of this Bill will no doubt be of some use, but in spite of the passing of this law, a very large number of child marriages will still take place. It is, therefore, necessary that the various defects of this law should be remedied and I feel that the Government of India should bring forward their own measure for the removal of

those defects. It was a matter of great regret to me that my Honourable friend, Mr. B. Das, is not present today to proceed with his Bill . . . .

An Honourable Member: Unavoidably, they say.

Mr. N. M. Joshi: It may be unavoidable, but still it is a matter of regret to me and we are all sorry that he is not in his place: I am not blaming him. The allowing of these defects to continue has very serious effects. In the first place the law which we have passed is made a dead letter. The good that we expected to come out of the legislation is not secured. Not only that, but the people as a whole have a sort of contempt for the legislation. The results are more serious. When a Government passes legislation and allows such legislation to be openly flouted, it creates a contempt for law and order in that country. Let me assure my Honourable friend, the Home Member, that the preachings of few communists do not produce that contempt for law and order in the country as allowing legislation on the Statute-book and permitting the people to flout it openly, does. A few communists cannot produce that contempt for law and order in the whole country; but if you pass a law regarding marriage with which each individual in the population is concerned, and if you allow that law to be openly flouted, you allow contempt for law and order to be produced in the minds of the whole people I therefore suggest that, whether it may be the fault of my Honourable friend, Mr. B. Das, or not, it is the duty of the Government to remove the defects in the law and prevent child marriages taking place and also to avoid the serious evil of contempt for law and order being produced in the whole country. I hope the Government of India will not be content with merely supporting the Bill of my Honourable friend, Mr. Lalchand Navalrai, but will take the earliest opportunity to bring forward a measure removing the defects of the Child Marriage Restraint Act.

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): Sir, I most reluctantly, but as a matter of duty, rise to oppose this motion.

Mr. Lalchand Navalrai: Wholesale?

Syed Ghulam Bhik Nairang: You will see it presently. It is not that I oppose the motion wholesale as my friend suggested. As far as the non-Muslim communities of India are concerned, if they consider the existence of an enactment, like the Sarda Act or like the one which the Sarda Act will become if the present Bill is passed, good for themselves, I have no objection, but as far as the Muslim community is concerned, I am positive that the law, since the day it was on the legislative anvil, has been a thorn in the side of the Muslim community. Perhaps it will be within the memory of some of the older Members of this House,—I am sorry my friend, Sir Abdul Halim Ghuznavi, is not here,—that while the Sarda Act was under consideration in this House, a good deal of agitation took place against the application of that measure to the Muslim community. In fact, originally, the Bill was introduced by its author Rai Bahadur Harbilas Sarda only for the Hindu community, and as the measure was applauded by most people as embodying a very desirable reform, some of the Muslim Members of this House of that day, without giving sufficient thought to the subject, felt tempted to ask the Mover of the Bill to include the Muslim community as well. That was how, although originally the sanction of the Governor General was granted to the Bill as only affecting the

[Syed Ghulam Bhik Nairang.]

Hindu community, the Muslim and other communities came latterly to be included in this Bill. When this fact came to the knowledge of the public, an agitation was started by the Muslim community and maintained up to the very day that the Viceroy gave his assent to the measure. It was in the teeth of opposition on the part of the Muslim community that that Bill was passed, and a very influential deputation was taken to Lord Irwin praying that he should not give his assent to this measure. I was a member of that deputation; my late lamented friend, Maulana Muhammad Ali, led the deputation; and my friend, Sir Abdul Halim Ghuznavi,—if he had been present now he would have borne me out,—was also one of the members,—it was a very representative deputation, because people from all parts of India had been included in it. Of course, the mistake that had been committed by some Muslim Members of this House at one stage of the legislation could not be rectified, and His Excellency the Viceroy gave his assent to the Bill.

But, Sir, ever since then there have been many amending Bills put in by Muslim Members to the effect that the Child Marriage Act should not apply to the Muslim community, and even now we have a Bill in this House by Mr. Kazmi to the same effect. Under the circumstances, I submit it is impossible for the Muslim Members of this House to pass a silent vote on this matter, and we have to make it clear that, with the exception of some of those who may not be sufficiently well informed about the Muslim law or may perhaps be anxious to court applause as being advanced people,—or may be influenced by some other such reason, the Muslim community as a whole cannot accept this measure. The fact remains that the community as a whole has all along consistently opposed not only the original Child Marriage Bill when it was only a Bill, but also since it has become an Act.

Sir, the position is this, that the Muslim law of Shariat is complete in itself. It settles for all time for the Muslims when they can marry, how they can marry their children and at what age, who is authorised to give his consent to a marriage, and all the details are laid down in the Muslim law, and it is unthinkable, nay, it is absolutely intolerable for a Mussalman to be told that he can be punished as a criminal for doing what he is entitled to do under the Muslim law. That is a thing which is galling to every Muslim, and that is why the Mussalman sentiment is against this measure. We have got definite rights in the Shariat. It is an insult to a Muslim's religion to be told that he should be punished as a criminal for doing what he is entitled to do under his personal law. Therefore, I submit that as far as the Muslim community is concerned, this Bill must be opposed in this House. Of course, as far as the Hindus and other communities are concerned, I have no objection to their supporting the measure.

Mr. M. Ghiasuddin (Punjab: Landholders): Mr. Chairman, as the previous speaker, for whom I have the greatest respect and very great personal regard, has mentioned the Muslim community as a whole, I feel it is my duty to say something on the subject. I am speaking in this House as a Mussalman. I have followed this religion ever since I can remember, and I hope to die as a Mussalman.

An Honourable Member: A very pious hope.

Syed Ghulam Bhik Nairang: Will my friend say if he speaks as the elected representative of the Muslims in this House?

Mr. M. Ghiasuddin: I am an elected representative of Mussalmans as well as of non-Muslims. That does not take away from me the right of speaking for Mussalmans. I think I have a perfect right to speak as a Mussalman on this subject.

Sir, let me at the outset congratulate my Honourable friend, Mr. Lalchand Navalrai, for his public spirited action in bringing forward this Bill. I think it is a most beneficent measure, and I can further say that these social measures have been passed by the legislatures of all the countries in the world including the Moslem countries. ("Hear, hear" *from Congress Benches.*) If Kemal Ata Turk had been here, he would not have shown opposition to a social measure like this. I think he is as good a Mussalman as any other Honourable Member sitting on these Benches. Sir, it is generally said that any measure of social reform is an interference with religion. Now, I will take a small example. Our religion forbids us to do many things,—like taking ham or bacon or drinking wine and other alcoholic drinks . . . . .

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Or shaving the beard! (Laughter.)

Mr. M. Ghiasuddin: But there are things which are permissible. For instance, we are permitted to eat melons or other fruits by our religion. Now, if there is any epidemic in a particular city and the health authorities there forbid eating those fruits—in fact if they destroy those fruits, according to this very narrow interpretation of some Honourable Members, it would be interference with religion. Even if we are forbidden to eat melons at that time, for the sake of our own health, such prevention of eating melons would be regarded as interference with religion according to the very narrow view of some of my friends. It is a question of health. It should be looked into scientifically.

All I can say is that this evil of child marriage does exist among Muslims quite as much as it does among non-Muslims. Mr. Gadgil quoted from a book written by Miss Rathbone, Member of Parliament. If my memory serves me aright, she gave a particular instance of this evil of child marriage prevailing among the *Julahas* of Patna in the Bihar province. There, the social evil is very much prevalent and the health of our community is being affected. Some Honourable Members may go back and say that they have upheld the prestige of their religion by opposing this measure but do they know what the effect will be on the health and happiness of our community. Our girls of 8 and 9 are given in marriage. Their health is being affected by premature child birth. I know these cases are prevalent in our country-side, in almost all our villages and the health of our young girls is being undermined and yet some Honourable Members in the name of the prestige of Islam come and oppose reforms like this.

Here I may draw the attention of Honourable Members to one point and that is that our girls and especially poor girls are sometimes given in marriage to perverted saddists and the treatment that these girls receive at the hands of these people is not to be repeated in this Honourable House. It is enough to rouse the indignation of any decent man. I appeal to these Members, in the name of their religion, to save these poor

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girls from the hands of these saddists and follow the example set by so many Muslim countries. For instance, take the case of Albania. Many good laws are promulgated there. Bigamy is forbidden there. I am not advocating that measure here but a good many other Muslim countries, such as Turkey, Egypt, have similar laws. If Mussalmans in this country oppose a reasonable reform like this, they will soon realise that they have brought a blot on the name of religion. I appeal to them not to take too narrow a view of religion.

Our religion is not meant for one country alone. It is meant to embrace the whole world. Different climates have different effects on the health of people. A girl in Africa or Arabia may attain the marriageable age earlier, that is at 7 or 8. In England, Norway and Sweden, the marriageable age is very much higher. Our religion does not say that you must marry at a certain age. To allow girls to be married when they are not physically fit for marriage is a social crime and I hope that Honourable Members of this House will support the commendable measure that has been brought forward by Mr. Lalchand Navalrai, although I agree with my Honourable friend, Mr. Joshi, and several others that this measure does not go far enough. The Sarda Act is a dead letter and this is a corollary on the Sarda Act. I beg the Government to take the matter in their own hands. Seeing the sympathetic attitude of the Honourable the Home Member, I think the Government will bring forward a comprehensive measure which should protect the health and happiness of our sisters and daughters.

Seth Govind Das (Central Provinces, Hindi Divisions: Non-Muhammadan): I rise to support this motion. I want first to congratulate my Honourable friend, Mr. Ghiasuddin, for his very fine speech. He has proved that this question is not a communal question at all. It is a question which deals with the entire population of India and nobody can deny the fact that after the Sarda Act was passed the evil of child marriage in the whole of India has been reduced to a very great extent. The principle of such kind of legislation was accepted by the Indian Legislature when Mr. Sarda introduced that Bill and it was passed with the support of Government. The present Bill deals simply with one aspect of the child marriage and that is the marriages which are taking place in Native States. Everybody knows that we who come from Rajputana and who have migrated from different States into British India generally take advantage of these Native States and especially my friends from Bikaner and Jaisalmer to which my ancestors belonged. When they return after marrying to British India there is no penalty upon them. On behalf of the social reformers in Rajputana and on behalf of the Maheshwari community and on behalf of the All-India Maheshwari Mahasabha of which I was President twice, I support this Bill. I hope that after this Bill is passed this evil, especially among Marwaris in British India, who generally go to the Native States and marry their children there at a very young age, will disappear. I know that there are some conservatives amongst Rajasthanis who are opposed to this Bill but when Sarda Act is on the Statute-book and when the people want to take undue advantage of the present position, it is but natural that such a measure should have been brought up. I whole-heartedly support this measure.

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): Mr. Chairman, unfortunately certain allegations have been made by one Party against the other. Persons who are supporting the Bill consider persons who are opposing the Bill as backward. The persons who have come forward consider themselves to be social reformers and consider the persons who are opposing it as being retrograde and backward.

Mr. Lalchand Navalrai: I am a reformer as well as an orthodox.

Qazi Muhammad Ahmad Kazmi: I do not mean that orthodoxy is equivalent to backwardness, but at least my friends not only consider the persons who are opposing the Bill as orthodox but backward also. (*Voices*: "No, no.") My position is this that this has nothing to do with any communalism; just as my friend, Seth Govind Das, has said, "I do not consider that this is a communal matter", so I also consider that this is not a communal matter, I also consider that it is a forward measure, but at the same time we have to consider the limits up to which the State can interfere in the personal laws of individuals. That is the question. So far as Muhammadans are concerned, I think they always prefer marriages that take place after maturity. No person supports any practice to the contrary, but the question comes in when we say that we will make the marriages of minors punishable as a crime. We say that we cannot permit that; the State has got no right to come forward and say that anything which is valid according to the personal law of a particular community is a crime according to the law of the State. That is the inconsistency which makes one come forward and protest against any such legislation. I do not mean to say that we approve of the marriages of minors; we are as much in favour of the marriages of adults as any other community can be, but we cannot tolerate any law which makes a thing which is permissible and legal and perfectly valid according to our personal law to be punishable as a crime under the law of the State. That is the position of Mussalmans so far as the present law is concerned.

3 P.M.

Now, what has been the effect of the Sarda Act? My friend, Mian Ghiasuddin, and other people have come forward and even said that it is only the poor people amongst whom marriages take place amongst minors, but I would only remind the House—I do not want to mention names, but it is a fact that just when the Sarda Act was on the anvil of the Legislature a big taluqdar of Oudh holding a responsible position in the Government of the United Provinces married his son to the daughter of an eminent barrister of Patna who also had the honour of occupying a very high position in the Government of India. (Interruption.) I am sorry to say that the other fact may be wrong, but so far as the question of the other gentleman, the taluqdar of Oudh, is concerned, it is correct. Now can we say that it was a dereliction of duty on the part of a big man, can we say that he was an irresponsible person, can we say that he was an ignorant person, can we say about him that he did not know the medical laws or the laws of hygiene? Now why do some people break this Sarda Act and try to evade it? It is because under certain circumstances it becomes necessary that minors may be married. Consummation of course may take place afterwards. What I want to say is that whenever there has been any necessity people have come forward, even in spite of this

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Act, to marry minors, that it has been a dead letter in practice, and that it is not only in that sense that we oppose it but also, in the present form, as pointed out by Mr. Joshi, it is used more for the purpose of blackmailing people in order to terrify them rather than for any salutary purpose. Some people feel tempted to come forward with a sum of one hundred rupees and take the risk and only thereby try to make some money out of the people who are the unfortunate victims of their caprice. So in practice this has been a dead letter and we are opposed to its principles because it enacts certain things being a crime which are valid according to the provisions of the Muhammadan law, and we do not want to see anything that is valid according to the Muslim law being made invalid by our own hands—a thing which is quite consistent with the feelings of the Muslim community we do not want to be made invalid by an Act of the State, and it is for these reasons that we are not in favour of this Bill. So far as the present amendment is concerned I think there is not much to be said,—it is only an extension of that principle, it is a purely consequential thing. What we want is to attack the principle itself: it was in connection only with the enunciation of those principles and because of the speeches of some Honourable Members that I also have put forward the point of view of the Mussalman community in this matter.

Dr. G. V. Deshmukh (Bombay City: Non-Muhammadan Urban): Sir, I think my friend, Mr. Ananthasayanam Ayyangar, has rendered a distinct service by his amazingly disgusting statement in connection with this subject. Lest there should be some misunderstanding on the part of the House as regards the position of my Party, I may as well state to the House that the Congress Party as a whole is entirely in support of this measure and of every measure of social reform (Hear, hear) and not only with respect to this measure of Mr. Lalchand Navalrai, but even if Mr. B. Das's measure had come forward, it was already decided by the Congress Party that that measure also should be very strongly supported.

Now, what is the position with regard to this measure? If we start dividing ourselves into so many compartments, into a Hindu compartment, a Muhammadan compartment, a Parsi compartment, a Sikh compartment, a Christian compartment, then I want to ask you where we will be? In this House not a House of Legislature for the whole nation, or is it not? I can understand that so far as our particular religious tenets are concerned, there can be a meeting of Pandits, Maulanas, Dasturs and Modys, of Padris, I have no objection to that, and I personally have not got the least right I think to enter any meetings of learned men, but when you come to this House, whatever the considerations may be, I take it that we must first and foremost consider it from the general utility point of view and from the national point of view and the general scientific point of view. Now, since the principle of the Sarda Act has been accepted and it has been made into law—I do not want to go into the scientific side of the question, indeed at the time when that Bill was on the anvil, the medical profession all over the country supported the Bill whole-heartedly; there was a session of the All-India Medical Conference at that time, when your humble servant, myself, happened to have had the honour of being the President of that body. It was under my presidency that the All-India Medical Association, wherein practically all

the distinguished medical men from the country had gathered together, passed a resolution supporting whole-heartedly the measure called the Sarda Bill.

Even in those days I thought that the Sarda Bill did not go far enough. However, I am of the temperament that if we can leave the place a little better than we found it, we should be happy. If we can improve the laws of the country to some extent, then for the present we ought to be satisfied. Therefore, that measure was, to my mind, a great advance on the existing order of things. But since then, as has been pointed out in this House, that law has become an absolute dead letter. I must say that the position that was created was absolutely ridiculous because we are all given to understand that we must respect the law. But the Government itself somehow or other did not take care to see that that respect was shown to this law which it deserved. Take a place like the Kalbadevi Road, Bombay, where many Marwaris come from different States and are living there side by side with the local people of Bombay. The real British people cannot go to either Jaipur or Jodhpur or any of the 625 Indian States for the purpose of contracting a marriage but the next door Marwari gentleman or may be somebody else can take his child of 8 and get her married over there and come back and live by the side of the residents of British India and say: "See! You cannot marry your child of 8, but I have gone into the neighbouring State and have got my daughter married and the law cannot do anything". We must say that this state of affairs so far as this law is concerned is reducing it to mere farce.

I am very glad to know that the Honourable the Home Member has spoken so forcibly in favour of this law. If nothing has been done by the statement of my friend, Mr. Ananthasayanam Ayyangar, it has certainly put the Honourable the Home Member on his mettle and he has declared on the floor of the House that he will support this measure whole-heartedly. I was very glad to hear when he said that if Mr. Das had been here, then he expected that by the evening Mr. Das' Bill would have become a law. I can tell the Honourable the Home Member that nobody was more pleased than I was by hearing those remarks. What is more, not only myself but the whole of my Party, which is dedicated to social reform, could not be more pleased than to hear the statement of the Honourable the Home Member on the floor of the House.

Well, Sir, it is no good talking of religions. In my opinion all religions are meant not for human misery but for human happiness. If a religion is meant for human misery, then I take it that it is not a religion but a superstition. I have nothing to say against Islam or Hinduism or any other religion. All the religions that were started, I have not the least doubt, were started as pure religions. But you cannot deny that there is any religion in which degeneration and superstition have not crept in. If I had the time I could prove to you to the hilt that this early marriage in the Hindu community does not form part of the Hindu religion at all. To give you only one instance. Let anybody with a smattering of Sanskrit read those pious Mantras which are recited by the bridegroom to the bride and let him tell me that they are meant to be recited by a bridegroom of 8 or 10 to a child of 2 or 3. If this statement is not convincing, then nothing can convince those who refused to be convinced. It is not possible to say that all these religions have been saved from degeneration,

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disintegration and superstition and what passes for religion today, does not make any appeal to me at all. I am however prepared to abide by the so-called religion if the superstition of today is willing to follow the modern methods and the modern times, whether it is in scientific matters or hygienic matters, in order to insure the happiness of the human beings. But if they cannot do that, then so much the worse for these so-called religions or superstitions. The sooner you see the end of them the better.

I hope, therefore, that such like considerations will not prevail in the House. When a measure comes here for legislation, let us think about it independently and honestly and more for the happiness of the human beings for whom we are responsible and for which business primiarily, I take it, we are sent here. We are not here to guard this particular religion or that particular superstition. From that point of view I extend my whole-hearted support to this measure. At the same time, I must mention that in my opinion the measure does not go far enough. I am looking forward to the time after the assurance given by the Government on the floor of the House that they will support any kind of measure which may be brought forward in this House in order to eradicate this evil of child marriage. If the Government is not prepared to bring forward a measure to this end, I can assure them that after this encouragement that has been given today by the Honourable the Home Member, there would be found any number of private Members who would be prepared to bring their private Bills. I hope the Government will continue to give the same support that has been given to this social measure by the present Government, thanks to the Leader of the House, Sir Nripendra Sircar, and his Colleagues. I hope that this measure will pass without much trouble.

The Honourable Sir Nripendra Sircar: Sir, I think it is but right that I should give to the House a description of myself. I think I am a reactionary, I am orthodox, I am conservative and at the same time a very progressive reformer of the best type. This fortunate combination enables me to adapt myself to the occasion and to adopt every angle of vision. But possibly on this occasion many of the questions which have been discussed and which are affecting religion or social progress or other matters do hardly arise because, after all, whatever the Hindu law or the Muslim law or the Buddhist law may say, the Act of 1929 is on the Statute-book. As a result of that Act, certain marriages are preventible or, at any rate, they are punishable. So far as my Honourable friend, Mr. Lalchand Navalrai's Bill is concerned, the sole point of it is that having passed the measure of 1929, and having enacted that such a marriage should be prevented, will you allow that to be avoided by the simple expediency of travelling a few miles across the borders of British India? That is the very narrow point.

I was told by my Honourable friend, Mr. Ananthasayanam Ayyangar, that these occasions are very rare. Possibly, according to him, they do not take place at all. I have not much experience of Madras, but I refuse to judge Madras by Mr. Ananthasayanam Ayyangar. So far as my own province is concerned, I think the House will pardon me if I tell them that I have a fairly distant relative who owns some property in Chandernagore, which is only 22 miles from Calcutta. Now, before the Sarda Act those houses had hardly any tenants. But as soon as the Sarda Act was

passed and brought on the Statute-book, he was getting a very handsome revenue as rent from those premises which are occupied by people who travel to Chandernagore for these marriages.

It is quite true that recently the French Government has stopped this so that Chandernagore is no longer a safe spot. But this does not apply to the various Indian States where people can resort to for the purpose of avoiding the provisions of this Act. If that is so, I really cannot understand how there can be any opposition to the Bill which has been brought forward by my Honourable friend, Mr. Lalchand Navalrai. I notice that when friends fall out, they use very kind language, for instance my Honourable friend, Dr. Deshmukh, when speaking of his colleague, Mr. Ananthasayanam Ayyangar, said that his language was amazingly disgusting. Even if that expression is parliamentary, we on this side, not being regarded as very intimate friends of Mr. Ananthasayanam Ayyangar should hesitate to use that expression.

It is said that this Act stands against some religion. I refrain from referring to the Muslim religion. I know nothing about it. But it is rather fortunate that the State intervenes occasionally in matters concerning the Hindu religion. I do not think today any Honourable Member of the House, possibly with the exception of Mr. Ananthasayanam Ayyangar, will get up and say that we ought to abolish the law which makes the forcible immolation of a widow a crime because that is against religion. Then there is another practice which the Government have stopped, fortunately or unfortunately that is for the House to decide. I believe some of you are aware that, at any rate in the province of Bengal, there was the custom in olden times of dedicating the eldest born male child to the Ganges. Those of you who have read Bankim Chandra Chatterjee's famous novel, "Kapala Kundala" will remember that. I happen to be the eldest male child. Possibly some of my friends will say that if this custom had been in force, the world would have been all the better for it. (*Some Honourable Members*: "Not at all".) But I have my own personal feelings in the matter. Sir, I do not think, really having regard to the very narrow but very useful provision which my Honourable friend wants to establish by this Bill, I should take up the time of the House further. I whole-heartedly support this motion.

Mr. M. S. Aney (Berar: Non-Muhammadan): Sir, at the very outset, I want to inform the House that I am entirely in favour of this measure of my Honourable friend, Mr. Lalchand Navalrai. The real position has been put in a nut-shell by the Honourable the Leader of the House. The question before the House is really not a wide one or a comprehensive one on which my Honourable friend, Mr. Gadgil, and others have taken the opportunity of dwelling. The real question before the House is this. There is already a measure on the Statute-book. We have allowed that Act to be passed in this House. We have made child marriage a crime. That provision is there. Having done that, shall we allow persons to adopt means to avoid that and in that way allow the purpose of the Act to be defeated. That is the sole question before the House and in deciding a question like that, one has not got to go into the philosophy of any religion or into the ethics of any religion. In fact, I have no hesitation in saying that the subject of religion is too sacred and also too abstract for any useful discussion on the floor of the House and in the presence of Honourable Members of this House. I do not feel any hesitation in

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saying that. No useful purpose would be served by offering and accepting definitions of religion given out by Honourable Members on the spur of the moment, to suit particular theories which they want to propound in support of this measure or that measure. Religion is not such a convenient subject to admit of any easy definition. It requires serious thought, close thinking and abstract thinking of a very high order. Therefore, leaving aside all these definitions, I have no hesitation in saying that we are not at any rate interfering with what we understand as religion in adopting a measure of this kind. On that point, my mind is perfectly clear.

My Honourable friend, Mr. Gadgil, has given us very useful and very instructive information, but let me say frankly that all that he was trying to establish today had really very little connection with the subject matter before the House. What he tried to prove in a way, goes in my opinion a little bit to create a kind of suspicion about the utility of a measure like the Sarda Act itself. What we find is this. He gave us figures of marriages and numbers of widows of 1921 and 1931. We find that the number of child marriages has gone up enormously in the latter year. He gave us a very useful comparative statement for these two years, 1921 and 1931. What do we find? In anticipation of the Child Marriage Act coming into operation people went mad and married all their available girls and boys during the short period before the Act came into force and therefore we find that the figures for 1931 were four or even five times more than what they should have been in a normal year. That only indicates that public opinion in the country was not quite in favour of the Sarda Act. Those persons who had children to marry were probably not favourably inclined towards the Child Marriage Restraint Act that was being enacted in teeth of their opposition. It only indicates that; it does not prove anything else. Those figures do not make out a case in support of the measure of my friend, Mr. Lalchand Navalrai. That is one point.

The second point is that there are no doubt defects in the Sarda Act. As I have already said, rightly or wrongly this Legislature has passed that Act in the teeth of public opposition, because it felt that there was some utility to be served by having a measure like that. It is but fair that such an Act should be given a fair and proper trial. We should not leave any loopholes in the Act for people to take advantage of and thus defeat its provisions. If a legislative measure is going to benefit the people, then that has to be proved by allowing the measure a fair and proper trial. Therefore, for that reason I have always felt that any loophole in a useful Act like that should be removed and remedied, and this House should not take unnecessarily the time of the House over the discussion of an amendment of that measure to remove a defect of this nature.

Advantage was taken of this present Bill by some of my Honourable friends to suggest some other reforms which they have in their mind in talking to this particular measure. For example there seems to be the idea that this fine of Rs. 100 was a paltry thing and, therefore, they suggest that unless some stringent and deterrent punishment is introduced, the Child Marriage Act was not likely to be a useful measure at all. That seems to be the underlying idea of one of my Honourable friends

who made a particular reference to the punishment of Rs. 100 as being a paltry and negligible sum for punishment as fine. I really want my Honourable friends to understand this. I do not want to allow that statement of my Honourable friend to go as gospel truth or as a statement to which we can meekly give our consent. Let us look at the question from a practical point of view. It is not among the so-called educated classes that child marriage is prevalent to any appreciable extent—though there are exceptions in the educated classes also. It is not among the educated classes that the child marriage is prevalent, but it is mainly among the poorer classes that child marriage is prevalent to a great extent.

We Congressmen as well as those who are nationally inclined have no doubt in our mind about the poverty of the Indian people. We cannot say that if a poor man who marries a girl of 6 or 7 or 8 is punished with a fine of Rs. 100, it is nothing to him.

Pandit Nilakantha Das: It is Rs. 1,000, not Rs. 100.

Mr. M. S. Aney: That in my opinion makes the case worse. The point is that because we consider that a particular measure is good we ought not to consider that we will be justified in radically changing the other provision which has been under consideration for a fairly long time and enacted after a good deal of inquiry and cogitation and free and fair discussion among responsible members. A committee sat for considering all these details and they have moved all over the country; evidence was collected and sifted and certain suggestions were made. Those suggestions were again considered in the Select Committee and several provisions have been made. Although there are loopholes which we have got to get over, the amount of fine that is prescribed is not a loophole of that kind. It is sufficiently deterrent in the majority of cases in which this offence takes place, though it may not be sufficiently deterrent in the case of the community represented by my Honourable friend, Seth Govind Das. He distinctly stated that his community is a great sinner in this matter. They have fortunately got their ancestral houses in Bikaner and Jaisalmer. They never remember their original place of birth except for the sake of a marrying a little boy or a little girl if they fortunately happen to have one. It is only then that they want to migrate there, get a girl married and then come back. It is a thing to be discouraged and I believe the present measure from that point of view is a very useful and salutary one.

I will not say one word about the position of my Muslim friends, but one thing I can say. I am myself, as my Honourable friends on these Benches know, not a very great enthusiast of social legislation. I think social legislation should not be undertaken unless it is absolutely necessary. That is the view that I generally take, as legislation in my opinion is not the best way of bringing about reform also. So I am not a friend of social legislation in general and I do not like every custom to be legislated upon here and stringent laws made. Therefore, if I say something to my Muslim friends on this occasion I am sure they will not misunderstand me. This is not a measure which it is necessary for them to oppose at all in the name of religion. The point which my Honourable friends, Syed Ghulam Bhik Nairang and Mr. Kazmi, have got would have been more properly discussed at the time when the original Act was passed. Now the law is there and is working.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa: Muhammadan): We want to have it repealed.

Mr. M. S. Aney: When the repeal measure is before the House the whole discussion will be relevant and probably you may get the support of some more Members also; that is another question.

Mr. N. V. Gadgil: You don't promise it now?

Mr. M. S. Aney: I promise nothing, I am saying nothing about myself. He may get even more support from the Benches where my Honourable friend sits. I need not say what I may do; nobody can anticipate. My point is that this is not the proper occasion for them to oppose this measure because it is nothing more than a remedy for an evil which allows a man to avoid this Act and in that way to defeat the purpose for which this useful measure is made. That being the case, I support the motion for consideration.

Several Honourable Members: The question may now be put.

Mr. Chairman (Sir Cowasji Jehangir): The question is:

"That the question be now put."

The motion was adopted.

Mr. Lalchand Navalrai: Sir, the debate has been so much in support of the utility of this measure that I will not say much now. In my speech on the third reading I will have something to say with regard to what the Honourable Members have said. At present, I find that the attitude of the House including the Government side is most favourable. Therefore, I will now say nothing and the Bill may be taken into consideration.

Mr. Chairman (Sir Cowasji Jehangir): The question is:

"That the Bill to amend the Child Marriage Restraint Act, 1929, be taken into consideration."

The motion was adopted.

Mr. J. A. Thorne (Government of India: Nominated Official): Sir, I beg to move:

"That for clause 2 of the Bill, the following be substituted:

'2. To sub-section (*2*) of section 1 of the Child Marriage Restraint Act, 1929, the following shall be added, namely:

Amendment of Section 1 of Act XIX of 1929.

'and applies also to—

(*a*) all British subjects and servants of the Crown in any part of India; and

(*b*) all British subjects who are domiciled in any part of India wherever they may be'."

Sir, my Honourable friend from Sind has said a kind word about the attitude of Government to this Bill and in return I should like to add my congratulations to those that have been offered to him for not only bringing in this piece of legislation but for persevering with it. It is not unknown for an Honourable Member to beget a Bill and then neglect it; but Mr. Lalchand Navalrai is a more devoted parent and I am sure that his offspring will do him credit.

The object of the Bill as drafted is to catch persons who evade the scope of the Child Marriage Restraint Act by moving into Indian States. That is clearly not enough. We know that similar evasion has been practised by people moving into territory belonging to foreign powers which lies adjacent to British India. My amendment will make it possible to catch these persons and thus it strengthens the Bill. In passing, I should like to refer to the speech made by my Honourable friend, Mr. Ayyangar. It seems a shame, after the trouncing he has received from various parts of the House, that any one should pitch into him again. But mine is a very gentle slap compared with the blows which he has already received. Mr. Ananthasayanam Ayyangar professed to speak for Madras. I also come from Madras and I wish to say that I blush for him! I understood him to say that in Madras and in his experience there is no evasion of the Act, or at any rate the evasion is negligible. I for one do not believe that. I have personal experience myself to the contrary, and our information from Madras is that there *is* evasion of the Act and that that evasion constantly takes place by people moving into the territory of foreign powers adjacent to British India.

Now the actual wording of my amendment may puzzle some Members of the House. It puzzled, I think, my friend Mr. Nilakantha Das who found some fault with it. I should explain that it follows the wording of sub-section (2) of section 99 of the Government of India Act of 1935, and I believe I am right in saying that it extends the scope of the Bill as far as this Legislature has power to extend it: and I believe it certainly extends the scope of the Bill as far as there is any practical need to extend it.

I wish to say that it does not follow from our supporting and seeking to strengthen this Bill that Government desire to cast any reflection on the Indian States or the foreign powers whose territory adjoins British India. We know that many States have already passed laws similar to the Child Marriage Restraint Act, and others have such legislation under consideration. We know too that the French Government have recently issued a decree making the marriage of a boy under 16 and a girl under 14 an offence in the French possessions in India. But even if all the States and all the foreign countries whose territory adjoins British India pass legislation on the lines of the Child Marriage Restraint Act, it would still be necessary for us to have a measure on the lines of this Bill in order to ensure that our Act is properly observed. It is quite easy for people who wish to contract a child marriage to slip over the frontier, perform their marriage in a corner of an Indian State or of foreign territory, and then slip back over the border before the authorities of the State or the foreign territory can hear anything about it or do anything about it. At present, if they do this, they cannot be punished in British India. If this measure is passed, it will be possible to punish them in British India just as if the marriage had taken place in British India. Sir, I move.

Mr. Chairman (Sir Cowasji Jehangir): Amendment moved:

"That for clause 2 of the Bill, the following be substituted:

'2. To sub-section (2) of section 1 of the Child Marriage Restraint Act, 1929, the following shall be added, namely:

Amendment of section 1 of Act XIX of 1929.

'and applies also to—

(*a*) all British subjects and servants of the Crown in any part of India; and

(*b*) all British subjects who are domiciled in any part of India wherever they may be'."

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I rise to support the amendment. In doing so, I must say that I am rather surprised that a Member from the Government Benches should rise and say that he knew personally that the law had been evaded for many years. As regards my friend, Mr. Ananthasayanam Ayyangar, the Honourable the Home Member rose up in great anger and righteousness and said "Here is a man who is so backward". I believe Mr. Ayyangar is as much in a minority in his province, if not even more so as in this House. Still, I suggest that when a man represents rather an unpopular cause he ought to be dealt with a little more generously; and as the Government have not been so very particular about the enforcement of this law, I am entitled to ask what they have been doing all these eight years to prevent this evasion. Was it not their duty to see that when an Act is passed, through non-official initiative or official initiative, it is properly enforced throughout the whole of India? For eight years they have been looking on at this evasion. The Honourable Mr. Thorne has said that as a Madras official he was witnessing this evasion. What steps did he take to have this law amended? I say that in this measure the Government have been guilty of the most unjustifiable evasion of their duties, and I hope that they will take a lesson from this debate and see that however a Bill may be passed, it is their duty to see whether there is any loophole in it and take prompt steps to see that these loopholes are closed. They cannot take refuge under the defence that this was a Bill introduced by a non-official and therefore there were loopholes. When an Act is passed, it becomes the duty of the Government to enforce it. If there are loopholes then they have the Legislative Department to suggest provisions and amendments to close those loopholes; and if unfortunately an Act has been put on the Statute-book with such loopholes, it is their duty to bring in amending measures as soon as may be. They cannot wait for eight years and then take up a self-righteous attitude. I say it is they who really must be in the dock today and I cannot allow them to get off as if they were doing a great thing in a spirit of righteousness and generosity. They have neglected to do their business and we non-officials have been trying to close these loopholes. They say they have been providing us opportunities What are those opportunities? From Session to Session these Bills are being shunted off and it is very rarely that we can get a Bill through. In fact I have been trying to introduce two Bills for the last one year and I have not had the opportunity. That is the fate of non-official Bills. Of course, the whole procedure for non-official legislation, I think, is entirely antiquated and I suggest to the Government that they should devise means to see that attempts of non-officials to bring in proper social and economic legislation is helped in a more practical fashion. With these words, I support this amendment.

Mr. Thirumala Rao (East Godavari and West Godavari *cum* Kistna: Non-Muhammadan Rural): Sir, I rise to support this amendment because it is a welcome amendment to this extent that all British subjects and servants of the Crown are brought under it. This is an Act passed by the Indian Legislature, and in my part of the country it is the servants of the Crown that have showed the greatest disrespect for the law of the Government: there were many district munsiffs, deputy collectors, inspectors of police and others who have gone to French Yenam and celebrated the marriages of their daughters and sons and they went scotfree all these years. Government expects us now to shower encomiums on them simply

because they have not got a sense of their duty. For once I am sorry that Mr. Ananthasayanam Ayyangar has given an opportunity to Sir Henry Craik to find his counterpart on social matters on this side. Government cannot shine by contrast. As my friend, Mr. Santhanam, just said, if they had any regard for the Statutes they have placed on their Statute-book, they should have brought up this matter long ago. And this Sarda Act, Sir, has brought to the fore questions of diplomacy between France and England. In Masulipatam there is a suburb called Frenchpet, and people were going there to celebrate the marriages of their young children and thus evade the provisions of the Act. The French people were claiming that place as their own, while the British were claiming that portion as their own. There was a regular fight which almost developed into an international dispute as to whom Frenchpet belonged. Ultimately, I think the British gave up their fight against the French. But there is another place, called Yenam, which is very near my place, and to which people from a distance of nearly a hundred miles used to flock. Merchants carry on a roaring business during the marriage season, when thousands of marriages used to be celebrated every year. Small shops dealing in cheap Japanese silk goods were doing a roaring trade. We all know that during Hindu marriages musical accompaniments are a vital necessity, and so when hundreds of marriages are celebrated in one day, they cannot provide the necessary music, with the result that hundreds of people are using the gramophones. One priest officiates for 40 or 50 parties at the same time in these marriages. Youngmen and young children are being married. There is a humourous story that a bride of 3 or 4 years refused to get into the palanquin for procession unless and until her old grandmother of 70 years accompanied her in the palanquin.

Sir, this measure, though it is a mild one, has really created a little sunshine in many families. I know among certain communities in my part of the country so many parents, who are anxious to marry their children before they are 11 or 12 lest they should be *ex*-communicated or ostracised from society, feeling very grateful, and though there are certain loopholes in the present law, this measure will be a great source of strength to these people to keep their daughters unmarried till after 14 instead of tying them to the chariot wheels of un-employed youngmen. Now, all these girls will be able to pursue their education in colleges and have self-respect for them. With these words, I welcome the amendment, and I hope the Government will not wait for the non-official initiative to do all that is necessary in this connection, but they will bring in a comprehensive measure to see that this legislation is really made effective.

Mr. Sri Prakasa: Sir, in my part of the country (*An Honourable Member*: "Which is your part of the country?") no marriage is regarded as properly concluded without some quarrel or mutual abuse, and it is but right that there should be a little disharmony when a marriage legislation is on the anvil! On the ground of general principle, Sir, I am against social legislation so long as a foreign Government exists in the country, but things being what they are, and when many customs that have got the sanction of religion behind them are corroding into the body politic, it is but right that we should take advantage of any machinery that is available in order to remedy the wrongs that are being done to the innocent women and children of the soil. Sir, I come from Benares, and it is a place which is flooded with Ananthasayanam Ayyangars . . . .

The Honourable Sir James Grigg (Finance Member): Bad luck.

Mr. Sri Prakasa: But, Sir, there are also persons like me who keep things going, and here it will interest the House to know that I have been an out-cast from my community for many sins of commission and omission for the last many many years . . . .

Mr. M. S. Aney: More of sins of commission, I believe.

Mr. Sri Prakasa: Sir, I want to draw the attention of the House particularly to the topography of Benares. There is the river Ganga that divides British Benares from the Benares State . . . .

Mr. Chairman (Sir Cowasji Jehangir): May I point out to the Honourable Member that he should speak on the amendment.

Mr. Sri Prakasa: Yes, Sir. Many people, who want to marry their children earlier than the British law allows them to do, just cross the river and marry them on the other side. So a legislation like the proposed one is really imperative. Our esteemed and learned friend, Mr. Aney, rightly pointed out that these child marriages are more common among the humbler classes of our society than among the higher ones. There is a caste called Kunbis in my part of the country who marry their children at the age of 2 or 3, and very often when two expectant mothers meet, they decide that if one gets a son and the other a daughter, they should be married forthwith. Now, I happen to have two servants in my own household who come from this community. One has a nice little boy of about 3 and the other a girl of about 1 year, and I found that they were negotiating a marriage already. So I threatened them with prosecution if they proceeded with their business, and they told me that they would cross the waters and celebrate the marriage on the other side of the river if I persisted in my folly. Now, Sir, if this Act is passed, I think we shall get some relief and that people like these would be properly brought to book.

There is, however, one thing which I do not like in the existing law. I must deal with it when I find my friend, Mr. Santhanam, rising to heights of indignant eloquence. I should like to draw the attention of all concerned to a most serious flaw in the law. I do not know when that is going to be remedied, namely, that an offence under it is not a cognisable offence. Under the present law somebody has to come forward and present a hundred rupees as security before a prosecution under it can be launched. That is a great difficulty. Neighbours do not want to quarrel with their neighbours, nor do relatives want to quarrel among themselves; and therefore very few people are forthcoming to launch a prosecution and present a security of a hundred rupees in a Court of law. That is why before the very eyes of policemen, hundreds of little brides and bridegrooms walk in the streets tied to each other while the authorities look on helplessly. Therefore, if the Government would seriously take up this matter and bring in a Bill to amend the original law in the right direction so as to make any evasion a cognisable offence, I think much of the purpose for which the amendment is being moved will also be achieved. Not till then shall we be in a position to stop these child marriages.

I would also like to appeal to my friend, Mr. Ghulam Bhik Nairang, to look at this proposition from a more humane and reasonable standpoint, and not merely from a narrow theological point of view. It must surely be within his knowledge that, as Mr. Ghiasuddin pointed out, a great deal of harm is being done. We must not allow the name of religion to stop us from doing what is essentially right. It stands to reason that what is good in one country may not be good in another country, and what is reasonable in one state of affairs at one point of time, may not be reasonable in another state of affairs, and in another age. Though I am not prepared to agree that a religion lays or can lay down a law for all time, still I feel that even those who follow their religion in an orthodox manner and regard it as the last word on every thing should see the changing situation from a practical standpoint. There are many little things in which our religion is not being followed by us in our every day lives. We submit because we are convinced that all things cannot be as we would like them to be. It is right and proper to make the best of a bad bargain; and when we find that in the name of religion, things are going on which are eminently unreasonable and undesirable, we ought not to stick to the letter of the religion, but we should examine everything in the light of reason and attune our ideas to those of social well-being. I hope, Sir, that this Bill will not meet with favour only with a majority of the House but with all sections thereof; and that we shall pass it with unanimity and universal goodwill.

4 P.M.

Some Honourable Members: I move that the question be put.

Mr. Chairman (Sir Cowasji Jehangir): The question is:

"That the question be now put."

The motion was adopted.

Mr. Chairman (Sir Cowasji Jehangir): The question is:

"That for clause 2 of the Bill, the following be substituted :

'2. To sub-section (*2*) of section 1 of the Child Marriage Restraint Act, 1929, the following shall be added, namely :

Amendment of section 1 of Act XIX of 1929.

'and applies also to—

(*a*) all British subjects and servants of the Crown in any part of India; and

(*b*) all British subjects who are domiciled in any part of India wherever they may be'."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Mr. J. A. Thorne (Government of India: Nominated Official): I beg to move:

"That sub-clause (*2*) of clause 1 of the Bill be omitted."

This is the extent clause: It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

I understand that as this phrase occurs in the parent Act, its inclusion in this Bill is superfluous. Sir, I move.

Mr. Chairman (Sir Cowasji Jehangir): The question is:

"That sub-clause (*2*) of clause 1 of the Bill be omitted."

The motion was adopted.

Mr. J. A. Thorne: I beg to move:

"That sub-clause (*3*) of clause 1 of the Bill be omitted."

It reads "It shall come into force on such day as the Governor General in Council directs".

If the intention is as I understand it—that the Act when passed shall come into force at once as usual, I suggest that there is no need for this clause at all.

Mr. Chairman (Sir Cowasji Jehangir): The quetsion is:

"That sub-clause (*3*) of clause 1 of the Bill be omitted."

The motion was adopted.

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

Mr. J. A. Thorne: As sub-clauses (*2*) and (*3*) have been omitted, it becomes superfluous to retain the brackets and figure "I" in sub-clause (*1*). With your permission I will move that the figure "1" in brackets and the brackets be omitted.

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

"That the figure "1" in brackets and the brackets in sub-clause (*1*) be omitted."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. Lalchand Navalrai: Sir, I move:

"That the Bill, as amended, be passed."

I am very much thankful to the House for the admirable support they have given to this Bill. I am also very glad of the noble attitude of the Government towards this Bill today. I am also thankful to Mr. Thorne and Mr. Spence for pointing out defects in the Bill. The Bill as I had drafted was a narrower one. They have helped me in attaining the object I had in mind. I cannot forget the broad-mindedness of Mr. Ghiasuddin for saying that this is not a religious question at all. If every question becomes religious like that, then we will not be able to pass any legislation at all in India. Whatever my friend, Mr. Nairang, has said he has done so I believe out of his conviction, but is stultifying by himself asking this House to pass a law in regard to Muslim marriages. He said that the Muhammadan religion is complete in itself. May I ask him if he is not himself asking this House to come to his help on a question of Muhammadan law? (*Voices*: "No, no.") Here it is. I also know how to say "no, no", but the fact is that my friend has given a notice of introducing a Bill to consolidate the provisions of the Muslim law relating to suits by Muslim women for dissolution of marriage and to remove doubts as to the effect of apostasy of married Muslim women. Now, if the Muhammadan law is complete, why should there be any doubt, why should it be that the House should be asked to legislate? Anyway I hope that on such questions my learned friends will consider the matter carefully before they make bold to say that everything social is "religion". Then, Sir, coming to my friend, Mr. Ananthasayanam

Ayyangar, I have got an impression about him. (Laughter.) He is an amiable friend, but do not always trust him (Laughter.) The only thing I will say is that my Honourable friend, Mr. Gadgil, has come to my help so as to give him certain lessons which he should remember and take away with him to Madras. One is with respect to the number of evasions of the Act itself, and the other is when he told me that in Sind there must be only one or two cases of evasion of the Act. Here is the statement of the Sind Government already mentioned by Mr. Gadgil that this Act has not been of any use in Sind because marriages are performed on the other side of the river. Sir, with regard to what my Honourable friend, Sir Henry Craik, has said and with regard to the Government attitude, I am very glad; and I hope they will keep up that attitude when Mr. B. Das's Bill comes up. There is one matter in which my Honourable friends, Mr. Spence and Mr. Thorne, will help us and that is this. The Sarda Act does not provide for making a child marriage void, it only makes it illegal in so far only as to punish people for the infringement, but the marriages will always stand valid. So I expect that when the non-official Bill comes up the Government will help us to make such marriages absolutely void if they are against this Child Marriage Restraint Act. Sir, with these words, I resume my seat.

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

Mr. M. Asaf Ali: Sir, I rise to congratulate the Mover of the Bill on the easy success he has achieved. Sir, in the course of discussion during the earlier part of the day the Honourable the Home Member was pleased to exchange a few amiable words with my friend, Mr. Ayyangar, and he described him as a "hard-boiled Tory". Mr. Ayyangar did not take it as a joke as he should have but treated it rather seriously. But considering the fact that we are all the time charging Members on the other side as sun-dried bureaucrats, the term "hard-boiled Tory" ought not to worry us at all. (Hear, hear.) A compliment from a sun-dried bureaucrat to a hard-boiled Tory is not a matter to be excited about. Now, I was rather surprised that my friend, the Honourable Sir Henry Craik, forgot the history of this Bill and felt that it was the Members on these Benches who allowed themselves to stand in the way of social legislation of this nature. My Honourable friend may recall the earlier incidents in the history of this particular legislation. Sir, it was introduced in 1927, and the Swaraj Party happened to be in this very House and at the time. I think I may just as well make a brief reference to Pandit Motilal Nehru's speech in regard to this legislation just to show that the attitude of the Congress Party has been consistently one of support of this legislation . . . .

The Honourable Sir Henry Craik: On a point of personal explanation, I do not think I said a single word implying that the attitude of the Congress Party had been opposed to any social legislation. All I said was that one Member of the Congress Party, Mr. B. Das, had had opportunities of getting legislation on this matter through but neglected them; I never said a word about the attitude of the Congress Party.

Mr. M. Asaf Ali: I accept the Honourable Sir Henry Craik's explanation. He did not mean what he unfortunately happened to say at the time. I think he said that if it were not for the attitude of these Benches, the earlier Bill which stands in the name of Mr. B. Das would have become law by this evening.

The Honourable Sir Henry Craik: The Honourable Member has entirely misunderstood me. I said that if Mr. B. Das had taken the trouble to prosecute his Bill either today or on the previous occasion when he had an earlier place on the Order Paper, it would have been passed. I did not say a word about the Congress Party at all.

Mr. M. Asaf Ali: I am very glad Sir Henry Craik does not take the view which we thought he had taken about the attitude of the Congress Party. All the same I may remind this House as well as the people outside what attitude the Congress Party has taken with regard to social legislation of this nature all along. Speaking on the 11th September, 1929, Pandit Motilal Nehru said:

"What is our plain duty? That is the one question which Honourable Members have got to answer. What is our plain duty to ourselves, to our children and to our country? I do not think, Sir, that that question admits of any answer except this, that this Bill must be passed with as little delay as possible. I need not remind the House that today the eyes of the whole world are upon this House. We are going through a test, which, if we suucessfully pass it, will justify our claim to rank amongst the civilised nations of the world."

Sir, I believe my Honourable friend, Sir Henry Craik, said more or less the same thing today in another way, and we entirely endorse every word, and entirely support this measure. I think I may just as well say one word before I resume my seat. As regards the attitude of the elected Muslim Members, as suggested by my friend, Syed Ghulam Bhik Nairang, I have not the slightest doubt that there was a great deal of agitation in the country as far as the Muslim community was concerned at the time this Bill was on the anvil. The objection of the Muslim community was based, if I am not mistaken, on what I thought at the time to be a suspicion of interference with religion, and religious principles and usages of the Mussalmans. But as my friend from the Punjab, the representative of the landholders—Muslim, Hindu and others—put it, there is not one Muslim country in the world today which has not adopted a higher age for marriages. Whether you turn to Egypt or to Turkey or to Iraq or to Persia or even nearer home to Afghanistan, you find that the marital age has been raised. But that is not the only point. If you are talking of interference with religion, I would like to remind my Honourable friend of the various provisions of the Indian Penal Code, many of which are a clear interference with the clear injunctions of Muslim law and yet for years together you have not said a word about it.

An Honourable Member: We have no power.

Mr. M. Asaf Ali: I wish you would try and get some power before you can attempt to set aside some of the provisions of the Indian Penal Code, say, for instance, with respect to section 376. I should like to see how you can put it aside. Even a husband can be hauled up under this section, although, I think, under the Muslim law it is permissible. After all, there is such a thing as taking a progressive attitude with regard to law, and I am certain that there is no single Koranic injunction which can be quoted here or anywhere in support of the view that such marriages must always be permitted. All that you can say is that it is permissible under *Fiqah*. But *Fiqah* is a changeable thing and it changes from time to time. Various Muslim Judges have given their rulings in the past in this respect. Surely, today you can change the law and you can say that according to the exigencies of the situation the Muslim community must go further ahead. That is my personal attitude and I am not speaking in the name of my Party

when I say that. I am speaking as a Muslim when I say that and I certainly do feel that it is time that the Mussalmans all over India began to look a little further ahead and not always harked back to what has gone by. You have to build up a future and that future must be built up in co-operation with the rest of the world. You cannot always say that you are going to lag behind whether others are going ahead or not. With these few words, I congratulate the Mover of the Bill and I also congratulate the Government on having, after all, acquitted us of the suspicion that we were against any progressive legislation in this House.

Mr. M. Ananthasayanam Ayyangar: May I be allowed to say, Sir, a word of explanation. So far as the remark that was addressed to me by the Honourable the Home Member that I was a hard boiled Tory, I took it in good humour. But when he referred to certain instances and the opinions expressed by me in the discussion over another Bill I pointed out to you, Sir, that those remarks were not relevant.

Syed Ghulam Bhik Nairang: Sir, I also want to say something by way of personal explanation. But for the fact that a good many references have been made to me in the course of the debate today over this Bill, I would not have spoken the second time. It appears to me that, on the one hand, there is a great misunderstanding in the mind of the Honourable the Mover, Mr. Lalchand Navalrai, about my attitude and, on the other hand, there are certain most unjustifiable and unwarranted assertions made by some of the speakers with reference to my speech which I must challenge and cannot allow to pass unchallenged. Mr. Lalchand Navalrai misunderstood me although I had made it perfectly clear that my objection to his motion was intended to indicate the attitude of the Muslim community and their elected representatives in this House towards the Sarda Act and anything that seeks to further extend or strengthen it, and that our silence on this occasion should not be taken as in any way prejudicing the cause which the Muslim community has been prosecuting all along ever since that Act was passed and even at the present moment has led Qazi Muhammad Ahmad Kazmi to put in an amending Bill to the effect that the Act should not apply to the Muslim community. It was only for the removal of a possible misunderstanding in the future that I entered a protest, otherwise I said that I wished God-speed to Mr. Lalchand Navalrai's proposed legislation so far as the non-Muslim communities are concerned. My Honourable friend misunderstood me and thought he could have a fling at me by pointing out that although I claimed that the Muslim law was complete in itself yet I sought the aid of this Legislature in passing a Bill which is on the agenda today in which I seek to consolidate the Muslim law bearing on the question of divorce, etc. Now, every word that is said in that Bill is based on Muslim law. It is only to remove the ignorance of those who do not know and do not care to know that I want this Legislature to pass a legislative enactment in order to compel the ignorant people to act on the Muslim law. As for other remarks in my previous speech, I do not want to go into details and take up any more time of the House as we have other important business to go through. But I must point out that I do not accept for a moment the allegations of fact made by Mr. Ghiasuddin or by Mr. Asaf Ali as to what the other Muslim countries have done or are doing. These are all absolutely vague, unwarranted and unfounded allegations. Nothing of the sort has been done by any Muslim country.

Mr. Lalchand Navalrai: I want to know whether this is a reply or a personal explanation.

Mr. President (The Honourable Sir Abdur Rahim): He is speaking on the motion before the House.

Syed Ghulam Bhik Nairang: After making these remarks, I join the general chorus of congratulations to the Honourable the Mover of this Bill and wish him God-speed subject to the exception already indicated by me.

Mr. K. S. Gupta (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): Sir, I am very anxious to speak because I know it perfectly well that none of the previous speakers has ever figured as a complainant in a prosecution case under the Sarda Act. But I had the good fortune of appearing as a counsel for prosecution in 40 cases. In one case I was prosecuting a Police officer and his superior sent a threat to me saying that I was always in the hands of the police. I said I was and I am and I will be, and the Police officer was fined only Rs. 200. This is due to the colossal indifference on the part of the Government who ought to see that their own laws are honoured not by breach but by observance.

Once a District Magistrate was pleased to ask me: "Have you not got any better business?" I said: "This is the best business." I have the first regard for the safety of the society to which I belong. It is a wholesome measure that the Government and the people should take equal interest in seeing that the society is well maintained. But this Government never cared for the welfare of its subjects. The failure is also due to the apathy of the orthodox section of the society. One priest came to the box as a witness and said: "No doubt, the marriage was performed not in this Saravan but in the previous Saravan" because there is the question of limitation. Hitherto, they used to send invitations but now they have stopped them because they do not want to give publicity to the dates of such marriages. With regard to punishment, there is a fine up to Rs 1,000 or 1 months' imprisonment. But if they had confined themselves to punishment only, it would have been much better. Punishment with fine and imprisonment would be the best.

One man, 50 years old, married a girl of 10. I booked him. When the Magistrate questioned this old man as to why he married such a young girl, he said that she was intended to look after his health and to help him in performing his religious ceremonies. The Magistrate remarked that on the other hand, it was the old man that should look after the health of the child and not she his health. The old man pleaded for mercy. He was a very rich man. He never cared for the amount of fine that might be levied on him. The old man came out during the lunch interval and begged me not to press for imprisonment. That gave me the clue. I immediately asked the Magistrate to see that he awarded imprisonment at least for a day or even till the rising of the Court, because the old man was willing to pay any amount of fine, but he was not willing to face imprisonment. The man was fined Rs. 1,000 and he went scotfree without imprisonment. I submit this is one of the inherent defects in the Act.

With regard to the priests, I may inform the House that they enter into contract with the parties to the marriage. The priest always asks the two

parties, "supposing I am fined, either of you should pay the fine". The girl's party or the boy's party always pays the fine on behalf of the priest. If it is a question of imprisonment, then the priest would hesitate to perform any marriage against the laws. I therefore submit that the law should be modified enacting a provision for imprisonment in the case of the priest at least, if he performs such illegal and unjust marriages.

Another difficulty is this. We are suffering under a great handicap in getting the proof of age. Generally in certain cases, municipalities, in certain cases, Unions, and in certain cases, the Tahsildars have to give the proof of age. In trying to get proof of age, we used to overstep the bounds of limitation, that is one year. I once sent an application to the District Magistrate requesting his help in securing proof of age. He said that it was not his duty. Is he doing his duty as a Government servant in refusing this help to me? This is an exhibition of colossal indifference on the part of the Government.

In another case, I had to go to Ellore. I belong to Vizagapatam, which is 100 odd miles off. I filed a case before the District Magistrate, Ellore. First of all there was a preliminary enquiry before the Sub-Divisional Magistrate. I appeared and got all proof. The accused admitted the offence. Then the case was posted for trial to another day. I was sick on that day, practically bed-ridden and I wired to the Magistrate praying for an adjournment. At once he dismissed the case on the ground that the complainant was absent. Is it a proper discharge of duty on the part of Government servant? Does it not amount to the Government not administering its own laws properly?

Then there is the question of registration of marriage. If marriages also are registered just like births and deaths, then the date and time of marriage cannot be questioned. There is also the question of jurisdiction. As has already been pointed out by my Honourable friend, Mr. Thirumala Rao, and others, there is a place called, Yenam, a French possession in which more than 17,000 marriages were celebrated in a period of five years. People run up to Yenam just as they proceed to Benares to be rid of all their sins. Here in this case they proceed to Yenam to rid themselves of Sarda Act sins and other marriage sins in the salt waters of Yenam As has already been pointed out, many people have become rich on this account. There is a tax of Rs. 25 or Rs. 30 called certification tax. What happened was this. Some people took advantage of this certification tax from Yenam. They went to villages and performed marriages after obtaining such certificates. When I pointed this out to the police, to the Magistrates and the Tahsildars, they never cared to take any cognisance of it because it is a non-cognisable offence. I submit this is a serious and inherent defect in the law.

Every time I filed a complaint I was asked to sign a bond. I was smarting under this insult. I could not understand why I should sign a bond. I had no personal animosity against anybody. I was in charge of an Association, being its honoured President. I took great pains to see that such cases were booked. Instead of being thanked for such honorary work in enforcing the law of the land, I was asked to sign bonds, 20 or 30 times a month. It was certainly an insult to me and to my co-workers to be asked to sign bonds. These are all inherent defects in the provisions of the Act. Some of the defects are being rectified today by the measure

[Mr. K. S. Gupta.]

under discussion. I must remark that Government must be more anxious to honour their own laws. In such a case instead of finding fault with us, instead of brushing aside the Bill of my Honourable friend, Mr. B. Das, they should suspend the Standing Orders and allow some one of us to move Mr. Das's Bill in his absence. Or the Government might themselves take up that Bill as their own and bring it before the Assembly. I say it is in the best interests of the community that Mr. Das's Bill should be passed into law. I support the present measure whole-heartedly because it is in the public interest.

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

"That the Bill, as amended, be passed."

The motion was adopted.

THE MUSLIM DISSOLUTION OF MARRIAGE BILL.

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): Sir I beg to move:

"That the Bill to consolidate the provisions of Muslim Law relating to suits by married Muslim women for dissolution of marriage and to remove doubts as to the effect of apostasy of a married Muslim woman on her marriage tie be circulated for the purpose of eliciting opinion thereon by the 31st July, 1938."

Sir, in moving this motion, it is not intended to introduce any new legislative measure so far as Muslims are concerned. What we want is only that certain provisions of Muslim law which have not been recognised by the rulings or the precedents of the Anglo-Muhammadan law as prevalent in British India should be recognised by the Legislature and may become enforceable in Courts of law. That is the only object with which this Bill has been moved in this House. The law of marriage so far as Muslims are concerned deals with marriage as a matter of contract between a husband and the wife. As a contract both are entitled to finish that contract under certain contingencies which are provided by the Muslim law. One party, that is the husband has been exercising that right and that right has been recognised by the Courts in British India. But unfortunately on account of certain handicaps, Muslim women have not been in a position to exercise that right. It is to enforce that right and to get that recognised by law that this present Bill is being moved. Just a perusal of the Bill will show that cases in which women shall have a right of getting divorce would be like this: when the husband is absconding and there is no provision for her maintenance, when the husband is suffering from insanity of a dangerous type, when the husband neglects or refuses to maintain her and so on.

So this is a Bill which only removes a very grave defect and is calculated to meet a very great necessity and a very great demand of the Muslim community. As it is only for the purpose of eliciting public opinion that I move this motion today. I do not think it is necessary for me to dilate any further upon it at the present stage. Sir, I move.

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

"That the Bill to consolidate the provisions of Muslim Law relating to suits by married Muslim women for dissolution of marriage and to remove doubts as to the effect of apostasy of a married Muslim woman on her marriage tie be circulated for the purpose of eliciting opinion thereon by the 31st July, 1938."

Mr. J. A. Thorne (Government of India: Nominated Official): Sir, I have only a word or two to say on this. I have nothing to say on the merits of clauses 1 to 5; and it is, I believe, entirely in accord with Government practice that any Bill which proposes to alter social or religious usages or custom of a community should be ventilated as widely as possible before this House proceeds to consider it. The clause to which I have to draw attention is clause 6, and to that clause Government will have to take decided objection. This clause provides that—

"a suit for the dissolution of marriage by a married Muslim woman shall be filed in the proper Court, provided that the presiding officer of that Court is a Muslim."

In other words, no suit of this kind can be filed except in a Court presided over by a Muslim. Then it seems to have occurred to the Honourable Member that there might not everywhere be Courts presided over by Muslims, and the subsequent sub-clauses profess to devise machinery by which, where the presiding officer is not a Muslim, the suit shall be passed from one place to another until it does find a presiding officer of some sort in some Court or other where the presiding officer is a Muslim. Then when the suit is decided after these adventures, in the course of which it may have to go back to the original Court or it may have to follow an officer who may be transferred,—in course of time when the suit is decided and an appeal is made, sub-clause (e) provides that—

"Appeals from the decision of the trial Court shall lie to the High Court and shall be heard and decided by a Muslim Judge of that Court."

Well, Sir, Government regard this procedure as both very difficult in practice, more specially in provinces where the number of Muhammadans and Muhammadan Judges may be smaller than it is in some other parts of India, and also open to strong objection in principle. They are not prepared to admit the principle that legislation shall decide the community or religion of the Judge who shall try any particular case.

Mr. M. S. Aney (Berar: Non-Muhammadan): Sir, so far as the main purpose of this Bill is concerned, namely, to enable Muslim women to claim dissolution of marriage on certain grounds, my entire sympathy is with the Honourable the Mover of the Bill; and I believe to that extent this measure is intended to remove a great handicap and disability that existed in the way of Muslim women. And my Honourable friend therefore deserves all the support that we can give him to facilitate the passage of that portion of the Bill.

The provisions of the Bill which will call for very serious consideration are those which are embodied in clauses 5 and 6 of the Bill. The Honourable the Mover of the Bill himself has noted the fact in the Statement of Objects and Reasons that—

"the Courts in British India have held in a number of cases that the apostasy of a married Muslim woman *ipso facto* dissolves her marriage."

And now what we have to see is whether the provision embodied in clause 5 of the Bill will be in any way injurious to the interests of these women as a class or not. The provision in clause 5 is this:

"The conversion of a married Muslim woman to a faith other than Islam shall not by itself operate to dissolve her marriage."

It means this that even if a Muslim woman is converted to some other faith the object of the Mover is to enact that even in that case the woman

[Mr. M. S. Aney.]

should be considered as being legally married to the Muslim husband although she has ceased to be a Muslim woman on account of her conversion. Whether this is a state of things which is desirable and whether it is not likely to prove detrimental to the interests of that woman herself is a point which Honourable Members shall have to seriously consider. I am glad that my Honourable friend, seeing the importance of the principle which he is enunciating here and its remote consequences upon the economic and moral condition of the woman herself, thought it proper not to press this measure for the immediate consideration of this House but to circulate the Bill for getting public opinion thereon. I myself think that this is a case in which many Members will have to differ from the Honourable Member and to urge considerations other than, and opposed to, those on which clause 5 is based by the Honourable Member in charge of the Bill.

As regards clause 6, I think so far as this House is concerned, it is an attempt to lay down an entirely new and novel principle in the matter of the administration of justice. I can understand the insistence of any person belonging to any particular religion or sect saying that the law by which he shall be governed shall be the personal law to which he belongs. But whether the administration of that personal law should be also in the hands of the Magistrate who belongs to that particular religion and professes to follow that particular personal law is a matter which in my opinion is laying down not only a novel principle but a principle of a very retrograde character which this House should not give countenance to at all for more reasons than one. I believe the administration of justice in this country, apart from many defects which there may be, has been hitherto in the hands of educated men who have shown themselves as judges and magistrates capable of appreciating properly the spirit of the personal law of the parties before them irrespective of the fact whether they belong to and profess that personal law or not, and to the best of their ability they have tried to do impartial justice according to the personal law of the person which they have been called upon to administer. I am quite sure my Honourable friend, Mr. Kazmi, does not want to indicate want of confidence in the integrity or sense of justice of any magistrate or judge who may be presiding over the Courts of British India. If that is not so,—and I am sure he does not think like that,—then I believe he should be amenable to any changes that may have to be proposed after serious consideration of this clause and getting public opinion, thereon, for which the Bill is being circulated. I strongly object to the recognition of the necessity of referring matters even of marriage or dissolution or anything like that only to Judges professing a particular faith and a particular religion. We think, we have now grown to a state when the communities can certainly, in the matter of administration of justice at any rate, rely upon the best of our men who are at present being and will be hereafter recruited to the judicial service and who can be expected to dispense justice, even-handed and equal, and according to the true spirit of the law which they will have to administer. Therefore I feel it necessary to indicate that these two clauses have to be very seriously considered and public opinion thereon will have to be taken into consideration when the Bill comes up again for consideration in the form of a motion for reference to Select Committee before the House. With these words, I support the motion for circulation.

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): Sir, I rise to support the motion and in doing so I will briefly touch upon two points pressed by Mr. Aney and also by Mr. Thorne. Mr. Aney has expressed certain doubts as to the correctness of the position taken up in clause 5 of the Bill, that the conversion of a married Muslim woman to a faith other than Islam shall not by itself have the effect of dissolving the marriage tie. It has been explained in the Statement of Objects and Reasons that the view of the Courts has all along been that such conversion leads automatically to a dissolution of the marriage without any further proceeding anywhere . . . . .

Sardar Sant Singh (West Punjab: Sikh): Under what law is it so dissolved?

Syed Ghulam Bhik Nairang: Under one view of the Islamic jurists; but there are no less than three different views of the Muslim jurists on that point and we are in a position to prove and we will prove when the opinions are received and when the question is gone into next time in detail, that the view which should prevail is that of the jurists of Samarkand and Balkh which holds that the conversion of a Muslim woman does not lead to a dissolution of the marriage. Of course, this is a matter which has got to be discussed in some detail, and the authorities have to be referred to in extenso and therefore I am only adverting to it briefly.

As regards the question of the Court which should entertain and decide such suits, it does apparently, as pointed out by Mr. Aney and also by Mr. Thorne, involve some inconvenience, and it may not always be feasible to have a Court of that kind for the trial of such suits, but one thing is certain that in matters matrimonial it is not unusual even under the statutory law of India to have a peculiarly constituted Court. Why, only the other day, I think last year, we passed here a Parsi Marriage and Divorce Act in which the Court which is to take cognisance of suits of divorce in the Parsi community is to be constituted in a peculiar way which is very different from the way in which other Courts are constituted. So there is nothing unusual . . . . .

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): The judge has not necessarily got to be a Parsi.

Syed Ghulam Bhik Nairang: I will certainly accept that statement on the point, but the constitution of the Court is all the same very peculiar. Anyhow if in the exigencies of the personal law a peculiarly constituted Court has to be provided I think it can be provided without any extreme inconvenience: it is not a very impracticable thing. Anyhow that is a question which can also be gone into in detail when the details of the Bill are discussed in this House at some future stage. For the present it appears that all are agreed that it might be circulated for eliciting opinion thereon.

Sardar Sant Singh: Sir, I really welcome this measure which removes an anomaly from the personal law of our brother Muslims. There is some anomaly at any rate in the Muslim law as interpreted in the Indian Courts that while the husband has got unlimited powers of divorce, the Muslim women are placed at a disadvantage, and so far as this provision of the Bill goes it has our hearty support.

[Sardar Sant Singh.]

But I am afraid that my friend while drafting this measure has gone a bit further than it is desirable that he should have gone. The first point that arose in this connection is about the introduction of communal tribunals in the country: not only this, that it shows a distrust of the judges in matters of administration of personal laws of the various communities living in India, but it will add to the various complications and it will tend to introduce a mentality that should, I think, be avoided at all costs. Our friends' demand for ousting the jurisdiction of the ordinary civil Courts and handing it over to Courts that are presided over by one community is just like introducing the principle of *imperium in imperio*. Here these cases will have to be decided, if this Bill is enacted, by a Court presided over by a Muslim Judge; and if no Muslim Judge is available in the territorial jurisdiction where the cause of action arises, the author of the Bill seeks that it should be handed over to a neighbouring district, or even probably to a neighbouring province. How far such a provision is justified has still to be considered. As the Bill is going for circulation I want that the public should consider this aspect of the case. I have very strong reasons to object to this introduction of communalism in the judiciary of our country. It will not be out of place if I were to point out that in the Punjab we are already suffering in this respect from a communal judiciary, where communal considerations are considered to be far more important than the administration of justice strictly in accordance with the law. I need not here point out the various cases, but if an inquiry is made, my friends will agree with me that this communalism has crept in in the judiciary of the province of the Punjab at any rate. I would not like that a legislative enactment should be enacted where communalism should form a part of the judiciary and this mentality should be created in our judges.

As regards the provision contained in section 5, I would like the author of the Bill to explain one aspect of the case. Here he says that mere apostasy will not by itself be sufficient to dissolve a marriage validly performed. I put a question to my friend, Mr. Nairang, when he was speaking if the Courts in India have acted on the personal law of the Muslims when they give their decrees of judgments that apostasy by itself automatically dissolves the marriage of a woman among Muslims. Here is a provision by which the author of this Bill wants to interfere in the Muslim law of his own community. Sir, I have great sympathy for it, because in the course of my practice at the bar extending over 30 years, I have come across many dishonest conversions, and advantage of the Muslim law is taken to get the marriages dissolved. The High Courts have gone so far as to say that whether the conversion is *malafide* or *bona fide* it is immaterial, and the very conversion itself dissolves the marriage. Such dishonest conversions have no sympathy from me, and I have always been condemning the actions of those women who have undergone baptism in order to get rid of their husbands; for them an alternative provision has been made in this Bill . . . .

Mr. President (The Honourable Sir Abdur Rahim): I suppose you are not finishing it today?

Sardar Sant Singh: I shall take five minutes more, Sir. I shall try to finish it in five minutes. So far as this principle of conversion is challenged, I am really for it, but I would like to point out that this

principle of apostasy that I have tried to understand as it is embodied in the Muhammadan law is this, that a woman who gives up the religion of Islam is deprived of all civic rights which the Islam law gives her. Now, if we had a Muslim ruler, probably we would all have welcomed it, but with the advent of the British rule, it is found that this principle which is a sort of confiscation or forfeiture of civic rights is being utilised as a privilege and for some purpose. This aspect of the case may be taken into consideration when opinion is invited on the provisions of this Bill. As my friends are very anxious that I should finish, I support the motion for circulation.

Mr. President (The Honourable Sir Abdur Rahim): I understand there are other Honourable Members who wish to speak on this motion.

Before adjourning, I understand that Mr. Dow has a formal or rather a non-controversial motion relating to an official Bill, but this is a day allotted for non-official business. If the House has no objection I shall let Mr. Dow move his motion.

Several Honourable Members: No objection.

THE INDIAN TEA CONTROL BILL.

APPOINTMENT OF CERTAIN MEMBERS TO THE SELECT COMMITTEE.

Mr. H. Dow (Commerce Secretary): Sir, with your kind permission, I beg to move:

"That Mr. Muhammad Nauman and Mr. M. Ananthasayanam Ayyangar be appointed to the Select Committee on the Bill to provide for the control of the export of tea from, and for the control of the extension of the cultivation of tea in, British India in place of Dr. Sir Ziauddin Ahmad and Mr. Kuladhar Chaliha."

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

"That Mr. Muhammad Nauman and Mr. M. Ananthasayanam Ayyangar be appointed to the Select Committee on the Bill to provide for the control of the export of tea from, and for the control of the extension of the cultivation of tea in, British India in place of Dr. Sir Ziauddin Ahmad and Mr. Kuladhar Chaliha."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Friday, the 4th February, 1938.

LEGISLATIVE ASSEMBLY.

Friday, 4th February, 1938.

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

MEMBER SWORN.

Maulvi Abdul Wajid, M.L.A. (Rohilkund and Kumaon Divisions: Muhammadan Rural).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

COLLECTION OF UNEMPLOYMENT STATISTICS.

131 ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable Member for Commerce and Labour state:

(a) with reference to His Excellency the Viceroy's speech on the 13th September, 1937, what has been done with regard to the collection of unemployment statistics;

(b) whether the replies of the Local Governments have been received; and

(c) whether they have any proposals for liquidation of unemployment?

Mr. A. G. Clow: (a) and (b). Provincial Governments were consulted both with regard to the maintaining of records of employment and unemployment of past students by universities and colleges, and on the question of legislation to provide for the compilation of statistics of employment in industries. The replies from Provincial Governments to the first question are not yet complete, but those received indicate that the administrations concerned are taking active steps in the matter. With regard to the second point on which Provincial Governments have been consulted, all the replies have been received, and the question is now being considered.

(c) On the assumption that by liquidation the Honourable Member means total extinction, the answer is in the negative.

Mr. T. S. Avinashilingam Chettiar: May I know what Governments are taking active steps in this matter?

Mr. A. G. Clow: On what matter?

Mr. T. S. Avinashilingam Chettiar: In the matter of the reduction of unemployment?

Mr. A. G. Clow: I do not think it is my concern to reply on behalf of the Local Governments, but I believe most of them have the question under their active consideration.

Mr. T. S. Avinashilingam Chettiar: In reply to this question the Honourable Member said that the Provincial Governments are taking steps in the matter . . . . .

Mr. A. G. Clow: That referred only to the question of records of employment and unemployment of passed students.

Mr. T. S. Avinashilingam Chettiar: May I know whether the Central Government are taking any steps to alleviate the question of unemployment?

Mr. A. G. Clow: That is a very wide question. The Central Government's policy is directed towards alleviating unemployment in several directions, but I would remind the Honourable Member that unemployment is now a provincial subject.

Mr. T. S. Avinashilingam Chettiar: Are they taking any steps as regards the centrally administered areas?

Mr. A. G. Clow: The general policy affects both the centrally administered areas and the other areas.

Mr. T. S. Avinashilingam Chettiar: Are they taking any steps to alleviate it?

Mr. A. G. Clow: If the Honourable Member means to ask whether special steps are being taken in the centrally administered areas which are not being taken elsewhere, then the answer, I think, is in the negative.

Mr. N. M. Joshi: May I ask whether the proposals of the Government of India for the collection of unemployment statistics cover also our section of the population including the working classes?

Mr. A. G. Clow: The proposals have not yet been formulated. The proposal was mooted especially with a view to educated unemployment.

Mr. N. M. Joshi: May I ask whether the Government of India will take up the work of collecting unemployment statistics regarding the industrial workers?

Mr. A. G. Clow: Even if we legislate here, the collection, I believe, will have to be provincial. So I think it will be a matter for the provinces to consider what statistics they can collect.

Mr. N. M. Joshi: May I ask whether the Government of India will consult the Provincial Governments about the subject of the collection of statistics for industrial workers?

Mr. A. G. Clow: We have already consulted them generally.

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

CONSIDERATION OF THE QUESTION OF HELP TO THE HANDLOOM INDUSTRY AT THE INDUSTRIES CONFERENCE.

132. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable Member for Commerce and Labour state:

(a) whether the matter of helping the handloom industry was considered at the last Industries Conference;

(b) whether the Conference made any recommendations in this matter; and

(c) if so, what was the nature of the recommendations?

Mr. H. Dow: (a) Yes, Sir.

(b) and (c). I would invite the attention of the Honourable Member to a Press Note issued on the 16th December, 1937, which contains the conclusions of the Conference, and copies of which are available in the Library of the House. The detailed proceedings of the Conference will be published very shortly and copies of these also will be placed in the Library.

Mr. T. S. Avinashilingam Chettiar: May I know whether they have recommended any other steps besides the subsidy which they are giving for the development of the industry?

Mr. H. Dow: I can only refer the Honourable Member to the Press Note on the subject in which what was done is fully set out.

Mr. Lalchand Navalrai: May I inquire if any recommendation has been taken in hand and complied with?

Mr. H. Dow: Government have not passed final orders on these recommendations yet.

Mr. M. Ananthasayanam Ayyangar: May I ask why the Government have not considered the desirability of prohibiting the import of cloth below 40 counts with a view to help the handloom industry?

Mr. H. Dow: I was asked a question arising out of the Industries Conference. This was not a matter which was considered there.

Mr. Badri Dutt Pande: What is the Central Government's annual contribution towards the Provinces for the development of this handloom industry?

Mr. H. Dow: There is an yearly contribution to the provinces.

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

NEGOTIATIONS FOR A TRADE AGREEMENT WITH SOUTH AFRICA.

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

(a) whether the negotiations for a trade agreement with South Africa are still proceeding or have been concluded; and

(b) what are the terms of the agreement?

Mr. H. Dow: (a) and (b). The Honourable Member's attention is invited to the answer given to part (c) of his question No. 43 on the 1st February, 1938.

Mr. T. S. Avinashilingam Chettiar: May I ask when do they expect to come to a conclusion on this matter?

Mr. H. Dow: Very shortly.

Mr. T. S. Avinashilingam Chettiar: In view of the fact that the position of Indians in South Africa is deteriorating, may I know whether the Government will carry on the negotiations in this matter?

Mr. H. Dow: If the Honourable Member wishes to ask questions relating to the position of Indians in South Africa, he must direct his question to the Honourable Member in charge of the Department of Education, Health and Lands.

Seth Govind Das: Is it not a fact that as far as the position of Indians in South Africa is concerned in trade, the Honourable Member is responsible for it?

Mr. H. Dow: Yes, Sir.

Seth Govind Das: Then, is it not necessary that when the position of Indians in South Africa is deteriorating every day as far as trade is concerned, these negotiations should be speeded and they should come to some definite conclusion?

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

Mr. T. S. Avinashilingam Chettiar: I have not been understood by the Honourable Member. In view of the fact that the position of Indians is deteriorating in South Africa, whether that fact will be one of the points to be taken into consideration in the negotiations on this agreement?

Mr. H. Dow: I am afraid that question is a matter of argument.

Seth Govind Das: Is it also a matter of argument that the position of Indians in South Africa is deteriorating as far as trade is concerned, and, therefore, that position should be taken into consideration when these negotiations are held?

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

REPORT OF THE TARIFF BOARD ON SUGAR INDUSTRY.

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

(a) whether the Tariff Board has submitted a report on the sugar industry;

(b) whether they have finished the consideration of the report;

(c) when they propose to publish it; and

(d) whether they propose to bring forward any legislation in pursuance of the recommendation in the report, and if so, when?

Mr. H. Dow: (a) Yes, Sir.

(b) No, Sir.

(c) and (d). Government can neither publish the report nor can they anticipate their decision before they have finished the consideration of the report.

Mr. T. S. Avinashilingam Chettiar: May I ask when do they expect to finish the consideration of the report?

Mr. H. Dow: Government are proceeding now with the consideration of the report and will spend no unnecessary time over the matter.

Mr. Manu Subedar: Is it not a fact that there is a considerable anxiety on the part of the sugar manufacturers about this report?

Mr. H. Dow: I think it is very likely.

Mr. Mohan Lal Saksena: May I ask if the report will be published before the Budget is presented?

Mr. H. Dow: I am unable to add to the information already given in my answer.

Mr. Mohan Lal Saksena: Will the Honourable Member advise the Committee to expedite the decision?

Mr. President (The Honourable Sir Abdur Rahim): It is under the consideration of the Government now.

Mr. M. Ananthasayanam Ayyangar: May I ask when the report was submitted?

Mr. H. Dow: I cannot give the exact date off-hand, but it was about the 20th of December last.

Sardar Mangal Singh: May I know whether the report will be made available to Members of this House?

Mr. H. Dow: When Government have completed the consideration of the report, it will be published.

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

PASSIVE RESISTANCE OF INDIAN SETTLERS IN ZANZIBAR.

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

(a) the latest information about the results of the passive resistance of the Indian settlers in Zanzibar;

(b) whether the struggle is still carried on; and

(c) with what effect?

Sir Girja Shankar Bajpai: Sir, with your permission, I shall reply to questions Nos. 135 and 141 together. The attention of the Honourable Member is invited to the replies given by me on the 1st of this month to parts (a) and (c) of Mr. George Joseph's starred question No. 53. As

NON-INCLUSION OF INFORMATION ABOUT INDIAN STUDENTS FOR PROFESSIONAL COURSES IN THE HIGH COMMISSIONER'S REPORT.

138. *Mr. Lalchand Navalrai: Will the Secretary for Education, Health and Lands please state whether it is a fact, as stated in the *Roy's Weekly*, dated the 25th October, 1937, that in the statement attached to the High Commissioner's report, Indian students working for some professional courses such as actuarial examination are not categorized? If so, why, and do Government propose to furnish that information as well?

Sir Girja Shankar Bajpai: The statistical appendices attached to the Annual Report of the Education Department of the High Commissioner for India are based on material supplied by the University and College authorities throughout Great Britain. Similar particulars in regard to the comparatively small number of students pursuing professional courses with private firms are not available except in the case of those students who have sought the assistance of the High Commissioner in the matter of obtaining suitable facilities. A return of students so placed is given in Appendix VIII to the Report (Practical Training Summary) under the head "Various Technical and Professional Subjects".

Mr. Lalchand Navalrai: May I know particularly with regard to these students who go in for actuarial examinations whether they are put on the list?

Sir Girja Shankar Bajpai: I do not think, Sir, that in the appendix to which I have referred the category "actuarial" figures specifically.

Mr. Lalchand Navalrai: Will the Honourable Member ask the High Commissioner to have that also in the list?

Sir Girja Shankar Bajpai: I have already asked the High Commissioner about the practicability of that, but he tells me that it is not practicable.

BILL INTRODUCED IN THE SOUTH AFRICAN UNION PARLIAMENT REGARDING APPROPRIATION OF LANDS OR FARMS CONSIDERED UNBENEFICIALLY OCCUPIED.

139. *Mr. K. Santhanam: Will the Secretary for Education, Health and Lands be pleased to state:

(a) whether a Bill has been introduced in the South African Union Parliament regarding appropriation of lands or farms which are considered unbeneficially occupied;

(b) whether at a public meeting the Indian community has expressed the fear that the Bill might be used against them to their prejudice; and

(c) whether the Government of India have taken any action in the matter?

Sir Girja Shankar Bajpai: (a), (b) and (c). The attention of the Honourable Member is invited to the reply given by Mr. Hydari on the 30th August, 1937, to Mr. Mohan Lal Saksena's question No. 190.

Seth Govind Das: Is it not a fact, Sir, that after that reply was given a change has taken place in this respect and that a Commission in Transvaal is being appointed to go into the matter with the Union Government?

Sir Girja Shankar Bajpai: I was going to say that the appointment of the Commission in the Transvaal has nothing whatever to do with this particular question.

Seth Govind Das: May I ask how it is not,—because it concerns the question of lands and the Commission that is going to be appointed in Transvaal is in connection with this subject?

Sir Girja Shankar Bajpai: Yes, Sir, but my Honourable friend forgot the fact that in the Transvaal, Indians ordinarily cannot own land. Therefore the question of the allocation of land under this particular Act does not arise.

Seth Govind Das: But I think . . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is entitled to his own opinion.

ACTIVITIES OF THE INDIAN CENTRAL COTTON COMMITTEE AND SLUMP IN COTTON PRICES.

140. ***Mr. Manu Subedar:** Will the Secretary for Education, Health and Lands be pleased to state:

(a) whether the Indian Central Cotton Committee was established for the protection of the interests of the cotton-grower;

(b) the annual outlay on the activities of that Committee;

(c) whether any representation has been received by Government from that Committee with regard to the distress of the cotton cultivator owing to the slump in prices;

(d) whether Government are aware of the distress;

(e) whether a proposal for prohibiting the import of American cotton up to 1-1/16" is receiving consideration at the hands of Government; and

(f) whether the Central Government are thinking of any other measures within their power to alleviate the lot of the cotton cultivator and prevent further misfortune to him during the next year?

Sir Girja Shankar Bajpai: (a) The Committee was constituted for the improvement and development of the growing, marketing and manufacture of cotton in India.

(b) A statement showing the annual expenditure of the Committee during the past five years is laid on the table.

(c) and (d). Yes.

(e) No, but proposals suggesting a substantial increase in the import duty on cotton have been made and are under examination.

(f) Apart from the suggestion of an increased import duty referred to in the answer to part (e) no other is under consideration.

Statement showing the Annual Expenditure of the Indian Central Cotton Committee, Bombay.

Year.	Expenditure. Rs.	A.	P.
1932-33	8,08,309	7	2
1933-34	9,42,986	13	9
1934-35	9,71,622	11	8
1935-36	11,40,629	2	1
1936-37	10,51,116	11	6

Mr. Manu Subedar: Are Government aware that the delay in imposing an import duty or a total prohibition on cotton of one and one-sixteenths staple is leading to purchases by mills and others in Bombay of American cotton which is below parity?

Sir Girja Shankar Bajpai: So far as I am aware, there is no indication at present of the import of cotton of the staple mentioned by my Honourable friend.

Mr. Manu Subedar: There is no actual import at the present moment because it takes time, but I am mentioning the purchases, which point is different from imports. Purchases are being made of American cotton because it is cheaper and that is prejudicing the Indian cotton grower.

Sir Girja Shankar Bajpai: Well, Sir, I have no information about purchases by mills of cotton.

Mr. Manu Subedar: Will the Honourable Member make inquiries?

Sir Girja Shankar Bajpai: Certainly, I will have the point examined.

Mr. T. S. Avinashilingam Chettiar: Is not the import of foreign cotton one of the reasons for this slump?

Sir Girja Shankar Bajpai: There has been no import of cotton of a staple which competes with Indian-grown cotton.

BOYCOTT OF ZANZIBAR CLOVES.

†141. *Mr. Badri Dutt Pande: Will the Secretary for Education, Health and Lands be pleased to inform the House as to the position in Zanzibar regarding the boycott of cloves?

(b) Have the Government of Zanzibar suffered a loss of £30,000 because of the boycott?

(c) Are the Government of Zanzibar now prepared to revise their policy regarding the export of cloves?

†For answer to this question, *see* answer to question No. 135.

REVIVAL OF THE FORESTRY COLLEGE FOR HIGHER TRAINING OF FORESTRY STAFF.

142. *Mr. Badri Dutt Pande: (a) Will the Secretary in charge of Education, Health and Lands Department be pleased to state if Government have accepted the recommendation of the Forestry Conference that was held in Delhi last December to revive the higher training of the forestry staff in India?

(b) If so, from which date will the recommendations of the Forestry Board be carried into effect?

(c) How many scholars will be admitted every year?

(d) What will be the name of the degree conferred on the scholars?

(e) With the revival of the Forestry College, will India be self-sufficient in the matter of higher training in Forestry?

Sir Girja Shankar Bajpai: (a) Yes.

(b) The Honourable Member is presumably referring to the Forestry Conference mentioned in part (a). The course of training is expected to open on 21st April, 1938.

(c) Facilities will be available for taking in the 15 students who are expected to attend the first biennial course. Arrangements for further courses will depend upon the success of the first course.

(d) The College Diploma in Forestry will be awarded.

(e) The intention is to provide as good training in India as can be obtained elsewhere.

Mr. Badri Dutt Pande: Has any proportion been fixed of the number of scholars that will be taken from the States and British India?

Sir Girja Shankar Bajpai: There is no question of fixing any proportion.

Mr. Badri Dutt Pande: Will private students be also admitted there?

Sir Girja Shankar Bajpai: I doubt very much whether there will be any private students offering, considering the fees charged.

USE OF DYNAMITE NEAR RESIDENTIAL AREAS IN DELHI.

143. *Sardar Sant Singh: (a) Will the Secretary for Education, Health and Lands please state if there are any rules or regulations for using dynamite near the residential areas? If so, what are they, and are they being strictly complied with in Delhi?

(b) Is he aware that dynamite is freely used in quarrying stones even within a few yards from the residential buildings in Qarol Bagh and particularly on the East and North sides of the NN Block?

(c) Is he also aware that besides being most shocking to the ladies and children of the areas where the dynamite is used in close proximity, it is dangerous to the life and property of the residents?

(d) Does he propose to take immediate steps to prohibit the use of dynamite near the residential areas?

Sir Girja Shankar Bajpai: With your permission, Sir, I shall answer parts (a) to (d) together. The explosive used for blasting in Delhi is black powder and not dynamite. The blasting is regulated by a set of executive orders, which are complied with. In Qarol Bagh blasting is essential for the completion of the lay-out of roads. Some blasting has to be done close to occupied houses, but special precautions have been taken so that the operations should not cause any injury or damage. If it were prohibited, the development of Qarol Bagh could not be carried out.

INCREASE IN THE WATER CHARGES IN NEW DELHI.

144. ***Sardar Sant Singh:** (a) Is the Secretary for Education, Health and Lands aware that the New Delhi Municipal Committee has very recently decided to raise the water charges from their consumers from six annas to eight annas per 1,000 gallons with effect from the 1st April, 1938?

(b) Is he aware that in the City or Old Delhi areas the water charges are five annas per 1,000 gallons and attempts are being made to have it further reduced?

(c) Is he also aware that when some time ago, the New Delhi Municipal Committee raised the electricity charges, there were many protests by the Government servants and other consumers, due to which the Committee did not give effect to that resolution?

(d) Is he prepared to have the working of the New Delhi Municipal Committee examined by a Committee of this House in order to effect reduction in its expenditure, instead of encouraging the Municipal Committee to attempt to increase its charges on account of electric or water supply?

(e) Is he prepared to have the recent resolution regarding increase in the water supply rates rescinded and attempts made to get the rates further reduced? If not, what are the difficulties and why can the rates not be reduced?

Sir Girja Shankar Bajpai: (a) to (e). Information has been called for and will be supplied to the House as soon as possible.

FISHING BY JAPANESE TRAWLERS IN THE BAY OF BENGAL.

145. ***Mr. K. Santhanam** (on behalf of Mr. George Joseph): Will the Honourable Member for Commerce and Labour be pleased to state:

(a) whether the Department of Fisheries in the Madras Government have reported that Japanese trawlers are conducting fishing on a large scale beyond territorial waters in the Bay of Bengal and are selling the fish so caught in the Calcutta market; and

(b) whether Government have considered that such deep sea fishing will not affect the permanence and volume of fisheries?

Mr. H. Dow: (a) The Government of India have not so far received the report referred to from the Provincial Government, but they have

received a report separately regarding the landing of a consignment of fish at Calcutta by a Japanese trawler.

(b) Government are aware that excessive fishing might have such results.

Mr. K. Santhanam: May I know what action Government propose to take in the matter?

Mr. H. Dow: Government are considering in consultation with the maritime Local Governments what action can be taken in the matter.

SHORT NOTICE QUESTIONS AND ANSWERS.

AGREEMENT OF THE GOVERNMENT OF INDIA WITH THE GOVERNMENTS OF CEYLON AND THE NETHERLANDS INDIES FOR CONTROL OF EXPORT AND CULTIVATION OF TEA.

Mr. K. Santhanam: Will the Secretary of the Commerce Department please state:

(a) whether a formal agreement was entered into by the Government of India with the Governments of Ceylon and the Netherlands Indies for the control of the export and cultivation of tea;

(b) the date on which the agreement was signed;

(c) the names of representatives who signed it on behalf of the Government of India; and

(d) whether he will place a copy of the agreement on the table of the House?

Mr. H. Dow: (a) The mutual agreement between the Governments concerned is not contained in any formal document, but in correspondence between the parties concerned.

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

An Honourbale Member: Who are the parties?

Mr. H. Dow: The Governments of India, Ceylon and the Netherlands Indies.

Mr. M. Ananthasayanam Ayyangar: What are the terms which have been finally approved by the Government of India, whether in a formal or informal document?

Mr. H. Dow: There is a formal document between the representatives of the industry, and the respective Governments have agreed to take such legislative and other action as is necessary to give effect to this agreement.

Mr. M. Ananthasayanam Ayyangar: Have the several Governments approved *in toto* of the several conditions in that document or have any reservations been made by any of these Governments?

Mr. H. Dow: I am afraid I do not quite understand the drift of this question. There is an international agreement between representatives of the trade certain parts of which require action by the various Governments concerned to give effect to that agreement. The three Governments are in accord in lending their general support to the agreement and in agreeing to take such legislative or other official action as is necessary to give effect to the agreement.

Mr. T. S. Avinashilingam Chettiar: Will the Government lay on the table a copy of the agreement?

Mr. H. Dow: If the Honourable Member is referring to the trade agreement, I am quite prepared to lay it on the table of the House.

APPOINTMENT OF AN AGENT GENERAL OF THE GOVERNMENT OF INDIA IN EAST AFRICA.

Seth Govind Das: (a) Will the Secretary for Education, Health and Lands be pleased to state whether any Agent General to the Government of India is being appointed in East Africa?

(b) Has the Honourable Member received any representation in this respect from the Indian Association of Mombasa?

(c) Does the Honourable Member know that Indian opinion in East Africa is against such appointment?

(d) Before deciding the matter finally, is the Honourable Member prepared to consult the Indian opinion in East Africa, specially the East African Delegation which is coming to India on the 5th February?

Sir Girja Shankar Bajpai: (a) As has been indicated to the House more than once during previous Sessions, the Government of India have been in communication with His Majesty's Government in the United Kingdom through the Secretary of State for India regarding the appointment of Indian Agents in certain Colonies, including East Africa. This suggestion they have been pursuing in conformity with wishes which have been repeatedly expressed by Honourable Non-Official Members of both Houses. The matter is still the subject of correspondence, and no decision has been reached.

(b) Yes.

(c) Apart from the communication referred to in part (b) of the question, the Government of India have had no evidence of the existence of such feeling.

(d) It is unlikely that any decision will be reached before the 5th February. The Government of India will certainly give due consideration to any representations that may reach them on this subject from responsible sources before finally deciding the matter.

Mr. M. A. Jinnah: What are the reasons why the objection is raised against the Agent being appointed by the Government of India?

Sir Girja Shankar Bajpai: I have not got the letter of the Indian Association with me at the moment but speaking from memory, they seem to take objection on the ground that the appointment of an Agent would interfere with the power of their representatives to deal with local questions.

Seth Govind Das: Does the Honourable Member know that as far as the appointment of these agents is concerned there is a difference of opinion in this respect and that local Indian opinion wherever these agents are appointed should be taken into consideration. Even authorities like Mr. Andrews in his latest book on . . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is making a speech.

Seth Govind Das: Is it not advisable that before such appointments are made, local Indian opinion should be taken into consideration?

Sir Girja Shankar Bajpai: That is asking for an expression of opinion.

Mr. N. M. Joshi: In view of the fact that East African Indians do not want an Agent, will the Government of India consider the question of giving preference to other colonies, like Trinidad, in the matter of appointment of Agent?

Sir Girja Shankar Bajpai: I want to make the point quite clear that the Government of India do not concede that Indian opinion in East Africa as a whole is opposed to the appointment of an Agent.

Seth Govind Das: Have the Government received any representation from any quarter in East Africa saying that such an appointment is necessary?

Sir Girja Shankar Bajpai: Seeing that the question has been under consideration by the Government of India for a number of years, and, apart from the isolated representation to which I have referred, no representation has been made that the appointment should not be made, the Government are quite justified in making the statement which I have made just now.

UNSTARRED QUESTIONS AND ANSWERS.

TEA GARDENS GRANTED EXPORT QUOTAS AND THE TEA CONTROL BOARD.

18. **Mr. Brojendra Narayan Chaudhury:** Will the Honourable Member in charge of the Commerce Department please state:

(a) the total number of tea gardens, as also the number of Indian-owned tea gardens, which have been granted export quotas in the latest years for which figures are available, in each of the territorial groups as per representation on the Tea Control Board;

(b) the total quantity of quotas granted and the quantity granted to Indian-owned gardens in each of the territorial groups;

(c) the number of inquiries and inspections by the Control Board about assessment in each territorial group of Indian-owned gardens and other separately;

(d) the revenue collected by the Control Board and the expenditure for the year; and

(e) the number of appeals to the Government of India against the decisions of the Board, and the number of decisions altered or quashed on appeal?

Mr. H. Dow: (a) to (d). I presume that by the expression "Tea Control Board" the Honourable Member apparently means the "Indian Tea Licensing Committee". The information is being collected and will be laid on the table of the House as soon as possible.

(e) I would refer the Honourable Member to the statement laid on the table of this House on the 31st January, 1938, in reply to parts (a) and (c) of Mr. Kuladhar Chaliha's unstarred question No. 172, put on the 24th September, 1937.

PROVISION OF COLD STORAGE FACILITIES IN INDIA.

19. **Prof. N. G. Ranga:** Will the Secretary for Education, Health and Lands be pleased to state:

(a) if it is a fact that large quantities of eggs, fish and meat are going to waste in this country for want of cold storage facilities;

(b) if any attempts are being made by the railways to provide cold storage facilities for such perishable commodities of commercial value?

Sir Girja Shankar Bajpai: (a) Government are aware that some wastage occurs.

(b) The attention of the Honourable Member is invited to the information laid on the table of the Council of State on the 14th September, 1937, in connection with question No. 66, asked by the Honourable Sir Phiroze Sethna on the 12th March, 1937. The Railway Board is also in collaboration with the Imperial Council of Agricultural Research carrying out certain experiments on refrigerated transport.

ENQUIRY INTO THE PROBLEM OF SMALL INDUSTRIES.

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

(a) what industries sent their memoranda to the Special Officer appointed to enquire into the problem of small industries;

(b) which of them desired protection against the dumping of Japanese goods;

(c) whether the Special Officer has submitted his interim or final report;

(d) if so, when;

(e) whether Government are prepared to publish his report; and

(f) if, so, when?

Mr. H. Dow: (a) A statement is laid on the table giving the information asked for.

(b) All the industries mentioned in the statement complained of Japanese competition.

(c) to (f). In the autumn of 1937, the officer on special duty made preliminary investigations into the claims of a substantial number of these industries. The investigations were, however, of a purely departmental character, and it is not proposed to publish them.

List of Minor Indian Industries which submitted Memoranda in support of their representations for assistance against Japanese competition.

1. Agricultural implements (pumps).
2. Beer.
3. Biscuits.
4. Blown glass.
5. Bobbins.
6. Camphor.
7. Celluloid goods.
8. Cotton braid.
9. Cotton yarn.
10. Cotton blankets.
11. Dry cells and batteries for torches.
12. Earthenware and porcelain.
13. Electric goods—bakelite.
14. Electric Bulbs
15. Electric fans.
16. Enamelled ironware.
17. Face powder.
18. Fancy household goods—bakelite.
19. Fresh fruits.
20. Healds and Reeds.
21. Hosiery.
22. Hosiery machinery.
23. Hurricane lanterns.
24. Leather works.
25. Lithograph.
26. Metal lithograph (Tin printing).
27. Narrow width cotton fabrics.
28. Perfumery and toilet requisites.
29. Playing cards.
30. Pneumatic cycle covers and tubes.
31. Optical goods.
32. School slates.
33. Sheet glass.
34. Shoe laces.
35. Shuttles.
36. Silk—raw and manufactures.
37. Soap.
38. Tricycles.
39. Umbrella fittings.
40. Waterproof cloth and belting.
41. Wire and wire nails.
42. Woollen goods.
43. Yellow (maguey hemp) rope.

MANUFACTURE OF LIQUID CHLORINE IN INDIA.

21. **Prof. N. G. Ranga:** Will the Commerce Secretary be pleased to state:

(a) if he has seen the account of the interview given to the Associated Press of India by Mr. G. G. Gulrajani in regard to the advisability of manufacturing liquid chlorine in India; and

(b) if so, whether he is prepared to consider the advisability of initiating measures for the manufacture of liquid chlorine as a State enterprise?

Mr. H. Dow: (a) Yes, Sir.

(b) No, Sir, as the matter is not primarily the concern of the Governor General in Council.

EXPORT OF NATURAL MANURES.

22. **Prof. N. G. Ranga:** Will the Secretary for Education, Health and Lands be pleased to state:

(a) what quantities of natural manures, such as, fish, bones, and oil-cakes were exported annually during the last five years;

(b) whether Government are aware that such manures are needed in India for the fertilisation of our lands; and

(c) if Government are prepared to examine the advisability of putting an embargo on their export?

Sir Girja Shankar Bajpai: (a) The quantities of fish and bones for manurial purposes and oil-cakes exported from India during the last five years are shown in the statement below:

	1932-33.	1933-34.	1934-35.	1935-36.	1936-37.
Fish (manures) .	3,188	4,881	5,164	6,165	6,583
Bones (manures) .	3,117	4,263	8,368	14,418	25,518
Bonemeal . .	18,446	20,556	28,106	28,476	31,729
Oil-cakes . .	286,706	287,015	347,653	300,377	335,620

(b) and (c). It is the case that application of manures could with advantage be more widely resorted to in India, but Government's information is that the measure suggested would not improve the position in that regard at least without producing undesirable effects in other directions.

MOTION FOR ADJOURNMENT.

EXPORT OF COTTON TO JAPAN CONTRARY TO THE ANNOUNCEMENT OF THE JAPANESE GOVERNMENT.

Mr. President (The Honourable Sir Abdur Rahim): I have received notice of a motion for adjournment from Mr. T. S. Avinashilingam Chettiar. He says:

"I propose to move the adjournment of the business of the Assembly for the purpose of discussing a definite and specific matter of urgent public importance of

recent occurrence, namely, the further export of cotton to Japan contrary to the announcement of the Japanese Government, *i.e.*, subject to permits."

Will the Honourable Member explain what he means?

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, the Government of India issued a communiqué about this matter and they said that the difficulty of the Japanese Government was exchange and that hereafter cotton will be exported subject to permits which will be regulated by the exchange that is available from the Japanese Government.

Mr. President (The Honourable Sir Abdur Rahim): Are permits granted by the Government of India?

Mr. T. S. Avinashilingam Chettiar: They are granted by the Japanese Government. May I know from the Government of India how much exchange is available now for them to pay for the cotton they receive from India? In accordance with the communiqué the cotton exporters from India will get money in exchange. But here is a report published in the Press that cotton is being exported without permits being issued. We are now asking the Government to take action so that the interests of the exporters might be protected.

Mr. President (The Honourable Sir Abdur Rahim): If private parties export cotton, how can the Government of India interfere?

Mr. T. S. Avinashilingam Chettiar: The Government of India have got an understanding with the Japanese Government that hereafter cotton will be exported from India only subject to these permits. But now cotton is being exported without permits. That means that we do not know whether the exporters will get their money or not.

Mr. President (The Honourable Sir Abdur Rahim): I should like to know from the Government Member what the facts are?

Mr. H. Dow (Commerce Secretary): I can only object to this motion on the ground of its complete unintelligibility. I was hoping to hear from the Honourable Member what was his real point of view, but the Honourable Member leaves me more confused than ever.

Mr. President (The Honourable Sir Abdur Rahim): I do not understand what this motion means.

Mr. T. S. Avinashilingam Chettiar: This question was mooted some days back and this was also the subject of a communiqué which the Government issued. The facts are that cotton was exported from India to Japan and Japan said "we are not able to pay in full owing to the fact that exchange is not available". This question was referred to the Government of India and, as a result, the Government issued the communiqué.

Mr. President (The Honourable Sir Abdur Rahim): What is the communiqué?

Mr. T. S. Avinashilingam Chettiar: I am sorry I do not have a copy of the communiqué just now.

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

RESOLUTION *RE* CONSTITUENT ASSEMBLY.

Mr. President (The Honourable Sir Abdur Rahim): Resolutions: The first Resolution* stands in the name of Mr. Satyamurti.

Mr. M. Asaf Ali (Delhi: General): Sir, I beg to move:

"That further debate on the Resolution be adjourned *sine die*".

Mr. Satyamurti, the Mover of this Resolution, is unavoidably absent owing to illness.

Mr. President (The Honourable Sir Abdur Rahim): That is not enough.

Mr. M. Asaf Ali: For various reasons, it is inexpedient to go on with further discussion of this motion.

Mr. President (The Honourable Sir Abdur Rahim): Will you explain a little more?

Mr. M. Asaf Ali: I wish I could. But I feel that it would be inexpedient to go into the reasons.

Mr. President (The Honourable Sir Abdur Rahim): Then, I am afraid I cannot adjourn the debate. Is it politically inexpedient?

Dr. G. V. Deshmukh (Bombay City: Non-Muhammadan Urban): We do not commit ourselves to saying that it is politically inexpedient or otherwise. I will say that it is not considered expedient by many Honourable Members of the House and, therefore, we are not willing to proceed with the Resolution today and we suggest that it should be adjourned *sine die*.

Mr. President (The Honourable Sir Abdur Rahim): The position is that the Resolution has been moved and it is now in the possession of the House and you want that the further discussion should be adjourned *sine die*. There are to be some good reasons for the adjournment and if the House agrees, I would adjourn it. I take it that the ground is that it is politically inexpedient.

Seth Govind Das (Central Provinces Hindi Divisions: Non-Muhammadan): The ground is that it is inexpedient. There is no other ground.

*Moved by Mr. S. Satyamurti on the 17th September 1937:

"That this Assembly recommends to the Governor General in Council to convey to the Secretary of State for India and to the British Government the opinion of the House that the Government of India Act, 1935, in no way represents the will of the nation and is wholly unsatisfactory and should be replaced by a Constitution framed by a Constituent Assembly elected on the basis of adult franchise."

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

"That further debate on the Resolution be adjourned *sine die*".

The Honourable Sir Nripendra Sircar (Leader of the House): Sir, I am not opposing the motion. It has been the attitude of the Government all through, that on a non-official day they will not interfere in the arrangement of non-official business; and I wish only to say that I very much welcome the ground which has been preferred, namely, political inexpediency.

Some Honourable Members: No; it is inexpedient.

The Honourable Sir Nripendra Sircar: That only confirms me in our attitude which we always have taken up that at the present moment it is politically inexpedient to answer questions relating to the States and to the Defence.

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

"That further debate on the following Resolution be adjourned *sine die*:

> "That this Assembly recommends to the Governor General in Council to convey to the Secretary of State for India and to the British Government the opinion of the House that the Government of India Act, 1935, in no way represents the will of the nation and is wholly unsatisfactory and should be replaced by a Constitution framed by a Constituent Assembly elected on the basis of adult franchise."

The motion was adopted.

RESOLUTION *RE* EMPLOYMENT OF INDIANS AND PAYMENT OF ADEQUATE WAGES TO THEM BY AIDED OR SUBSIDISED INDUSTRIES.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, I beg to move:

"This Assembly recommends to the Governor General in Council to take effective steps to impose upon all industries, which are or may be in receipt of any aid or subsidy from the Central Government in any shape or form, such conditions as may secure (1) the employment of not less than a specified proportion of Indians in both higher and other grades of their employ, and (2) adequate wages and fair treatment of the Indians employed by them."

Sir, as Honourable Members will no doubt see this Resolution is divided into two parts. The first refers to the employment of our people in any industry that Government may directly or indirectly patronise; and the second wants that Government should take steps to fix adequate wages for those whom they employ. Sir, it is possible that my Honourable friends may feel surprised at my sponsoring a Resolution which contains part (1). I have over and over again raised my voice of protest against the Indianisation of the higher services. In fact I have often pleaded for the Europeanisation of the lower ones; and my reason for doing that has been that the burden of administration should fall on those who are responsible for it; and if we have a foreign Government in the land, it is but fair that foreigners must be held responsible for all that they do and they must not use my people to do their dirty work.

[Mr. Sri Prakasa.]

But, Sir, the proposition today is quite a different one. It deals with industries, and I think it is reasonable on our part to ask that our people should be closely and effectively associated with the industries of the land. The Resolution speaks of all industries that are aided or subsidised by the Central Government; and I understand that there are many of this variety. I think, therefore, it is reasonable that we should ask that a large number of our people should be employed in those industries. This employment, Sir, would relieve the general and distressing problem of unemployment. This is a problem that has been exercising the minds of many people both in the Government and outside; and, therefore, if we could propose practical methods for relieving unemployment, I think, Government should eagerly accept them. Then, Sir, the employment of our people in the industries will utilise the hidden talent that doubtless exists in them, and that cannot find an outlet because of want of opportunity. It is time that all this talent should be utilised. Government have so long utilised the very doubtful talent of driving the quill in their offices which no doubt most of our people possess; but it is time that they also utilised the undoubted talent that lies in us of running a factory, managing a machine, and so on. All that talent is being wasted today, and if Government will employ our people in large numbers in the industries for which they are responsible, this talent will have full play and will be utilised to the fullest extent. And this will also help in the progress and prosperity of the industries themselves. After all, Sir, the mainstay of a country is its industry, and if we could swallow up, as they do in other countries, large numbers of our young men in the industries of the land, then most of our problems would in my opinion be automatically solved. That is the only method of ensuring the progress and prosperity of the land as well. It is high time that India were brought in line with other countries in this important department of national endeavour, and I trust that Government will eagerly seize this opportunity of expressing their sympathy for this Resolution and accepting the basic principle thereof.

That disposes of part (1) of my Resolution. Part (2) deals with wages. The problem of wages is not one on which I could speak with any authority, but I have no doubt that my friends who will follow me would be able to speak on the subject from personal knowledge and experience. But when I am talking of adequate wages let it be understood quite clearly that what I mean is equitable wages. Government have a system of regimentation of wages so far as their own services are concerned; and not only have they fixed wages for the various grades of their services but they have also fixed types of houses for the various types of people that they employ. You have in New Delhi, for instance, types of houses running from that of the Viceroy down to that of the chaprasis. Various blocks in Delhi are fixed for various grades of Government servants. It is time that Government took in hand the necessity of some such regimentation in the wages and housing of non-officials as well. Government have to care not only for their own servants but also for those who pay for those servants. Therefore, it is high time that this matter were taken in hand. But in this connection I am bound to sound a note of warning as well. The principles on which Government should set to work are to my mind quite clear and definite. First of all, Sir, they must take into consideration the actual wants of the various types of people they employ. They should ensure to every one the necessities of life,—food, clothing, housing and education. And they must find out what these four important needs would cost on an average, and ensure that all who are employed under them or through them are assured

of these necessities. Secondly, Sir, they should also take into consideration the practicability of the thing. We all remember that in the industrial history of England there was a stage when there was a great deal of economic disturbance after the Black Death, and the Government of the day tried to fix wages for the workers. But they only came to grief. It is quite clear that economics are stronger than politics; and that therefore the wages, as a general rule, go on the general principle of supply and demand. Therefore, they are not to fix the wages at such high rates that may be impractical and may destroy the industries themselves.

Thirdly, Sir, I am quite clear in my mind that the wages of the workers should be so much and no more and no less than can ensure the proper production of goods that can be easily consumed by the people at large. It may happen that we may fix the wages so very high that the articles produced by the industry may cost so much that they may never be purchased at all. That would lead us nowhere; in fact it may lead to disaster. Therefore, Sir, when the wages are being fixed, the average income of our people, their capacity to pay, their needs and requirements, their capacity to consume the goods manufactured,—all these should also be taken into careful consideration. That to my mind seems to be the only way of solving the pressing problems of the day. I feel, Sir, that the problem is not of such insuperable difficulty as cannot be tackled. I also feel that the days of mere *laissez faire* are gone; and that unless the State activity interests itself in the matter of the economic life of the people not much can be done. If things are allowed to go on in the present fashion, I do not think we can prosper very much. The problem being what it is and the anxiety that is visible on all hands to solve it being great, I hope Government will not only accept the Resolution but also take steps to materialise the basic principles of the same. I hope, Sir, that after I have put my points of view before the House, the House will consider them carefully and will unanimously accept the motion, I have the privilege of moving.

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

"This Assembly recommends to the Governor General in Council to take effective steps to impose upon all industries, which are or may be in receipt of any aid or subsidy from the Central Government in any shape or form, such conditions as may secure (1) the employment of not less than a specified proportion of Indians in both higher and other grades of their employ, and (2) adequate wages and fair treatment of the Indians employed by them."

Mr. N. M. Joshi (Nominated Non-Official): Mr. President, the principle underlying the Resolution moved by Mr. Sri Prakasa is, I think, a very sound one. When any Government on behalf of the nation gives protection to an industry in any form or shape, that protection or aid is given on the ground that the maintenance of that industry is beneficial to the whole community. If an industry is protected on that ground, the Government on behalf of the community has a right to impose such conditions upon that industry that the existence of that industry will be beneficial to the whole community. I, therefore, feel that the principle of this Resolution should be accepted by this House.

I feel, Sir, that the Resolution as drafted is restricted in its scope. I would have liked a resolution on much broader lines. If we give help or protection to an industry, it is our duty to see that the industry is, in the first place, conducted in such a way that the protection or aid given to it is not wasted. We must see, therefore, that the industry is conducted very efficiently, and in such a manner that the industry will have a continued

[Mr. N. M. Joshi.]

existence for a long time in any case. Secondly, it is our duty also to see that all the elements forming that industry are protected. We must protect the producers in that industry; we must protect not only those who invest their money but those who are employed in the industry and are the real producers there. We should also protect the staff as is proposed in the Resolution. I feel that we should also protect the consumers of the goods produced by that industry. I should, therefore, have liked the Resolution to be more broad-based than it is.

Then the Honourable Member has not told us what effective steps should be taken to see that the conditions which are imposed upon that industry are followed and carried into practice. I thought he would suggest that when an industry is protected by Government, the Government will insist upon the Government being represented on the board of management of that industry: I would certainly insist upon a Government director being appointed on all the concerns which receive protection at the hands of the Government. I would also suggest to the Government of India that if they want to see that an industry observes the conditions which are imposed by the Government, the Government should appoint inspectors for that industry. It is wrong to give aid at public expense to an industry and not to take steps to see that the industry is conducted on right lines. The mere appointment of a director will not be of much use in seeing that those conditions are observed. I would, therefore, suggest to the Government of India, if they accept this Resolution, that they should appoint inspectors for the industries which receive aid or protection from the Government in order that they may take effective steps.....

Mr. B. Das (Orissa Division: Non-Muhammadan): How will these inspectors be trained in the management of those industries? They would be laymen.

Mr. N. M. Joshi: If the Government is prepared to pay adequate salaries I am quite sure there will be people who have got experience of the management of industries who will take up Government employment on adequate salaries. If my Honourable friend, Mr. B. Das, wants industries in this country to be protected I am quite sure he does not want the public money to be wasted. It is, therefore, the duty of the Government to see that the money is properly utilised.....

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already exceeded his time limit . . .

Mr. N. M. Joshi: I shall not take more than two or three minutes.

Mr. President (The Honourable Sir Abdur Rahim): There are other Honourable Members wishing to speak.

Mr. N. M. Joshi: There is only one word more and that is about the protection of labour in the industries which are aided by the Government. My Honourable friend, Mr. Sri Prakasa, enunciated the principle that labour should be paid in such a manner that the articles produced will not be beyond the reach of the consumers to purchase. I think I cannot accept that principle. If an industry employs certain people, that industry is in duty bound to pay those people sufficient for their comfortable existence. If an industry cannot pay sufficient for the comfortable existence of the people it employs, then that industry has no right to exist. I therefore hope that the Government of India will see that when an industry is aided or protected by the state, at public expense, the people employed by that industry are paid sufficient wages for their comfortable existence. I am

sorry that the Government of India is neglecting their duty in this matter. We have given protection to the sugar industry; we have protected the people who have put the capital in the sugar industry and those who produce the sugar cane; but . . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has really exceeded his time limit. The time limit in this case is imperative. I think he must conclude.

Mr. Sri Prakasa: What is the time limit, Sir? I thought it was fifteen minutes. My Honourable friend, Mr. Joshi, has spoken only for seven minutes so far.

Mr. President (The Honourable Sir Abdur Rahim): If that is so, I am very sorry, it was my mistake. The Honourable Member may continue.

Mr. N. M. Joshi: My point was that in protecting the sugar industry you have protected the people who have invested their capital and also the people who produce the sugarcane; but the wage earners in the fields and the wage earners in the sugar factories have not been protected at all. The Government of India have passed legislation to protect certain interests. Some of the Local Governments like Bihar and the United Provinces have passed legislation for sugar control; but none of them have paid any attention to the protection of the wage earners in those industries. We have given protection to the textile industry and the match industry and the steel industry; at this date there is a strike going on in Jamshedpur in one of the concerns which are situated there; the workers have been asking the Government of Bihar to help them in the settlement of the strike. No help is given for the settlement of the strike. I have some experience of the working of a factory protected by Government—the Ambernath Match Factory. There was a strike and the employers did everything to put down that strike and see that the workers suffered. I myself wanted to see the director of that company and I wrote to him that I wanted to see him and explain the position. I got no reply. That is the position of the industries to which we have given protection.

I therefore hope, Sir, that the Government of India will see that when we give any aid to any industry they will take adequate steps for the protection of the workers in that industry, and further that they get not only sufficient wages but also other proper conditions of life and work. In India we have not yet made any beginning regarding social insurance to protect the workers against sickness, unemployment, old age and so forth. If we give protection to an industry, we must see that the workers in that industry are protected against all these risks. I hope the Government of India will take effective steps as stated in the Resolution for the protection of all the interests involved in those industries. I hope the House will pass this Resolution.

12 NOON.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Sir, I am afraid I fail to understand the exact meaning of this Resolution. In the first place, there are two definite and distinct subjects in this Resolution. The first point that my friend raises, is the employment of Indians in all industries aided by the Government of India; and the second point he raises, is adequate wages in such industries. These are totally different subjects . . . . .

Mr. President (The Honourable Sir Abdur Rahim): Do you mean that the Resolution is out of order?

Sir Cowasji Jehangir: Sir, you have admitted it, and I don't wish to criticise it.

Mr. President (The Honourable Sir Abdur Rahim): Let me explain then. What the Honourable Member wishes to obtain by this Resolution is that industries which obtain any aid or subsidy from the Government should comply with certain conditions, and I take it that the conditions he has in mind are the employment of a certain number of Indians and the payment of adequate wages. I consider it as one issue.

Sir Cowasji Jehangir: It may be one subject, Sir, but there are two totally different points that he wishes . . . . .

Mr. President (The Honourable Sir Abdur Rahim): Two conditions.

Sir Cowasji Jehangir: All right, Sir, two conditions that he requires to be considered by this House in all industries aided by Government. Now, let us look at the first condition, namely, the employment of not less than a specific proportion of Indians in both the higher and lower grades of employment in those industries aided by Government. If you will examine all industries that have been aided by Government in India, I think you will find that condition has been more than fulfilled. There are more Indians employed in the higher grades in all these industries than foreigners. I do not know exactly what my friend wants Government to do. Take any industry that my friend wishes to pick out,—sugar, textile, steel,—in all these industries he will find that today,—I am not talking of what existed 10 or 15 years ago,—there are more Indians even in the higher grades employed by these industries than foreigners, and foreigners are being replaced much more rapidly by Indians than my friend realises. I have seen figures in some of the more important industries in India aided by Government, and those figures go to show that Indianisation in the higher grades has been more rapid than even the management ever dreamt of. So far as that point goes, therefore, I do not think any Resolution is necessary in this House to emphasize Indianisation in these industries. It is a *fait accompli* in my opinion. . .

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): it is not.

Sir Cowasji Jehangir: My friend, Prof. Ranga, may know much more about these questions than I do, and I will bow to his very valuable opinion.

Mr. Sri Prakasa: Sir, on a point of personal explanation. I should like to say that the Resolution was drafted, I do not know by whom, but I drew it in the ballot. (Laughter.)

Sir Cowasji Jehangir: I am not blaming my friend. I am merely pointing out to him that he is asking this House to discuss a subject which is a *fait accompli*, and it is not necessary to draw the attention of the House or the country to something that is a *fait accompli*.

Then, Sir, coming to the next question, it is a much wider issue. In the first place, if you want this Resolution to be really effective, you have got to lay down as to what are adequate wages. One person may consider

A an adequate wage, while another person may consider B an adequate wage. We all admit it is a truism to say that adequate wages should be paid to employees. Nobody would contend that the employees in a great factory should be underpaid. It is a matter of opinion as to what is an adequate wage. My friend, Mr. Joshi, may believe that all employees should ride about in Ford motor cars . . . .

Mr. N. M. Joshi: They do so in America.

Sir Cowasji Jehangir: They do so to a certain extent in America,—my friend may be of that opinion. I may consider that we have not reached the stage when we in India can give adequate wages to all employees in big industries to enable them to ride about in Ford motor cars. It is a question of opinion, who is going to decide what is an adequate wage?

Mr. N. M. Joshi: Government Inspectors.

Sir Cowasji Jehangir: Sir, I don't wish to take up more time of the House, but what I would suggest is that since nobody will father this Resolution, and since the Mover himself had not drafted it,—he was unfortunate enough to move the Resolution about which he did not know anything himself,—he should withdraw this Resolution. . .

Mr. Sri Prakasa: Never, never; the Congress never withdraws.

Sir Cowasji Jehangir: "Never, never," he says, and he says "the Congress never withdraws". Sir, I have a recollection that only a few minutes ago, a Member of his Party withdrew his Resolution. I have some hazy recollection of it,—I may be wrong, my memory may be playing me false,—but I bow to my friend's expression of opinion that the Congress never withdraws. I trust that may always be true. At any rate, in the present case since nothing is to be gained by continuing the discussion on this Resolution, which is not properly worded, I would suggest that instead of wasting the time of the House,—nobody is willing to father the Resolution,—who drafted it?.....

An Honourable Member: The Federation of the Chambers of Commerce.

Sir Cowasji Jehangir: Anyway, the real point at issue is this. What we really do desire is that where Government places large orders with the industries in England or in other parts of the world, they should impose some condition that our youngmen should get training in those industries. That is something that should be pressed upon Government.

Prof. N. G. Ranga: What about our own industries?

Sir Cowasji Jehangir: If my friend will only study the figures relating to some of these industries, he will find that a large number of Indians are being not only educated but have been educated and who in their turn are now educating other young Indians, and if my friend desires to be educated, I am quite prepared to arrange for his going into any industry. The real point is, that we should draw the attention of Government to see that where large orders are placed by this country for all sorts of things, our youngmen should get an opportunity to serve as apprentices in those industries. That is the point that ought to be forced upon the attention of Government. So far as this Resolution is concerned, I do not really think—speaking with the greatest respect for my Honourable friend, Mr. Sri Prakasa,—that it deserves any further consideration.

Mr. Manu Subedar (Indian Merchants' Chamber and Bureau: Indian Commerce): Sir, I rise to support this Resolution though I admit that the Resolution is not too clear in its implications. With your permission, therefore, I would like to emphasize one or two words which will give the meaning which I have in my mind and on the strength of which alone I support this Resolution. The Resolution says:

"To take effective steps to impose upon all industries, which are or may be in receipt of any aid or subsidy . . . . ."

The words 'aid or subsidy', to my mind, are sufficiently wide to cover the regulation of all forms which benefit a particular industry such as, for example, by protective tariffs or, if benefit reaches an Industry, by revenue tariffs, such as, a direct subsidy, a freight concession and, lastly, the point which the Honourable Sir Cowasji Jehangir very rightly made, namely, an assistance by means of orders for articles required by public departments. I must sound a note of regret that in 1938 we should have to bring to the attention of Government a matter of this type when in 1916 Sir William Clarke, the then Member of Commerce, in appointing the Industries Commission said:

"The building up of industries where the capital, control and management (*Mark the word 'management'*) should be in the hands of Indians is the special object we have all in view."

Now, Government said this in 1916 and though several things have been done, unfortunately things have not been done adequately and properly to our satisfaction and hence we seek this occasion to urge on Government certain other aspects which have hitherto been omitted.

Sir, there has been a controversy in the past as to whether Government should impose any conditions of any kind, and, if so, what those conditions should be. With all sympathy towards my friend, Mr. Joshi, I must say that it may be found extremely difficult in practice for Government to actually go to the extent of fixing wages. But if there was a complaint that wages were inadequate and that there was discontent amongst the workmen that they were not getting a living wage, then certainly it should be the duty of Government to institute an inquiry to find out whether such a complaint is proper. There is no dispute today as to the nature of the restrictions which it has been usual to put in all orders and contracts which are being given out. The Board of Trade, for example, have a fair wage clause and I really do not see any serious objection if a fair wage clause were instituted, though there would be a difference in the meaning of what would be regarded as a fair wage by Mr. Joshi and what would be regarded as a fair wage by me. Other clauses have been inserted in the past in other countries and they have been recommended in our country also, such as, for example, the proportion of Indian capital, the proportion of Indian directors, the proportion of Indian shareholders, the facilities given to Indians for being taught and apprenticed and then there is the question of the higher grade appointments. This Resolution mentions the higher grades of appointments which have never been mentioned before. This is a new discussion to my mind though we have had several points of this kind both in the Railway Finance Committee's report and also in the External Capital Committee's report. I have here the speech of Mr. Jinnah, who would not ordinarily interfere in matters of this kind. In 1924, speaking on the Resolution for recommending to Government that rupee tender should be called forth for all

purchases made by Government, Mr. Jinnah complained of the dilatoriness and the neglect of Government to such questions in agonised words which I would like to quote. He said:

"You will thus see that the question has been going on since 1862 and right up to the time of Lord Crewe as the Secretary of State for India the position was that the attitude of the department which is called the Indian Stores Department was to put every difficulty in doing anything which would lead either to the purchase of manufacture in India and result in the gradual transfer of the supply of stores from the British to the Indian field."

This was as early as 1924. What I wish to say is that the whole field of regulation of industry should be surveyed by Government in a better manner than they have done in the past. They should see whether those industries, those trades and those fields of activities which enjoy the benefit of Government support in one form or another are or are not carrying out certain obligations which Government may impose in the contracts with them and which Government may lay down later on or which Government may do by executive action by merely making recommendations to them.

In explaining the scope of the Resolution, I should like to point out that the word 'industry' used here is also a very wide word and to my mind it signifies not merely industry but trade, banking, insurance and other fields. In whatever fields the benefit is given from public funds either directly or indirectly, Government must insist that those concerns do run their affairs in a manner so as to secure the maximum benefit to India. That restrictions could be so put where an industry is in receipt of some relief from Government is a matter which, I hope, is not a subject of any dispute between this side of the House and the Government. This has been definitely accepted by the External Capital Committee where it says:

"Where investment carries with it the control of an undertaking, we consider it reasonable that when Government grants a particular concession to the industry of which that undertaking forms part, it should exercise such control over the undertaking as will ensure that the benefits of the concession accrue primarily to the country."

We are anxious that our people should be trained and our people should get their share of the management of enterprises which are in receipt of any help from Government directly or indirectly. Who can say that this is an unfair suggestion? Who can say that if the Government insist on this it would cause a hardship to the various concerns? I maintain that those concerns which are receiving benefit ought to be ready to submit to these restrictions.

The House may be aware that there is a rule for the stores purchase which gives the discretion to the Chief Controller of Stores to make purchases of articles made in India in preference to foreign articles, and he can give as an extra price to the extent of 15 per cent. Now, Sir, this 15 per cent. is sanctioned to be given, where necessary. I do not think this rule has been used very often but this authority has been given on the basis that if an Indian concern has difficulties with regard to trained labour which it has to import and pay for it extra amount, or if an Indian concern has some difficulties which the manufacturers abroad do not experience, then those difficulties may be covered by this extra payment made to it. I think, Sir, in the same manner, that this extra payment made to it, whenever it is necessary, should also cover the cost of any restrictions

[Mr. Manu Subedar.]

and any regulations which Government lay down in the larger interests of the country and that there should be no grievance on the part of these concerns.

Now, Sir, I want to touch for one minute on the second part of the Resolution about adequate wages and fair treatment to Indians employed by them. As I mentioned before, a fair wages clause in public contracts is nothing unusual in the world, and there is no reason why the Indian Government should also not insist on a fair wage term and condition in the purchase contract everywhere. The only difficulty, as I said, of interpretation is as to what is a fair wage. Now, in the matter of wages, I have had some experience and I can say that very divergent and very different ideas exist all over the country. Government have been, in our opinion, much too progressive in India in giving effect to the Conventions made at Geneva. (Ironical Laughter.) We think that they have gone too far and too hastily. (*Cries of* "No, no".) That is a matter of opinion. (Laughter.) We think they have gone too far and too hastily but unfortunately they have gone in a direction and in a manner which does not necessarily benefit the labour population. What the labour people want, in my opinion, is a robust trade unionism. What has Government done to get that constituted? What they want is a machinery for avoiding strikes and lock-outs, and a machinery of compulsory arbitration. What have Government done to secure that? These are the types of measures which we want,—measures which will benefit labour and yet sustain the industry; and if Government will make a beginning all over the country, let them at least start in the fields in which they are themselves large employers. Let them also start with these restrictions on those concerns which are receiving benefits from public funds or from Government action in regard to tariffs or from Government activity in regard to the placing of orders. Sir, with this amplification, I commend this Resolution to the House.

Mr. A. G. Clow (Labour Secretary): Sir, I think the House has listened with interest, if not always with agreement, to the maiden speech which has just been delivered. I cannot follow my Honourable friend, Mr. Manu Subedar, into all the points with which he dealt because I propose to confine my remarks to the concluding words of the Resolution. But I must express my dissent from the views which he has put forward—no doubt on behalf of the Congress Party—(*Voices of* "No, no, no."). . . . . .

An Honourable Member: He is the representative of the Indian Merchants' Chamber.

Mr. A. G. Clow . . . . criticising the Government of India as being too progressive in the matter of labour. This is a criticism to which we are getting rather accustomed.

Mr. Manu Subedar: On a point of personal explanation. I did not criticize Government's action on behalf of labour. I support any such action; I only criticize the Government for going too hastily in the matter of the adoption of the Geneva Conventions.

Mr. A. G. Clow: Which ones? I am not clear what Conventions my Honourable friend refers to.

Well, Sir, if I may go back to the words of the Resolution, the principle, as far as I can see, underlying the demand in the last few words of the Resolution is that if you give protection to the capitalist, you must also give protection to his workers. If you take special steps to assist him, you must also take special steps to secure special conditions for his workers. Now, that is not a new idea in this House. My revered friend, the father of the House, Mr. Joshi, raised that many years ago when the first Protection Bill came before this House and he has never ceased to advocate it. Well, I was rather attracted when he first put it forward in connection with the Steel Protection Bill, but I confess that at every time that he has put it forward since, I see stronger and stronger objections against it and I would like to give the House my reasons for that conclusion.

I must at the outset state that I should be the last to oppose any attempt to get fair conditions, either in respect of wages or any other matter, for Indians, or for that matter for the foreigners within our gates. But this is not the general question with which we are dealing. We are not asked to secure fair conditions or special protection for labour generally; we are asked to do it in certain particular industries; in other words, we are asked to have a special labour code for certain industries which will not be universally applicable, and those industries are to be selected, not with any regard to labour conditions in them. They are to be selected on a particularly adventitious system. Those industries which, because they are facing foreign competition or for other reasons, are able to get subsidies or protection from Government are to observe a special labour code. There is no guarantee whatever that labour conditions in those industries will be different from others; they may possibly be better than in others, and I think they sometimes are. I remember only one instance where an important subsidy was given with some regard to labour conditions and that was when the cotton excise duty was repealed on a tacit understanding that a wage-cut in the Bombay mills would be restored. But normally there is no connection with labour. In fact—though I do not wish to lay it down as a universal rule—I should say that as it is our better organised industries which get the lion's share of protection, conditions in them are, on the average, somewhat better than in an unprotected industry.

Whether I am right in that or not, I think the same objection stands. You are drawing industries from a hat so far as labour protection is concerned. I can give the House an illustration of that. Suppose, for example, in certain schools the teachers were not particularly competent and it was decided therefore to supply a course of training and to incur a considerable expense in bringing those teachers up to the scratch; and then my Honourable friend, Mr. Sri Prakasa, came along and said, "now that you have done this for the teachers, you must distribute free milk to the scholars in those schools". What would the reply be? Surely the reply would be that such milk as we have to spare should go to the children who are under-nourished, and not to those who happen to be employed in certain schools selected under a different system. That is precisely my answer to the Resolution, that we are giving protection fortuitously to labour. I would remind the House that in giving protection you already give a certain protection to labour because you increase or maintain the demand for employment and you thus give them a certain amount of security. What you are going on to do is to subsidise them to some

[Mr. A. G. Clow.]

extent at the expense of labour and others outside. In other words, the peasant and the unprotected worker are going to give just a little more for their cloth because you want a special wage standard in the textile industry. Make no mistake about it; this is going to mean money somewhere. I know my friend, Mr. Manu Subedar, thoroughly realizes that. And what is going to happen when the protection or subsidy is gone? I am fairly sure what is going to happen is this, that the capitalist is going to say, "I can no longer observe those special conditions because I no longer have special protection". And there is going to be coercion thereafter to maintain the standard for the benefit of labour when it has ceased to be required for the benefit of capital. Whether that conjecture is sound or not, I would maintain that the principle which I have tried to urge is sound. There is a great deal that needs to be done for labour and the means that we have at our disposal are very limited. I would ask the House to see that such efforts as are made are not wasted by being misdirected and that we give our help where it is likely to be most effective.

Mr. Sami Vencatachelam Chetty (Madras: Indian Commerce): I do not feel ashamed at the wording of this Resolution of which so much fun has been sought to be made. It may perhaps not be so correct according to the fastidious tastes of my Honourable friend, Mr. Sri Prakasa, who hails from the Cambridge University; but I do not think his reputation for precision or accuracy in drafting has been enhanced by his disowning the authorship of this Resolution. I am sure after the explanation given by my Honourable friend, Mr. Manu Subedar, regarding the underlying object of this Resolution, my Honourable friend, Sir Cowasji Jehangir, would not consider this Resolution to be so badly worded or so superfluous as he wanted to make it to be.

The underlying object, if I may repeat, is that if certain industries and certain commercial undertakings have received benefit from the State by means of either protective duties, aids or subsidies, the country as a whole has a right to expect from such concerns some return for the common weal of the community. It is from that point of view that this Resolution is urged, and, in a matter like this, I am sure that the Government whom we have so often urged to give protection and subsidies and aids to some indigenous industries and commercial concerns and who after a good deal of hesitation and reluctance yielded to the general desire to do so, ought to be the first to support a Resolution which asks for a return of that benefit to the community. It cannot be denied that so much of protection, subsidies and aids that we give to these industries or concerns are in the nature of indirect taxes. If the Government were not obliged to give these adventitious aids it may be possible for Government to turn for their additional revenue to these sources and to that extent Government have lost by way of revenue, and that is the point which has so often been reiterated by the Honourable the Finance Member whenever he had to speak on this question of protection. So to the extent that the State has lost in the matter of revenue, it is only legitimate that they should expect some return from these concerns. We expect this return from these concerns not to the extent of injuring the interests for which protection has been offered but to a certain extent and

that is the absorption of our unemployed. We desire that these industries and concerns must employ more and more Indians in their services. My Honourable friend, Sir Cowasji Jehangir, has rightly said that in most of these industries Indians have been employed but he also added that he could not have said this ten or fifteen years ago. That is to say, there was a time when these concerns were not taking Indians in as big numbers as they are doing now. Evidently the author of this Resolution is not satisfied with the progress of Indianisation of these concerns, not only in the unavoidable places of menial service or workman service but also in the higher grades of these concerns. It might also be said with some amount of truth that even in the managerial staff of even the proprietary concerns more Indians are employed, but I may point out that in many of these concerns, in work which requires scientific and technical knowledge, proper encouragement is not given to Indians. In many cases, and I say this with a certain amount of shame, Indian concerns are more guilty than foreign concerns in this respect.

In the matter of training of apprentices, I find very few concerns taking Indian apprentices for the purpose of training. My Honourable friend, Sir Cowasji Jehangir, offered to train my friend, Mr. Ranga, for any particular job which he wants. I dare say when the offer is to be accepted, Sir Cowasji Jehangir may go back. Supposing Professor Ranga wants to be trained as a champion of labourers amongst the mill workers, I am sure Sir Cowasji. . . . . .

Sir Cowasji Jehangir: Is that an industry?

Mr. Sami Vencatachelam Chetty: At any rate that is a particular kind of job. What we want is that the Government should impress upon these concerns to train Indians for higher grades of service in these concerns. Every country that has organised industries and commercial undertakings has made it a rule that a certain number of persons ought to be trained for particular jobs, and I am sure that, even in the interests of the protected industries themselves, it is desirable that they must have continuity of men to take up the jobs and thereby make the industries efficient. It is from that point of view that we want the Government to exercise pressure upon these concerns.

So far as commercial undertakings are concerned, for which aids and subsidies are given, we have very often seen that Government are unable to make these concerns take Indians either as apprentices or as employees. It was only in the last Session in Simla that we pressed on the Government the desirability of bringing pressure upon the steamship companies to employ persons who have been turned out of the "Dufferin" training ship. The reply has been that some companies have refused to take them and some companies have employed them and others have found employment elsewhere but the real truth of the matter is that Government are unwilling to negotiate with these companies who receive ample subsidies and ample aid from our revenues. That is also the case with regard to several other things where we are giving large subsidies.

Now, with regard to the second point, namely, adequate wages and fair treatment of the Indians employed by them. I must say, with all respect to my friend, Mr. Manu Subedar, that the treatment of labourers particularly in Indian concerns is not as desirable as it should be. I am

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also a merchant and I sympathise more with the troubles and difficulties of merchants than with labourers. Still, I cannot but admit that so far as the Indian textile concerns are concerned, so far as Indian industries are concerned, the treatment and the conditions of living for these labourers remain much to be desired. No doubt the conditions of these labourers and their housing conditions particularly have improved recently. But so late as the Whitley Commission's report they found very much still remaining to be done by these Indian industries. They have got a duty by their labourers in affording them all reasonable facilities. It all depends upon the contentment of those whom the proprietors have under their protection. The proprietors seem to think that they are entitled to make huge profits and if they think that there should be no limit to their making any profits, then certainly one cannot expect good conditions to be given to these labourers. But if they think that the profits which they are making are at the expense of the State and are in the shape of practically indirect taxes paid by the consumers, then I am sure that they must pay a little more out of their own profits and divert a portion of their excess profits to improving the conditions of the labourers.

Sir, the Honourable Mr. Clow has raised the point whether there should be a special code for labourers employed in protected industries and another code for labourers employed in other industries. I should think so if it comes to that. It is for this reason that these industries are thriving on account of certain handicaps which we are levying upon the community, and it is upon the workmanship of these workers that the industry is thriving and the proprietors are thriving, and the proprietors are thus enabled to snatch away a portion of the legitimate revenue of the Government of India. Therefore, such labourers who in a way contribute to the success of these industries are entitled to better treatment than persons in other industries. It is not as if there should be a special code for that reason. As a matter of fact, if you set up a model in so far as protected industries are concerned, the other industries are bound to follow, and that will be to the extent that Government will exercise its influence on those protected industries which are after all semi-nationalised industries. In so far as large amounts of money are being spent either by the Provincial Governments or by the Central Government upon the education of skilled labourers, the State has got a right to demand a return for that money in so far as the skill and efficiency which these labourers earn go to the efficiency of the industry on which huge profits are made. I therefore think that there is nothing inconsistent that there is nothing wrong in the wording of the Resolution and there is nothing to which exception could be taken having regard to the underlying motive that we have. Sir, I therefore support the Resolution.

The Assembly then adjourned for Lunch till a Quarter Past Two of the Clock.

The Assembly reassembled after Lunch at a Quarter Past Two of the Clock, Sir Cowasji Jehangir (one of the Panel of Chairmen) in the Chair.

Prof. N. G. Ranga: Sir, I am rather surprised at the attitude displayed today by my Honourable friend, Mr. Clow, on behalf of Government. He thought he could catch us napping by taking advantage of some remark

made by my Honourable friend, Mr. Manu Subedar, but it did not take long before he displayed the true colours of Government in regard to this matter. Sir, he has himself admitted that Government did once consider it its duty to try to take advantage of its protective policy to provide some protection for industrial labour in this country.

Mr. A. G. Clow: Sir, on a point of personal explanation, I made no such statement.

Prof. N. G. Ranga: It may be that he did not make any such statement, but what he said in regard to the abolition of the Cotton Excise duty almost amounted to so much according to me, because he said that one of the considerations which influenced the Government of India in abolishing that duty was the prevention of the proposed cut in wages then sought to be made by the employers in Bombay. That quite clearly shows that at one time anyhow Government did not think it beyond its duty to try to utilise its machinery for industrial protection to advance the cause of labour and to improve their conditions. But somehow today he comes forward and says that it is not possible for Government to accept this Resolution. In support of this he only advanced two important considerations. One of them is, that after all there are only a few workers who are employed in the protected industries, and if Government were to come forward to fix minimum wages or fair wages and try to advance their conditions, then what is to happen in regard to all those workers who are employed in unprotected industries? Sir, on first consideration it may appear as if this is a very important point, but any one who goes into the statistics of employment in this country will have to admit that as things are today, the workers who are employed in organised industries form only a very small percentage of the total number of workers employed in various industries of this country. Higher wages do prevail in those organised industries and they are allowed to prevail. No one has sought to lower these wages merely because it is not fair that one small portion of workers alone should get a little higher wage than the large portion of workers who are there in unorganised industries. If that were possible, and should this come to be possible, why should it not be that these workers should be enabled to have a little higher wage than they are able to get at present? Sir, by asking for the further improvement of the conditions of labour of these people who are employed in organised industries, we only admit the patent fact that what these people are getting is not enough, and what the others who are employed in unorganised industries and unprotected industries are getting is much less; and by asking for an improvement in the conditions of these people, we are hoping that this particular improvement may come to help and influence for the better the conditions of employment and rates of wages now prevailing in the unorganised and unprotected industries.

Then coming again to the other point that he has raised, that after all these protected industries are not very many and the workers employed therein are not very many, I wish to submit for your consideration that a perusal of the schedule attached to the Indian Tariff Act, 1934, will convince anybody that almost all the important organised industries of this country have been brought in some way or other within the purview of the system of protection, direct or indirect, which has been developed by this Government for affording some protection or other to industries. There

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are as many as 91 items which are mentioned here, 87 in the protective list and 4 in the export list. All these are receiving some help or other, either directly or indirectly, whether it is through an export duty or through a revenue duty or a preferential duty. Barring these industries, there are very few organised industries in this country and naturally there are very few workers who today are employed in organised industries who cannot be said to be covered by this Resolution. Therefore, if only Government were to make up its mind to give effect to this particular Resolution I can assure them that they would be giving the protection that is sought to be given to these people by this Resolution to nearly 90 per cent. of the workers who are employed today in the organised industries of this country.

Then, Sir, coming to the question of the inability of Government to afford all this protection because Government already has too much to do and, therefore, cannot extend its operations, I can only pity the position of this Government. What is it that it has been doing even till now for these workers in the protected industries? Except providing some protection under the Factories Act and the Workmen's Compensation Act, it has done precious little. There is no social legislation in this country,—neither family endowments, nor unemployment insurance nor health insurance. I do not know what this Government can really claim to have done. Have they at least provided labour exchanges in order to minimise decasualization of labour or unnecessary reserves of labour in certain centres as opposed to other centres? Have they at least tried to provide unemployment insurance or even to provide employment for workers who are unemployed? No, Sir; they have even refused to gather statistics of the unemployed masses of this country. Then, I do not know why Mr. Clow of all people, who has served on the Royal Commission on Labour and who with some justice does claim to be one of the friends of labour on the other side, can come forward and say, "Please, for God's sake, do not burden us with any additional responsibilities."

Mr. A. G. Clow: I did not say that.

Prof. N. G. Ranga: What the Honourable Member said comes to that.

Then, Sir, I do welcome the speech made by my Honourable friend, Mr. Vencatachelam Chetty. It shows the welcome extent to which industrialists are prepared to go in order to approximate themselves to the radical and progressive viewpoint of the Indian National Congress. Sir, I make no apology at all for this Resolution appearing here in the name of one of our own colleagues. Indeed this really tries to embody the demands made by the Labour Sub-Committee of the Indian National Congress which commanded those of us in this House who belong to the Congress to move a Resolution in some such terms as these in order to persuade Government and this House to provide adequate protection for labour employed in the protected industries. We received it as long ago as last August, and you can see from the long interval that has passed that we have tried our best to bestow as much thought as possible to this and get together all our forces and make everybody agree upon the kind of protection that is sought to be afforded to our workers.

I can only say, in regard to the remarks of Mr. Manu Subedar, that he is rather away too far by his leader or rather the spokesman of the commercial community, Sir Homi Mody, as regards what he said about international labour Conventions; I can only point out the fact that during the tenure of office of our friend who is now in England, Sir Frank Noyce, there were very few Conventions of the International Labour Office which were ratified by this Government. Indeed my Honourable friend, Mr. Clow, can claim that his Government has been responsible for making more motions in this House for not ratifying the Conventions of the International Labour Office, than for ratifying them; and I do not know why my Honourable friend, Mr. Manu Subedar, has allowed himself to be carried away by the wrongheaded notion that prevails in his commercial community and committed himself to that statement. Anyhow I am glad I am in a position to state, especially after the speech made by my Honourable friend, Mr. Sami Vencatachelam Chetty, that it is not the general opinion of this House that this Government has gone either too far or even sufficiently far in helping the industrial labour in this country.

Then I wish to take up this question of fair wages. Everybody seems to wonder how it can be fixed. It has been fixed in various countries, and if it was possible there I do not know why it should be considered to be impossible here. I admit that the same wage cannot be fixed for all industries or for all time: it varies from employment to employment and from time to time. But there must be adequate machinery to fix it. In England they have got the trade boards. In other countries there is the minimum wages machinery for fixing minimum wages; so also we can devise machinery here. That is my answer to Mr. Clow, as well as to Mr. Manu Subedar, and to you also, Sir. (Laughter.)

Coming to the question of training, I find that there are many industries here which even today fail to train an adequate number of Indians and give them employment. Take for instance the Imperial Airways and the P. & O., which receive directly or indirectly some sort of subsidy from this Government. Are they training enough number of Indians?

Coming to the jute and iron industries, in the jute industry, a large amount of capital may be owned by Indians, but the majority of the technicians are Europeans. And the same thing is true in the steel industry. I want these to be Indianised: I want Indians to be placed as soon as possible in the highest possible position in these industries and other industries also. I may also mention here in passing the tea, coffee and rubber plantations, where a large number of Europeans are still being employed and they ought to be replaced by Indians in all fairness.

Lastly, I wish simply to mention the fact that there are these Provincial Governments, who are very progressive—at least seven of them now—who are prepared to go much further than what is done in this Resolution. But I want the Government of India to give a lead to them if it can, before it is too late, and not give any opportunity for any of them to come and say later that this Government of India has become effete, useless and heartless and we are giving a lead to this great Government of India . . . . .

Mr. Chairman (Sir Cowasji Jehangir): The Honourable Member's time is up.

Prof. N. G. Ranga: In conclusion, I support this Resolution, and I appeal to Government to revise its own opinion in regard to this Resolution and try to meet us more than half way and accept this Resolution and give an indication to the country that it is prepared to protect the workers just as much as it has been prepared to protect the Indian industries at the dictates of these capitalists.

Mr. A. K. Chanda (Bengal: Nominated Official): Sir, the other day my very old friend, the Honourable Member from Allahabad *cum* Jhansi, told this House that he had been outcasted by his community for a number of years: I felt a little indignant at the time, but now I see that his community showed good horse sense. The Honourable Member belongs to what is known as the Vaishya community who are known for their hard-headed business capability. The arguments advanced by the Honourable Member in this House do more credit, to use a Bengali phrase, to the qualities of his heart rather than the qualities of his head. He suggested that by employing a larger number of Indians in higher grades we shall be solving the problem of unemployment. I do not know if in any country in the world the problem of unemployment was solved by appointing people to positions of responsibility simply because they were out of employment . . . . .

An Honourable Member: What about you?

Mr. A. K. Chanda: I am not one of the unemployed yet, thank God! The trouble is this: I must plead guilty, though only very partially, it is true, to being a member of the educational service which is partly responsible for the position that the educated unemployed young men are mostly unemployable in our industries because of the training that we have been giving them in the past. As I say, I confess to a certain amount of responsibility for it; but you cannot come forward and say that because a certain number of graduates are unemployed we should Indianise the industries simply that they may be employed. If I am not mistaken a very noted industrialist of this town, Lala Sri Ram, a little while ago made a sporting offer that he would take in as many educated people as were willing to come as apprentices in his factories, and I believe the response to his offer has been very meagre indeed . . . . .

Honourable Members: No, no.

Mr. N. M. Joshi: What were the conditions?

Mr. A. K. Chanda: The fact of the matter is that either we want India to be industrialised to a certain extent or we want to find employment for the people: we have to make up our minds on that point. I do not know how the Honourable Member asked the Government of India to insist on the condition that only Indians should be employed in the industries. So far as my knowledge goes—and I speak merely as a fairly intelligent not perhaps a very but, I hope a fairly intelligent laymen and of his reactions to the debate which has gone on in this Honourable House—it strikes me that assistance which is given by the Government of India to the industries falls under two heads—direct and indirect assistance. Direct assistance is usually given, if I am not mistaken, by subsidies mainly to the handloom industry, to sericulture and to woollen and other small scale

industries, where the question of Indianising does not arise because practically the whole of it is in the hands of Indians. Indirect assistance is given by means of tariff walls. We know that the Honourable the Finance Member is an unrepentant free-trader and if traiff walls have been imposed, it has been mainly at the instance of the Party occupying the Benches opposite. When tariffs are imposed—I do not know for certain for I am new to the august heights of the legislative atmosphere, I understand that before a tariff is imposed, a good deal of lobbying is done by the industries which are interested and occasionally a little *bandobust* is made before a Party agrees to support tariffs. I should have thought at the time . . . . .

Mr. M. S. Aney (Berar: Non-Muhammadan): I should like to know, Sir, what the Honourable Member means by "a little *Bandobust* is made".

Mr. A. K. Chanda: I was only thinking of what happened in Simla when the Insurance Bill was under consideration. I even approached the Honourable the Leader of the House and asked him if he would announce that we were free to vote as we liked—because we were being denied invitations to the many Cock-tail parties, dinner parties and so forth that were being given, but I was told sternly that official members would not be allowed to vote as they liked. (Laughter.) I was thinking of kinds of social engagements and all the rest of it; that is what I meant by '*Bandobust*'.

Prof. N. G. Ranga: Did you also help in that?

Mr. A. K. Chanda: When the tariffs were fixed, all that our friends are demanding today could have been demanded. The Government of India can only bring in pressure indirectly. If my information is correct, I think the Government of India have tried by gentle persuasion to make these industries to take in Indians. All the industries which are protected by tariffs are mainly run by Indians, except perhaps the match industry which is mainly in the hands of Europeans or Japanese. The Steel industry which is controlled by Tatas is mainly in the hands of Indians; the textile industry is also controlled by Indians and a very large number of Indians are employed in both these industries, and if some of the Indian-owned industries do not employ Indians, I suppose it is because they find that the industry demands specialists irrespective of their nationality . . .

Prof. N. G. Ranga: It is sheer nonsense.

Mr. A. K. Chanda: Unfortunately, Professor Ranga does not control the industries, but the people who control the industries think differently. I am not competent enough to say one way or the other, but all that I know is this that the industrialists know that they can get the best return by getting the best men. Sir of late Government of India have been insisting both in regard to the paper trade as well as the match industry that a certain number of Indians should be given higher posts, not by adding to the number of higher posts already existing, but by reducing the corresponding number of higher posts held by non-Indians, and gradually this is being done. As I said, the Government of India cannot now come forward and say 'Here was the tariff, and we now want to impose these conditions'. I do not see how we can possibly ask the Government

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to impose a condition like this that only Indians should be employed in the industries.

With regard to labour conditions, Sir, I think the Honourable the Secretary in the Labour Department has made such a convincing speech that I think I can hardly add anything more to it. The fact remains that it is the duty of the Government to see that everywhere in the country suitable labour conditions are maintained, that everywhere they get a fair and reasonable rate of pay. What the Government does do is to set an example by insisting, when contracts for the Central P. W. D. are given, that the labourer should get a reasonable rate of pay . . . .

Prof. N. G. Ranga: Have they done it?

Mr. A. K. Chanda: As far as my information goes, they have been doing it.

Prof. N. G. Ranga: I want to know whether Government really stipulate such a condition or if they have actually done it?

Mr. A. K. Chanda: So far as my information goes, there is a clause when the Central P. W. D. contracts are given that a minimum wage should be paid.

Mr. Sri Prakasa: *Bandobust* there again,—P. W. D.?

Mr. A. K. Chanda: The Government's function principally is to see that there is no sweated labour and that the conditions are fair and reasonable and so on. I do not claim, I suppose nobody in the Government of India would claim, that we have achieved all that we might have achieved, because there are difficulties in the way. The moment an effort is made to put in some of these conditions it will be said "Oh, you are strangling the infant industries", but it must be said to the credit of the Government of India that within the limits possible they have made a sincere attempt to see that fairly satisfactory conditions are maintained in the country . . . .

Prof. N. G. Ranga: Question?

Mr. A. K. Chanda: As for the Honourable Member who has recently come to adorn the Opposition Benches and who represents the Indian Chamber of Commerce from Bombay, it would be an act of super-arrogation on my part to congratulate him on his maiden speech. He is a hardened old stager, and he has appeared before so many forums representing so many varied interests. Not very long ago we heard that he was advising the Indian Princes on the question of Federation as to how to squeeze out more from the Government . . . .

Mr. B. Das: How did you know it?

Mr. A. K. Chanda: Ask him.

Mr. Sri Prakasa: That is also *Bandobust*!

Mr. A. K. Chanda: This time he was between the devil and the deep sea of Congress politics. On one side he had his constituency, the Indian Merchants Chamber who want to squeeze out every ounce of blood they could out of the workers, while on the other side, he had also to put forward his views without compromising the great Party to which he now belongs, and he was really in a quandary. So he talked a lot of theories and quoted figures which may appear a little convincing, but if we examine them a little more closely we find they are full of sound and fury signifying nothing. Sir, I am afraid no case has been made out by the Members opposite to make me go into the same lobby with them. As I said, Government throughout has been sympathetic towards these questions, they have always been trying to insist on the larger employment of Indians in trades, even though I may say that some people think that the Government may have been holding the same views as Mr. Sri Prakasa holds on certain points. I am not in a position to give details, but I am certain that other speakers who will speak from this side of the House will be able to place before the House as convincing arguments as were put forward by the Honourable the Secretary for Labour Department, so far as the second part of the Resolution goes. I think, Sir, the whole of the Resolution falls to the ground.

Mr. P. J. Griffiths (Assam: European): Sir, when I first read the Resolution which stands in the name of my friend, Mr. Sri Prakasa, my mental reactions were very sympathetic, and to a very great extent that sympathy still persists, for the objects which underlie this Resolution are objects which must command the support of all who have the welfare of this country at heart. In his Resolution, the Mover aims, firstly at contributing something towards the solution of one of India's greatest problems of the day, I mean the problem of unemployment, secondly at ensuring that to those upon whose labour the prosperity of the industry mainly depends shall be secured fair conditions of work and of living. Let me say at the outset that we in the European Group share to the full the aims, which have been set forth by the Mover of this Resolution, and we are prepared at all times to offer him our support in any measures which appear in our judgment to tend towards those ends. It follows, therefore, that we must approach this Resolution in a spirit of sympathy; but in spite of that sympathy, a somewhat closer analysis of its wording and its formulation suggests that the methods outlined in the Resolution are not such as to be likely to achieve the ends which the Honourable the Mover has in mind.

My criticisms of this Resolution fall into two parts—criticisms of form and criticisms of substance. When I speak of criticisms of form, I mean that the Resolution—and I say it with all due respect—is in some respects vague and in other respects too wide. I am quite clear as to the ultimate goal at which the Mover aims, but I am by no means so clear as to the path which he proposes to tread on his way to that goal. The Resolution appears to me vague in four separate respects. In the first place it lays down that certain conditions shall be imposed upon industries. Upon whom and upon what is it proposed to impose those conditions? Upon the whole of a subsidised industry or upon those particular concerns in the industry which happen to be in receipt of the subsidy? If you are going, as my Honourable friend proposes, to lay down certain onerous conditions precedent to the granting of subsidies, it may well be that many concerns in a subsidised industry will not find it profitable to accept your subsidy. (*An Honourable Member*: "Let them not".) Let them not by all means

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—but if you have concerns which are not subsidised, do you propose—and if so, on what principle do you propose—to pick them out for the imposition of onerous conditions which are not imposed upon other unsubsidised industries? When I turn further to the next sentence in the Resolution I find the words 'which may be in receipt of any aid or subsidy form the Central Government in any shape or form'. Now, the word 'subsidy' has a very definite connotation. When my Honourable friend uses it I know what he means. When he proceeds to use the phrase 'aid in any shape or form' I am at a loss to know what he has in mind. Aid from Government to industry may take many different forms. Protective tariffs, restrictions of output, cesses on industry to be spent for the benefit of industry, all these are forms of governmental aid. I do not know from this Resolution whether my Honourable friend proposes to embrace within its scope all industries which are in receipt of aid in any of those forms. My Honourable friend will certainly admit that if he proposes to include all such industries, it very considerably widens the scope of the Resolution and must to some extent change the character of the debate. Before we can express our view on that particular portion of the Resolution, we need to know exactly what he means by the phrase 'in any shape or form'.

Then, again, the Resolution goes on to lay down that a specified proportion of Indians must be employed in the subsidised industry. I submit with all due respect that the very use of this phraseology begs the question. Specified proportions—what does it mean? Will the Government be at liberty when implementing this Resolution to lay down that a hundred per cent. of the employees must be Indians? I am not now concerned to discuss that view, but it is necessary that we should know. If that is the view of the Mover, I very much doubt whether he will find that most of his colleagues are prepared to go the whole way with him. Under the wording of this Resolution it would be equally competent to Government to specify that in respect of a subsidised industry, one per cent. of the employees must be Indians. If that interpretation is possible—and I submit that it is—then the Resolution, however good its intention, becomes in practice quite meaningless. Then we come to the fourth stipulation—that adequate wages must be paid. Let me say here without further delay that those whose interests we in this Group represent are fully convinced of the importance of paying adequate wages. We realise and we know from experience that a contented labour force is the greatest asset that any employer can have, but when you come to try to implement a stipulation about adequate wages you come up against practical difficulties in the way. What are adequate wages? Adequate wages must to some extent depend upon the cost of living and the cost of living in this great country varies from province to province, from district to district and from town to town. When you are giving subsidies from the Central Government to be spent on an industry possibly operating throughout the length and breadth of this land, how can you conceivably set up a uniform standard of wages to which that industry must conform, if it is to be in receipt of the subsidy? The idea is excellent. As my friend, Sir Cowasji Jehangir, said at an earlier stage, no sensible employer will differ from the view that adequate wages must be paid to the employees of industry. When you come in practice to try and specify what you mean by adequate wages, you find

yourself up against difficulties at once, and the conditions stated in the fourth part of this Resolution, however excellent in intention, are quite incapable of being put into practical form.

I have spoken so far of my objections to the form of the Resolution. I now come to deal with criticisms of the Resolution in substance, and I would like to start off by asking a question. What are the circumstances which justify the grant of a subsidy to a particular industry? Subsidies are normally granted to an industry which is nascent and, therefore, weak or which has become weak through foreign competition, and in the second place subsidies are granted to industries of national importance. When a particular industry becomes a candidate for a subsidy, I submit that we have to ask two questions. In the first place, is it of importance, of moment, to the community as a whole that this industry should flourish and, secondly, is it possible for this industry to be run as a commercial concern without the assistance of a subsidy? Are the profits from the industry itself sufficient to stimulate its expansion? I would submit that the very existence of these two conditions precedent to the granting of a subsidy shows conclusively that it is not wise to impose on subsidised industries too onerous conditions. After all, if an industry is able to pay adequate wages and still leave a reasonable margin of profit to the employer, what can be its claim to a subsidy? If on the other hand, an industry is struggling, is young and nascent and cannot pay adequate wages and at the same time leave a profit to its employer, that may be a justifiable case for a subsidy; but if at the time of granting this subsidy you are going to force that particular industry to pay wages which in the circumstances of the industry may be uneconomic, you are taking away with the right hand what you are giving with the left. You will nullify the effect of the subsidy. Let us be quite clear about it. A subsidy is not a philanthropic device. It is not meant as a means of paying extra wages to the employees of an industry which cannot afford to pay them adequate wages. If my Honourable friend wants to come forward with proposals to give State grants to those who labour in industries which cannot afford to pay high wages, by all means let him come forward with those proposals, but do not confuse those proposals with the idea of a subsidy, a subsidy which is granted for one purpose and one purpose only, to stimulate the expansion of an industry which is of national importance. Then, again, if you are going to grant subsidies as a means of increasing wages, what will happen when your subsidies come to an end? A subsidy is essentially a temporary measure. When the subsidy comes to an end, down will go those wages or alternatively because of the withdrawal of the subsidy the industry will close down and you will have strikes, you will have civil commotion and the wrath of those whose wages go down will this time be not against the employers but against the Government which has withdrawn its subsidy and so put them back in indigent circumstances. The result will be, as the Honourable Secretary in the Labour Department pointed out, that you start by giving subsidies for the sake of the industry and you end by having to continue the subsidies in order to keep up wages.

I now turn very briefly to the other operative part of this Resolution—the part which seeks to place certain restrictions upon the choice of staff. It seems to me that if we are going to impose conditions as to who may and who may not be employed by a particular industry, we are placing very grave difficulties in the way of that industry on its path to rehabilitation and to efficiency. It is not a question as to the greater efficiency of

[Mr. P. J. Griffiths.]

Indian or non-Indian labour. That question simply does not arise on this issue. The point is that if an industry is to be efficiently run, the employer must have the widest possible field from which to seek his staff. Other things being equal, indigenous labour is, in general, cheaper; and when indigenous labour either in the higher or in the lower grades of the right kind is available, it is unlikely that an employer will incur the extra expenditure of going elsewhere for the labour that he can find on the spot. Our plea is to give the maximum possible freedom to the employer of a young and nascent industry to choose his labour wherever he can find that labour most easily and most efficiently. Train up Indians, train Indians as fast as you can to fit them for the technical posts in commerce and industry and in doing so you will have our fullest sympathy and support (Hear, hear), but until such time as there is an adequate supply of local labour of all grades available, leave the employer free to make his choice of staff wherever seems to him to be best. It is for these reasons—and I speak with all sincerity—when I repeat that we in this Group are just as keen as our friends over there to do what we can to provide employment for Indian labour and decent conditions for Indian labourers. But in the interest of that freedom, which alone can lead to efficiency, we do plead that this Resolution, in spite of all its good intentions, should not be accepted by this Honourable House.

Mr. M. S. Aney: Sir, we have listened to a very eloquent and reasoned speech from my Honourable friend, Mr. Griffiths. He began by telling us, and I am sure he meant what he said, that the European Group entirely agrees with the spirit and the principles underlying this Resolution and they are in sympathy with the Mover of this Resolution so far as that thing is concerned. He also stated that not only the European Group but, he went further and said that, no reasonable man can be opposed to the objects for which this Resolution stands. And what does the Resolution really mean? He himself has very critically analysed the Resolution and told us as to what the demand of the Resolution really amounts to. It really demands these three things:

> "To take effective steps to impose upon all industries, which are or may be in receipt of any aid or subsidy from the Central Government in any shape or form, such conditions as may secure (1) the employment of not less than a specified proportion of Indians in both higher and other grades of their employ, and (2) adequate wages and fair treatment of the Indians employed by them."

That is, whenever there is any aid to be given in any shape or form or there is any subsidy to be given to an industry, it should be given with certain conditions, and the conditions laid down are as regards certain specified proportions in the matter of the employment of Indians on the staff and certain conditions of labour, which the Government should make obligatory upon the employer in running an industry.

Now, all these, my friend has stated, are really matters of detail and this Resolution, I am sure, does not in any way come in the way of making different adjustments in accordance with the situation in different places as regards the settlement of the wages of labour or as regards the employment of a proportion of Indians also. This Resolution is intended to secure the consent of this House to the main principles underlying it, that if an industry comes forward and wants the Central Government to help it in some form or other, then the Central Government

should bear certain things in mind. If it is possible, the Central Government must impose certain obligations upon that industry before it declares it to be worthy of the patronage of the Central Government whether in the form of a subsidy or in any other form. Now, what is wrong in demanding these conditions and asking the Central Government to impose such conditions upon them? Mr. Griffiths stated that possibly the imposition of certain conditions upon subsidised industries might defeat the very object for which the subsidy is given. Now that would be a point for the Central Government to consider when the conditions are to be imposed. If a particular industry comes forward, and it is a fit industry for receiving a subsidy, then in determining the amount of the subsidy, all these things will have to be considered, *viz.*, whether the minimum conditions under which labour is to work in that industry can be fulfilled or not, and if so, whether the amount of subsidy to be given will be adequate or a greater amount of subsidy should be given.

Another point suggested was this that if we impose these conditions with regard to the wages of labour upon an industry, it may
3 P.M. be that after a certain period the case for a subsidy may not exist but that because a subsidy to that industry has ceased to exist, that industry may not be in a position to pay the labour the same wages which it was compelled to pay when the subsidy was given and therefore, in order to maintain that standard of the payment of wages, the subsidy will have to be continued. I really fail to understand this argument. If by that time the industry has so improved itself, then I may take it that it would be in a position to pay its labour the same wages which it was paying at the time when it was living upon a subsidy. The position is this. What is the particular time when the industry can be said to have outlived the necessity for a subsidy? That will depend upon several factors, before one can say when an industry can be said to have attained its proper measure of prosperity or safety. So I do not think the details to which my Honourable friend, Mr. Griffiths, has referred should in any way come in the way of the House in accepting the principles for which this Resolution stands.

Now, as regards the point of a specified proportion of Indians, his main objection is this. Unless you leave ample scope to the employer in the choice of his staff, it may not be possible for him to run that industry at a profit. We do not, however, say in this Resolution that foreigners should not be employed at all; possibly I would not have minded if the Honourable Member had said that, but the point is that a certain specified proportion of Indians must be maintained. Is my Honourable friend going to tell me that it is impossible for any industry to be run by having a certain specified proportion of Indians on the staff, that Indians are entirely unfit to have even a small but definite proportion in an industry if that industry is to be run efficiently? Sir, I do not understand what is the *real* objection to this demand. It is not stated that everyone to be employed in the industry must be an Indian. That is not the position taken here. You have to look at the state of the industry and the necessity of the kind of work produced there. After taking all these conditions into consideration you have to fix a specified proportion of Indians in that particular industry. Cases with regard to different industries will have to be considered separately. The Resolution does not demand that any particular percentage should be

[Mr. M. S. Aney.]

fixed today. It leaves ample attitude and ample freedom to the Government of India to consider each case on its own merits and at the time of giving the subsidy to consider the detailed position in a dispassionate manner and then fix the proportion. But there should be some condition imposed upon the industry and the industry ought not to go with the subsidy without feeling that it owes some obligation to the Government of India in these matters. What we find today is that there are industries receiving subsidies and grants from the Central Government and yet they are quite careless or indifferent about the Indianisation of the higher staff in those industries for years together. And after the evil has grown to a great extent and a good deal of row has been kicked over these matters outside, then the matter is taken up by the industry under the pressure sometimes of public opinion and sometimes of the Government of India which also moves very slowly and reluctantly very often on account of the pressure brought in this House and then the question of Indianisation is taken up with caution. What I say is that the question of the Indianisation in industries subsidised by the Government of India should not be a slow process as it has been in the past. That is the main point. The attitude of the industries which have been receiving subsidies from the Government of India for so many years in the past is mainly responsible for the necessity which compels us to bring a Resolution of this kind. Hereafter we want that the Government of India should itself not only champion the cause of Indianisation in its own services but it should also insist that a certain percentage of Indians must be maintained by the industries which are going to receive any kind of assistance from them.

Now, as regards the phrase "aid in any shape or form", my Honourable friend, Mr. Griffiths, has criticised it by saying that the industries may be receiving aid in various forms. It is quite true. But we are referring to the aid which is intended for the protection of the industry. The revenue duties which go indirectly to favour the growth of industries are really not covered here. Specific mention is made that the aid is given in order to help the growth of certain industries. So, whenever a direct assistance is given to the industry, its case is covered. That assistance may be in the form of a protective duty imposed for that purpose or it may be in the form of any other subsidy given for that purpose. That matters little. After all, it is a case in which that industry is intended to be benefited and for that purpose the tax-payer is called upon to suffer a certain loss. When the tax-payer is called upon to suffer a certain loss, the Government of India which stands as a champion of the tax-payer is entitled to consider certain positions by means of which this aid is to be returned to the people in some form or other. It is not merely the extension of the industry which we want, but it must also tend to increase the capacity of the people to run that industry. That is the ideal which the Resolution has kept before itself and with that ideal, in view of certain conditions which have been imposed here, no reasonable Member of this House can disagree if he has the interests of the Indian industry, the Indian people and the Indianisation of the industry at heart. For these reasons, I support the Resolution.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, in supporting this Resolution I feel that it is one of

those innocent Resolutions which ought to have been adopted by Government even without our advice. Industry in any part of the world is the real source of the maintenance of a nation and industry is the real backbone of finance so far as the revenue and individual wealth of a country is concerned. India has got the unique advantage of being the most resourceful country in the world and hence she can develop her industry to any length she would care to. Whenever a State gives any subsidy to an industry, it expects something in return because a subsidy is given at the cost of public finances and resources normally, and what compensation the people of that country should get is a matter which the Government of that country should consider before giving necessary subsidies. The people are taxed and from that revenue a subsidy is provided and this is an instance of direct support to industry. In the case of an indirect subsidy, which a Government gives by means of tariff walls or special freight concessions, the people are made to pay a higher price for those articles manufactured in India which they could have bought cheaper when imported from foreign countries without high tariffs and thereby the Indian public incur financial loss for developing Indian industries. What compensation do they get? If the State is not in a position to give any compensation from such industries as are established on the system of subsidies either direct or indirect, there is no reason why any subsidy should be given to any industry whatsoever. Mr. Chanda has just said that the control of textile and steel is in the hands of Indians and they are employing Europeans and how can they be compelled to employ Indians instead? I would be the last person to ask such firms to employ Indians because they are Indians. The point is that if they can have an Indian of the same calibre and who will prove equally useful to them, why should they not entertain him? I would not be so foolish as to say that because a certain industry wants a certain expert or technician and for the moment he happens to be a European, he should not be employed merely because he is a European, and the industry should be made to suffer. By all means, import Europeans and take all the advantage of their knowledge, but I do not want that the whole staff should be imported from Europe only because they must have Europeans to influence the "High Command" for favours. Mr. Chanda probably does not realise that the employment of the staff in many cases is manipulated. It is not sometimes due to the free will of the employer that he employs a certain set of people, but because he gets certain advantages from the State or associations and individuals concerned with State directly or indirectly. There are certain facilities which we do get by employing Europeans. They are of great help in transacting the business through banks. I myself had a European manager for a period of over six years. It was not because I could not get a better Indian or an Indian of the same calibre but because of the facilities which I could get because of him and him alone as an European. That is why I wish to tell Mr. Chanda that sometimes these appointments are manipulated directly or indirectly. What the Resolution aims at is that a certain amount of concession should be made to the tax-payer Indians as a compensation for their losses which I have said earlier in my speech and that Indians should be given a due share in employment of the Industries of this country. Skilled labour and expert opinion can be imported from any part of the world, if necessary.

Another question which Mr. Griffiths has brought in is the question of what percentage should be fixed and whether it should be 1 per cent.

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or 100 per cent. I do not see Mr. Griffiths here as he would have probably told me what percentage he wished to fix. I would like to know what percentage is given in other countries of the world. For example, if an English iron and steel firm is established in Germany, what percentage is expected by the Englishmen there? Naturally, the Indians expect same percentage of employments and concessions from those nations who exploit resources of this country and earn their fortune here. Indians suffer for the support which is given to the industries directly or indirectly and their claim is that they should have full compensation of the losses and full advantage of the progress of the industry in India. We do not say that 100 per cent. should be Indians and at the same time we do not say that 100 per cent. should be Europeans. My Honourable friend, Mr. Griffiths, has said that subsidy is not a philanthropic device. I am not certain whether it is a philanthropic device or not, but in some cases it does appear to be a philanthropic device which is an instance of indirect subsidy by grant of certain contracts and leases to certain firms for such long periods as 99 years or about. As an instance, I can cite the example of the Calcutta Electric Supply company which had been earning huge dividends, say, about 55 per cent., for the past several years. Of course they are not earning same now. I remember once the Secretary of the Muslim Chamber of Commerce of which I happened to be a Deputy President showed me the figures and the profit of the Electric Company came to about 116 per cent. in some particular year and why, for reason of an indirect subsidy of long lease. It is a concrete example where it can be said that subsidy is a philanthropic device and nothing else. We have thus every reason to demand from such companies that they should give a reasonable proportion of the appointments in their establishments to Indians.

Then about wages, my Honourable friend, Mr. Griffiths, said that by withdrawing the subsidy, it might become uneconomical to run the industry. I do not know what philosophy there is behind the question of fixing wages for labour and unless the wages are fixed senselessly they cannot make industry uneconomic. By fixing the wages of labour we only mean this much that the amount paid in India should be same as for the same labour in other parts of the world, with due considerations at the same time of the value of food stuffs and other articles here and the other part of the world. To be more explicit, I mean this. Supposing in England, it is necessary to have six shillings a week for an ordinary labourer, well in India probably the same amount of comfort can be purchased for about a shilling a week. The wages in that case for similar kind of labour in India would be only one shilling a week, whereas in America it may be eight and in England six shillings a week. Details might be worked out by economic experts in combination with the men who are actually engaged in such business concerns and who run industries. All of us know how it can be practically adopted. The point that I wish to stress is this that whenever the State gives subsidies to industries, the State must demand a certain proportion of employment and a certain support to the country in compensation for the sacrifices that the State revenue and the public have to make on account of the support to the industries.

Now, Sir, industries are subsidised by the State in different ways, not only indirectly by the method of tariff walls but even by such facilities

as are given by Railways, other transport arrangements and the banks to the industries. The industries get much of support from the banks in the shape of advances and loans by hypothecation of stock, mortgage of contracts, etc. Probably Honourable Members are aware what part banks play in financing industries in every country. It is very difficult for any industry to be self-contained or even to thrive at all unless it comes to some financial arrangement with a bank in the shape of hypothecation of stock for advances or loans without security, etc. Indirectly also the State is helping the existence of such banks and hence the industries cannot say that they have no indirect subsidies from the State. What these industries receive in the shape of advances and loans from the banks are really help from the State because those banks exist only on the deposits which the State and her people keep with those banks.

Now, in the case of jute mills which have been referred to by my Honourable friend, Mr. Chanda, could they not get good, capable and skilled men among Indians? This industry has been established for the last 40 or 50 years in Calcutta. Perhaps members of the Bengal Chamber of Commerce like my Honourable friend, Mr. Chapman-Mortimer, could give a reply as to whether they have really got any Indian so trained as to have risen up to the topmost position in this industry. How many of Indians have ever occupied the same position as a European manager does in these concerns. If they have not done that, then they accept the responsibility for not training Indians even though they have been subsidised by the State in different forms. This is the story with other industries as well. With these words, I support the Resolution and I submit the Government should devise some ways and some methods by which they could ask all the industries which are directly or indirectly subsidised or helped by the State or which receive any sort of direct or indirect support from the State that those industrial concerns should employ Indians and the State should make it a condition precedent before giving such subsidies or facilities to the industries concerned. These industrial firms must support the people of this country by giving them such employments for which they may be fit. With these words, I support the Resolution.

Mr. H. Dow (Commerce Secretary): Sir, in rising to speak on this Resolution which is fathered, or rather, as he has himself explained, is step-fathered by my Honourable friend, Mr. Sri Prakasa, I feel that I must refer first to the dissatisfaction, sometimes amounting almost to surprise which has been expressed by Honourable Members of the Party Opposite who have spoken in favour of it. They agree that it does not quite represent what they would like it to be, and that it is badly drafted. I should, secondly, like to mention the general support which the idea underlying this Resolution has received from, I think, all quarters of the House. I would very respectfully point out that it places the Government in a very difficult position in giving its views on such a Resolution. Honourable Members cannot expect Government to accept a Resolution which they themselves admit does not express what they want and is badly drafted. However much we might sympathise with the spirit underlying this Resolution, it is quite obvious that Government would be held in future not to the spirit but to the letter of the Resolution.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Did any Member of the Opposition say that the Resolution was vague or that it did not express what they wished it to? Perhaps my Honourable friend, Mr. Dow, refers to the criticism of the European Group.

Mr. Chairman (Sir Cowasji Jehangir): The Honourable Member was not present in the House the whole time.

Mr. H. Dow: I submit several Honourable Members have referred to the Resolution in terms which justify the reference which I have made.

The Resolution is in some respects too wide. In other respects, as my Honourable friend, Mr. Joshi, and one or two others pointed out, it is too narrow. There are two main parts of the Resolution. I think a very effective reply on the second part has already been given by my Honourable friend, Mr. Clow, and I do not myself intend to make any further reference to that, except to point out that my Honourable friend, Prof. Ranga, was a little unfair, though certainly not intentionally so. I think he rather misunderstood Mr. Clow's point. It is quite true, I believe, that in certain countries there are Trade Boards which concern themselves with such questions as the fixing of minimum wages. And my Honourable friend, Mr. Clow, did not in any sense say that it was impossible for that to be done in India; he was not dealing with that point at all. I do not know of any trade board in any country which confines itself to regulating the conditions of labour only in protected industries; and the whole point which was made against this Resolution was that it was unfair simply to take up the case of labour in protected industries, and to leave as they are conditions in other industries which might be a good deal worse, simply because of the fortuitous circumstance that they did not happen to get protection.

Prof. N. G. Ranga: Try to help those workers also.

Mr. H. Dow: Now to come to the wording of the Resolution, there is a sense in which it is very much too wide. It refers to "any aid or subsidy in any shape or form". Mr. Griffiths pointed out that that is very wide, but it is really a great deal wider than even he pointed out. As regards direct aid to industries, the Central Government does very little indeed in the way of giving subsidies, but when you come to consider indirect help to industries I think you will find that it really embraces almost the whole field of the Central Government's activities. There are such things as tariff protection, purchases by Government departments, the reduction and sometimes the entire refund of duties on imported materials which are used in industry, and railway freight concessions; but leaving aside those things there are, for example, the Industrial Research Bureau, the Geological Survey, the Forest Research Institute, the Council of Agricultural Research, etc. All these things help industry; and if you go still farther, you may consider the legislation which is carried through by Government on such matters as currency, banking, patents, copyrights. You might go farther and take the question of law and order, the institution of courts of justice and even, I shoudl say, the institution of a Legislative Assembly where my Honourable friend, Mr. Sri Prakasa, brings forward this Resolution. For, I take it, he hopes that his Resolution is at least going to be

of some indirect benefit to industry. I just mention these matters; I do not want to dwell on them, or to merely make a technical point in order to justifying a *non-possumus* attitude on the part of Government.

Mr. Joshi pointed out that no indication had been given in the Resolution of the exact kind of action which was possible. Now, I will try to run through the principal ways in which Government can assist industries. Leaving out the more general matters of administration to which I have just made a passing reference, in the matter of direct subsidies at the present time, the only direct subsidies which are given by the Central Government are the small grants made to cottage industries—the handloom industry, sericulture and the woollen industry. I think you will all agree that the question of further Indianisation in these industries, hardly comes in. The Resolution deals, I recognise, not only with the present but with the future. In the future,—on the question of subsidies only I am speaking,—if legislation were unnecessary, I am quite sure that sympathetic consideration would be given by Government to the circumstances of any industry which permitted of such a condition as is advocated by this Resolution being imposed. But the likelihood of such subsidies being granted without legislation is not very great if you will bear in mind Article 34 of list I of the Seventh Schedule to the Government of India Act. Legislation would almost certainly be required in the case of granting new subsidies, and if that were not the case it would be for the Legislature itself to consider at the time of passing legislation what conditions of this kind it was possible to impose.

Mr. M. S. Aney: May I just intervene for a second? When a legislation for protecting an industry is brought here, if the original provisions of the Bill do not make any reference to labour conditions, any amendment to that effect is considered as being outside the scope of that Bill. That was done in one case, so far as I know. Therefore, unless the principle is accepted by Government and Government comes with certain conditions like that, it is difficult for this House to improve upon a Bill of that kind.

Mr. H. Dow: I was particularly at the moment dealing, as I had explained, not with the question of labour but with the first part of the Resolution. But it is a fact, I am told, that such amendments as my Honourable friend referred to have on occasion been allowed in Tariff Bills.

Prof. N. G. Ranga: Sir, on a point of order, it was disallowed by the President in 1924.

Mr. H. Dow: Now coming to indirect methods, the principal method by which Government can assist is Tairffs. In the report of the Indian Tariff Commission stress was laid on the fact that companies getting protection ought to be asked to give reasonable facilities for the training of Indian apprentices at Government expense.

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

Now, we have gone in that respect a great deal beyond the Indian Fiscal Commission's view. They spoke of this training being afforded at

[Mr. H. Dow.]

Government expense. Training is afforded now in a good many industries not at the expense of Government but at the expense of the industry itself. But the general policy of Government has always been not to interfere more than was necessary in the internal management of industries. I should like to quote from some remarks made by the Honourable Sir C. P. Ramaswami Aiyar at the time of the statutory inquiry into the working of Tata's. The Honourable Member for Government then said:

"If we interfere with the management of a commercial concern and in its marketing and its sale policy, and if that commercial concern finds afterwards that its products are not capable of being sold at a profitable rate and if it finds that there is loss and if it comes again to this House and says that owing to our interference, because of our disturbance of normal conditions of trade, it has suffered loss and it wants still more protection I would ask this Honourable House whether they would encourage that attitude on the part of that company."

And again:

"Supposing the Tariff Board and this House say that the company must employ so many people and you must give them so much salary and other facilities, and then it is found that they are not able to achieve any profit, you will find that you are again let in for a much bigger bounty and protection. Those who are anxious to protect the Indian taxpayers and emphasise that aspect of the matter will realise the point of my observations."

I will now refer to the tariff report on the Paper and Paper Pulp Industry. If you will turn to paragraphs 106-108 of that report you will find that the Tariff Board recognised the impossibility of withholding the benefit of an import duty from companies which did not fulfil certain conditions. They went on to make recommendations with regard to grants and subsidies and loans and other concessions, and on that Government, in the course of its Resolution on the report, made the following remarks:

"While, therefore, the Government of India consider that manufacturing concerns enjoying tariff protection should hold it incumbent upon themselves to take such steps as are reasonably practicable to ensure Indian participation in the industry concerned, they must dissent from the view that compulsory methods of bringing about this result, such as those suggested in paragraph 106 of the Board's report, are justified by any declaration of policy which has been made by Government in the past."

An Honourable Member: What is the date of that Resolution?

Mr. H. Dow: 3rd February 1932. One further point is that the protection given by way of tariffs to industries is laid down for a certain time: it is granted by the Legislature, and it cannot be varied except in certain circumstances laid down in section 4 of the Indian Tariff Act during that period. To impose new conditions of this kind, which it has been recognised would result in the industry having to spend additional money, would certainly be unfair and would in practice reduce the amount of the protection. With regard to the later protected industries, the paper pulp industry and the match industry, Government have done what they could to assist the employment of Indians in the upper grades; but without resort to any compulsion. They have expressed their views on the matter to the manufacturing firms and they have had periodical returns sent from these firms; and I would like to assure the House that although there has been no compulsory powers behind these requests, they have had a great deal of effect, and in the case of both those industries there has been a very considerable advance in the number of Indians employed

in the higher grades; and that increase has not been merely because the industry has been expanding. It has been accompanied by a considerable decrease in the number of Europeans employed in the higher grades. Indeed, as Sir Cowasji Jehangir and Mr. Griffiths have both pointed out, an industry is not going to reduce its own profits by deliberately employing the more expensive Europeans in grades where they are satisfied that Indians can adequately do the work.

There is another way in which Government can do something and that is by purchases made by Government Departments. The High Commissioner for India, the Stores Department, the Railways and the Army Department in the course of their ordinary purchases are enabled to give, and do actually give, a preference to those firms who are willing to provide training facilities for Indians. When we come to the stores policy, it is inevitable that tenders must be decided mainly on economic grounds: otherwise it is quite clear that there will be considerable additional expense . . . . .

Mr. Muhammad Nauman: On a point of information, Sir. Is it always the lowest tender that is accepted? Is it not a fact that tenders of higher value from European firms have been accepted as against lower tenders from Indian firms?

Mr. H. Dow: No. I have myself seen many instances in which preference has been given to Indian firms. It is a matter which is always considered by the Chief Controller in giving such contracts.

(Mr. Muhammad Nauman rose to interrupt.)

Mr. President (The Honourable Sir Abdur Rahim): The Honouarble Member cannot be allowed to interrupt in this way.

Mr. H. Dow: Lastly, Sir, I am not sure whether the House realises the great change that has been made in this matter by the rupee tender system. It has meant that a very large number of contracts come to this country which formerly did not do so and that generally speaking they come to firms in which the majority of employees are Indians. In applying this preference, I think it is possible that we might refuse to grant a preference unless we were given some assurances with regard to the Indianisation of the staff; but I do submit that there is a considerable chance that they would work to the detriment of Indian industries. It might have the result, if you were going to refuse to give this preference, that contracts would instead go to a firm which was wholly a European firm, and the result would be that Indian industry would suffer and not gain. It must be admitted that there are still certain Indian industries which at the present moment need more and not less foreign skill, brains and technical assistance. When the time comes when they can do without it, you can generally trust the industry itself to employ the cheaper method of Indianising its staff.

I have explained as well as I could what Government is doing in this matter and that Government are entirely sympathetic to the spirit which underlies this Resolution; but in its present form it is quite impossible for Government to accept it.

Some Honourable Members: The question may now be put.

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

"This Assembly recommends to the Governor General in Council to take effective steps to impose upon all industries, which are or may be in receipt of any aid or subsidy from the Central Government in any shape or form, such conditions as may secure (1) the employment of not less than a specified proportion of Indians in both higher and other grades of their employ, and (2) adequate wages and fair treatment of the Indians employed by them."

The motion was adopted.

RESOLUTION *RE* CONSTITUTION OF A STANDING COMMITTEE FOR THE INDIAN ARMY.

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): Sir, the Resolution that I want to move runs as follows:

"This Assembly recommends to the Governor General in Council that in order to associate the elected Members of the Central Legislature with the Indian Army early provision should be made for the election of a Standing Committee of Indian Army."

This is the second time that a Resolution of this type is being moved in the lifetime of this Assembly. Only two years ago on the 3rd February, 1936, a Resolution in identical terms was moved by my Honourable friend, Sardar Mangal Singh, and it was adopted in this House without opposition. It is really regrettable to find that after the adoption of that Resolution in the month of February, 1936, the Government did not take any steps to honour the considered opinion of this House. It has, therefore, come with additional reason before this House, and I have not the slightest doubt that the same verdict which has been recorded in the year, 1936, will be recorded here and now.

Sir, in the circumstances through which the world is passing today it has become increasingly necessary that matters should not be left entirely in the hands of so-called experts at the Army Headquarters. I think if there was a good case in the year, 1936, for the election of such a Standing Committee, the case is decidedly stronger today. Sir, even in England a Committee on Imperial Defence, or C. I. D. as it is popularly called there, has been doing very good and useful work since its inception in 1914. The technical experts who are represented on that Committee of Imperial Defence in England have often bungled more, and have not given proper and necessary advice on matters of policy and defence. In this connection, Sir I may point out that no less an authority than Major Cole has something very bitter to say about these experts. This is what he says:

"During the period of tension with Italy regarding the Italian Abyssynian dispute, and the resulting movements of larger British forces to Egypt and of the Mediterranean Fleet to Alexandria, a great deal of public and parliamentary criticism was focussed on the need for greater co-ordination between our foreign and defence policy, and also between the British forces themselves. With regard to the second, it was asserted in some quarters that the Chiefs of Staff Sub-committee 'had not completely fulfilled its duty to advise the Cabinet on our defence policy as a whole', but had (in the words of Lord Ternchard) avoided issues on which vital differences of opinion might arise, and restricted the scope of the Committee's reports to matters on which agreement can be reached by 'give and take'."

Therefore, Sir, it has become increasingly dangerous, as I said, to leave matters entirely in the hands of so-called experts. Modern warfare

is not what it was 20 years ago. It is not merely confind to the manufacture of munitions or mere recruitment of men or their maintenance, but it has a good deal to do with the industrial and agricultural production and organization of the country. In a sound system of defence, all these factors have got to be taken into consideration. I do not suggest that there is any immediate prospect of a great war in which this country will be involved, but if you want an efficient organization which will work effectively if and when such a contingency does arise, proper preparation and proper planning ought to take place in time of peace. With that object in view, if I were to state only shortly, I would state that mere experts are not enough; the so-called military experts in point of strategy and actual operations in the field, must be associated with men who have large experience in the industrial and other technical spheres of life. If that is the function of the Committee, then I think this House should not have the slightest objection in accepting this Resolution.

Sir, having said this much, I desire to bring to the notice of the House that this is not something which I am propounding for the first time, for so long ago as the year, 1930, when the First Round Table Conference was held, a Sub-Committee on Defence was appointed, and this question of associating elected Members of the Central Legislature with the Defence or the Army Department was thoroughly considered. With your permission, Sir, I shall refer to the proceedings of that Sub-Committee which was presided over by Mr. Thomas, and one of the heads considered was, to whom such a council should be responsible. This is what he said:

"There would arise the question of the establishment of a military council. That, again, would be necessary in order to ensure any form of unified control, and the question would be, to whom that council should be responsible."

Then, Sir, in the same proceedings you will observe that a good case has been made out for such a military council to help and advise the military department by no less a person than Mr. Jinnah, the Leader of the Independent Party. This is what he said:

"The next question before us is that of the Military Council. On that my view is that it will be essential to have a Military Council in India, just as you have here, for your purposes, an Imperial Defence Committee. I should like the Indian Princes and States to be represented on that Council because it will be a question of All-India defence and the development of All-India defence, and, therefore, I should like the Indian Princes to be represented on that Council, and I am strongly of opinion that it will be necessary."

Ultimately, Sir, as a result of a good deal of discussion, it was agreed in that Sub-Committee that there was necessity to establish a military Council and that a recommendation should be embodied in the final Report. This is what is stated in the proceedings by Mr. Thomas:

"No one could argue against that. Therefore, merely to have a discussion that there shall be a military council would be a waste of time. You are quite right that I am accepting that as a general principle. There would be no point in arguing the reasons why there should be a military council. As a matter of fact, I am advised by my Secretary that I had thought of the words 'the advisability of establishing a military council including representatives of the Indian States' was agreed to, because there was no disagreement on that and there was no point in arguing something which would be obvious'."

The same principle was accepted in the second Round Table Conference in the year, 1932. And finally, Sir, when the Joint Committee on

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the Indian Constitutional Reforms published its Report, we find in paragraph 176 at page 98 these words:

"It has been urged upon us that, in order to build up an informed opinion upon defence questions, a Statutory Committee of the Legislature should be established. We understand that outside the formal opportunities of discussing defence questions on such occasions as the Army Budget, opportunities are already given to Members of the Legislature to inform themselves upon Army questions; and, provided that the extent and methods of consultation are clearly understood to rest in the discretion of the Governor General, we see no objection to the formation of any Committee or Committees that the Federal Government and Legislature may consider useful. We feel, however, that this is essentially a question to be settled by them and not by the Constitution Act."

Therefore, Sir, the point that I wish to make claer is that the principle of the constitution of such a Committee, a Military Council or a Committee of Defence,—whatever you may like to call it, has been accepted since the First Round Table Conference.

Again, Sir, in the year, 1934, when the Indian Navy Bill was under consideration in the Assembly, this is what the then Army Secretary said:

"At the same time, we are fully alive to the desirability, both I may say, in our interests and also in the interests of the tax-payer, of taking the elected representatives of the people into our confidence in these matters to a far larger extent than we have done in the past. With the approval of the Secretary of State, I am, therefore, authorised to announce that it is the intention to consult the Indian Legislature, so far as may be possible, whenever any question arises of lending the Indian Navy to the Admiralty for operations other than in the defence of India. That, Sir, is all that we can do for the moment; but I do hope it will go some way, in fact, I hope a considerable way, to satisfy my Honourable friends opposite that we do really appreciate their point of view in this matter and are anxious to go as far as we can to meet it. I can assure them that we intend to carry out that pledge not only in the letter, but in the spirit."

Then, Sir, in the Simla Session of the Council of State, His Excellency the Commander-in-Chief said this:

"I am quite certain that Government would consider that sort of a request with every desire to meet your wishes and the wishes of political India, provided that you put up an absolutely agreed proposal, concurred in by all parties in India."

Now, this agreed proposal did emanate in the year, 1936, when this House without a single dissentient voice passed a Resolution which in identical terms resembles the Resolution that I am moving today. If in spite of these historical antecedents and the clear necessity for the constitution of such a council or committee, the Government are not convinced, then I think nothing in the world can convince them. In the year, 1936, when a similar Resolution was moved and was under discussion, the Army Secretary tried to wriggle out of the pledges, to which pointed attention was drawn, by pointing out that it was not a pledge and all that it involved was a promise to consult the Indian Legislature whenever possible, when an occasion arose for sending out troops outside British India. I may not have been educated in Oxford or Cambridge like my friend, Prof. N. G. Ranga or Mr. Sri Prakasa, but I know a little English and I can tell you this much that as I read it in the context of the pronouncements made in the three successive Round Table Conferences, it should not be a matter of doubt for anybody that such a council or such a committee was a proposal that was accepted by the British Government. You might say that it is to be left to the Federation that is to come. It may not come at all but the point is not who

are to do it. The real point is whether it is necessary and whether it is useful. If the House agrees on these two things, it is immaterial and irrelevant whether that should be done by the Federation which may or may not come. If it is the honest intention of the Government to avoid blunders which are implicit if you disregard all non-official advice, then they should accept my Resolution. I am not claiming that this committee should be invested with the power of knowing everything that you may call in your own way secret or which you may call in your own way highly technical, but I want this Committee to discharge functions precisely like those which are discharged in England by the Committee of Imperial Defence, and with your permission I shall only read from Major Cole's book on 'Imperial Military Geography' as to what are the functions of the Committee of Imperial Defence:

"The Committee of Imperial Defence, is, however, purely, a consultative and advisory body, and the final decision on all matters of policy must be made by the Cabinet. Thus, though its field of survey is at least as comprehensive as would be that of a Ministry of Defence, it does not possess the great supervisory and executive powers which would be entrusted to such a minister, nor does it, in any sense, relieve the Cabinet of the responsibility for any action or for a decision where the advice offered by the three Chiefs of Staff is conflicting."

All that I claim for this Committee is exactly what has been stated in this paragraph. If, therefore, a question like the mechanisation of the army is to be discussed, it is not a question which can be discussed without some reference to the industrial structure of the country. Do you mean to suggest seriously that those who happen to be in the high command of the Army Department are competent to judge about the usefulness, about the exact size of the industrial plant in the country. You must associate with them men who have something to say on that subject. It is absolutely necessary that there must be co-operation not only in the various Departments of the Government but co-operation with the industrial and commercial world in the country. The industrial organisation must be so organised in peace time that in a given state of war, whatever may be its size and extent, it can be easily converted into an organisation which will be fit and proper for a country engaged in war. If that is the rough outline of plan and programme accepted by other countries in the world, I fail to see why this Government should take so narrow a view of this matter. I say that this is really a case in which the sincerity of the Government will be put to test. With one voice you say that there is not enough talent, there is not enough well-informed criticism and when opportunity is asked for which will enable the Indian talent to be well informed, you turn round and say 'No, it cannot be done' on the wrong pretext that military secrets will be out. I want to know, if military secrets are not out on account of the constitution of the Committee of Imperial Defence, why should there be a different experience in this country. I want to know whether the Official Secrets Act is more dishonoured in this country than in England. If that is not the case, then why should there be a sort of distrust in associating non-official elected Members of the Central Legislature with the working of the Army Department. I, therefore, submit that this is a case in which at least the Government of India should represent to His Majesty's Government that because His Majsty's Government is pledged to constitute such a committee or council they must agree with the considered voice and verdict of this House. Sir, I move.

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

"This Assembly recommends to the Governor General in Council that in order to associate the elected Members of the Central Legislature with the Indian Army, early provision should be made for the election of a Standing Committee of Indian Army."

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): I rise to support the Resolution moved by my Honourable friend, Mr. Gadgil. There has always been a divorce in this country between the people and the civil Government and the Army Department, and the divorce between the people and the army has been greater than the divorce between the people and the civil Government. So far as the provinces are concerned, a step has been taken to bridge the divorce between the people and the civil Government. It has widened the gulf between the people and the civil Government at the Centre and it has widened the gulf between the people and the army. Perhaps if some form of responsible government is established at the Centre, then the gulf between the people and the army will grow much wider. I suggest that this gulf is a dangerous one and unless early steps are taken to bridge it, it may end in disaster for this country. This Resolution is a small step and a desirable step towards bridging that gulf which now exists between the people and the army.

4 P.M.

Now, today no Indian feels proud of the Indian army. You may mechanise it. You may make it very efficient. It may cover itself with glory in the fields of France. You may say it has got a great record in Palestine and other fields of action, but every time we read about it, we feel that it is not our army but an army of occupation imposed on us by a foreign Government, and though two-thirds of the army is composed of Indian nationals, yet it is more or less a hireling army. This evil should go. If it does not go, it is bound to create all kinds of difficulties in the future. It is not enough that you should Indianize the ranks of the army. It is not enough that you should Indianize even the officer ranks of the army. We should see that the people come to feel that, whatever the composition of the army, it is an army which stands for the Indian people, for the protection of the Indian people, and the appointment of a Standing Committee will help to some extent to create that feeling. The Standing Committee will bring to the notice of the Government, which as my friend has pointed out is the ultimate authority to decide on all matters, the feelings of the people.

For instance, with regard to recruitment, we in the south of India have got a great grievance. Madrasees are not allowed admission into the army, they are considered to be a non-martial class. The feeling is growing in the south that we must establish our own army,—at least a section of the army must be composed of Madrasees, and that we must play a part in the defence of our own hearths and homes. It is because there is no link composed of non-officials between the Army chiefs and the people that this iniquity is being persisted in. After all, in modern warfare physical strength counts only to some extent. We want brain power. We want accuracy of judgment. We want resource. We want real mental valour. All this may co-exist with some deficiency even of physical strength. We have often heard of great generals who were physical weaklings and I have read that the great General Moltke had to be carried in an ambulance cart.

Then again there is another question. I believe that a large amount of material connected with the army is being actually manufactured in this country. Well, this information is not given to the people and the people have a feeling that all materials consumed by the Indian army are being bought only from Britain, and this feeling is creating a great deal of irritation towards the army and the Central Government. Now a standing committee conversant with these affairs and which knows how much material is being produced in India and how much is being bought from abroad would be a great help to the Central Government in dispelling such an impression.

Then, again, there is the question of the civilian control over the army. It is easy to say that the Governor General is in charge and that his Executive Council can order the army about, but as a matter of actual practice, unless the Executive Council is strengthened by non-official hands, the military chiefs will always be insubordinate; they will have their own way; they will say, "you must find crores of rupees", and the Finance Member of the Executive Government will have no power to refuse. If on the other hand there is a Standing Committee composed of responsible Members of the Legislature with which to confront the military chiefs and say to them, "we cannot get the approval of the people to this, and if you persist, we will have trouble", then their hands will be greatly strengthened. Sir, any civilian control over the army is always dependent upon the support which the civilian Government gets from the people, and today the Central Government in Delhi has no support from the people and, therefore, at the slightest trouble, they are utterly dependent upon the eccentricities of the military chiefs and they will have to take orders from them. I say when we are thinking of Federation and Provincial Autonomy, we should also not forget that this is a great danger in India and—it may be the Indian army or it may be the British army—ultimately, the idea of civilian control will have to be implanted, and unless this idea spreads, there will be no safety for the Federation or for the unity of India. We must begin even from now to cultivate this idea and to establish a civilian Standing Committee, before whom the military chiefs would have to come to explain their proposals for reorganization, their budgets and so on. We will also thereby educate the military chiefs to attend to non-official opinion and to see that they command the approval of the non-official public. It is a matter of vital importance. Also it will help the military chiefs in India to do propaganda for themselves. Sir, I remember that some pamphlets were issued by the Army Department and I know that they supplied much useful information, but the very fact that they were issued by the Military Department, that all this was composed by and for the Military Department had made even the actual figures suspect in the eyes of the people. I have really seen comments in newspapers casting doubts on the facts and figures given, suggesting that they were all cooked up. Now, if in this matter an impartial standing committee was associated with the Government, then they would be able to put up a better defence in all legitimate matters.

For instance, there is a legitimate case, I think, for improving the navy and the air force. I believe the land army is being fattened at the expense of the more essential services. Today, as I see it, there is no use for a big land army in India. There is no great power threatening it by land. But on the other hand our defence on the sea and in the

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air is extremely poor. For instance, if 25 per cent. of the military expenditure can be diverted to building a stronger fleet, India will be much safer. It is no use letting the invader land in India and then trying to fight him with big mechanised regiments. It is better to fight him in the air or on the sea but not on land. Therefore, it might be better to build a better fleet and a better air force and to decrease the land forces. For all this, a Standing Committee would be positively helpful to the Government. Of course, the responsibility for final decision will always rest with the Executive Government, but as an advisory body it will render an useful purpose to the people and to the Government, and I heartily support this Resolution.

Mr. Abdul Qaiyum (North-West Frontier Province: General): Sir, I rise to support this Resolution which has been moved by my Honourable friend, Mr. Gadgil. It is a very necessary Resolution because the time has come when the Government of India should take stock of the public opinion in this country, and should boldly come out with a scheme whereby the people of this country through their elected representatives will be associated with the control of the army. But it seems that, as usual, the Government of India are either quite out of touch with public opinion or refuse to bend their proud heads before it. The reason why the Government of India will not have a Standing Committee of this House to scrutinise the affairs of the army are two or three.

The first and the foremost reason—and this reason is obvious not only to all sections of the House but to all the thinking people in India—is this that in spite of years of association with the British, in spite of the fact that Indians have fought for the British Empire in various theatres of war all over the world, the fact remains that the British element in India is still actuated and working under a sense of distrust of the Indians. Even those Indians who are supposed to be very loyal and who have not hesitated to shed their blood for the cause of British imperialism are suspects in the eyes of those very people for whom they have made these sacrifices.

The second reason why it is not desired by this Government that the elected element should be associated with the control of the army is that the army in India is maintained, not for the purpose of the defence of India but for Imperial purposes. If we look at the history of the last fifty or sixty years, there have been many occasions when at a moment's notice troops have been rushed out of India to various theatres of war where British imperialism was threatened and these troops and the money that was collected from the taxpayers in this country were used for purposes which were purely meant for strengthening British imperialism.

But the time has come when I submit that even this Government, irresponsible though it is, cannot refuse to ignore public opinion any longer. I may assure the Government that the people of this country are determined to have control over the army; they are determined to have control over the finances; and they are determined to have control over foreign affairs. You may put off the day by 10 or 15 or 20 years, but I assure this Government that the time is not far off when the people of this country will take charge of the army which will become a national army in the true sense of the word. It will cease to be the mercenary army which is being used for purely British purposes at present.

We are told that the British control of the army is necessary for purposes of discipline and for purposes of its more efficient control. I know something about the army coming as I do from a province which is the main centre of the activities of the British army in India. I know that in spite of all the tall talk of this Government, there is a terrible discontent in Indian officers who have come either through the Sandhurst or the Indian Military Academy at Dehra Dun. I know that the present Government is so utterly unsympathetic that it does not move at all in this direction. It does not want to remove the grievances of the Indian officers. Not long ago a very interesting incident happened at Razmak. In spite of this talk of equality, the Colonel of the regiment objected to the Indian officers playing Indian music in the Mess. When they protested that they would like to play the Indian music, he told them that if they wished to carry on the Indian music, they could go and eat cowdung in their villages. When the officers protested against the objectionable remarks of the Colonel, they were hauled up before a Court of inquiry and it was with much difficulty that they managed to extricate themselves from the clutches of the military law.

There are so many other matters which could be rectified if the Army Department takes into its confidence the elected Members of this House. For instance, there is a great discontent among the officers who have come out of the Indian Military Academy, Dehra Dun, because both with regard to their pay and allowances they are treated in a very bad manner. It is a well known fact and it cannot be challenged even by the military authorities that an officer who comes out of the Indian Military Academy cannot draw the pay which a British Lieutenant from the Sandhurst draws on the very first day even after 9 and possibly 11 years of service. Even the quarters which are built for these Indian officers are very inferior to those which are built for officers who come direct from Sandhurst. I know it for a fact that the Indian officers have to pay 5 per cent. for the quarters occupied by them, and the British officers who draw their lodging allowances are actually given a remission for their kindness in using those quarters which are intended for Indians if and when they are forced by circumstances to occupy them. It is a very strange thing that an Indian officer coming from Dehra Dun should have to part with 5 per cent. of his pay while a British officer is granted a remission in his lodging allowance for the trouble of using inferior quarters which are intended for his Indian colleague. It is not only this, but there are so many rules and regulations in the army which tell very heavily on the Indian officer. For instance, an officer has to put in, I think, a year and a half's training at Sandhurst . . . .

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member is covering a very wide field.

Mr. Abdul Qaiyum: This was the last point which I was making out and the reason why I was trying . . . . . .

Mr. President (The Honourable Sir Abdur Rahim): I can understand that, but he need not go so far.

Mr. Abdul Qaiyum: I will not develop that point, but I can say it for certain that the Indian officers who come out of Sandhurst are deliberately placed below their British colleagues. Their date of appointment is

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put three days after the date of British officers so that they can never get the same facilities for promotion which people from Sandhurst do. All these facts go to show that there is discontent in the army. On the top of that we find that the Officers Commanding insist that Indian officers should go in for hunting, should join the Club and keep horses even though their pay is inferior to that of the British officers. In spite of all this talk that the army is very efficiently managed, the fact remains that there is bitter discontent amongst the Indian element.

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

Mr. Abdul Qaiyum: I will do so. The fact remains that all the money which is spent on the Indian army comes out of the pockets of Indians, and there is absolutely no reason why a gentleman like the Defence Secretary, who comes from 1000 miles, should have the sole control of the management of the army and the people who have to pay for the army should be kept outside the door. It is not only illogical but it is highly inequitable, and it is high time that the military authorities took stock of the situation in the country, and also took stock of the fact that the public opinion is bent upon having the control of the army. I can assure the Honourable the Defence Secretary that, in spite of his mechanized battalions, the time is not far off when the people of this country will have the control of the army. With these words, Sir, I support the Resolution.

Sardar Mangal Singh (East Punjab: Sikh): Sir, I rise to support the Resolution that has been so ably moved by my Honourable friend, Mr. Gadgil. The Honourable the Mover has, in supporting the Resolution, given conclusive arguments as to the necessity of appointing an Advisory Committee on army matters. The House will remember that a similar Resolution was passed by this House without a division in 1936 and it was hoped that the Government of India would seriously take up that matter and would soon take steps to establish a Committee with which the elected Members of this House would be associated. It is not a question of merely the control of a Department but the question of defence is much wider and is very closely associated with the question of the self-government of this country. I would remind the Honourable Members that at the time of the Round Table Conference a plea was put forward that self-government cannot be granted to Indians as they are not able to defend themselves. They have no army which will be able to defend the country and therefore self-government should not be given to them. From that point of view it is very necessary that the control of the army should be given to the Indians. But by this Resolution we are not demanding that control. The point before the House is simply this, that an Advisory Committee should be appointed which should be consulted on army matters. Our object is not to pry into the secrets of the Government, as regards Army affairs. I recognise that in defence matters there are certain secrets which should only be dealt with by the army authorities. Nor do we wish to embarrass the Government by raising inconvenient questions. If this Committee is appointed, what will happen? Certain matters will be brought before the Committee. As to

which matters should be brought before it, that will be decided by the Government of India. I put it to the Honourable the Army Secretary what is the difficulty about it? There are several matters which can easily be brought before the Committee. For instance, there is the question of the Indianization of the Indian army. There is a feeling in the country that this question is not properly dealt with. The general public is suspicious that the Government will come forward with certain excuses after some time that this experiment has failed.

Then, again, Sir, there are several other matters; for instance, the purchase of supplies, the purchase of equipments, the purchase of arms and other things. No sensible Honourable Member of this House would get up and claim that these are questions of secrecy, that these questions are questions of war strategy. We spend about 45 crores every year on Army and the Members of this House, as representatives of the country, representatives of the tax-payers, are certainly entitled to be consulted in certain matters. This Resolution does not go very far. The Resolution only aims at the appointment of an Advisory Committee—a very modest proposal—although personally I would like to go very far, yet according to this Resolution we only want that a Committee should be appointed. There is an Advisory Committee in each and every other Department. My experience of the last three years shows that though very few matters are brought forward before these Committees—some Committees do not meet at all throughout the year—yet there are Committees in each Department.

An Honourable Member: They are sleeping Committees.

Sardar Mangal Singh: Yes, they are Committees which are perpetually sleeping. Last year the Defence Secretary advanced the argument that such a Committee is not to be found in any other country. But here is a country with 35 crores of people governed by a foreign Government and the Army is controlled by that foreign Government. At the Round Table Conference this question was seriously taken up and it was decided with the consent of the British Government that the defence of India would not be the concern of the British Government alone—this is very important—and that the increasing association of Indians is necessary in this Department. This was the view expressed at the Round Table Conference. Several years have passed and yet nothing has been done to associate Indians with the administration of the Army. Sir, we can legitimately claim, we can legitimately ask the Government of India that they should associate certain Honourable Members of this House with the administration of the Army Department. This Army Department is being carried on like Freemasons society's affairs. I ask the Honourable the Defence Secretary why he so much likes to sit behind the purdah. Is there anything ugly which he wants to hide from the public gaze? Why not raise the purdah, why not take the public into your confidence and then carry on the administration with the help of the elected Members of this House? I would submit that conditions have changed. This is not the India of 1914, which you are dealing with. This is a different India and if war breaks out again, I wish to warn the Government of India that they would not find recruits so easily as they did in those years. Even in those years, when England was threatened in 1918, I would remind the Honourable the Defence Secretary that the then Viceroy called Mahatma Gandhi for consultation. You may refuse this time that you are not going to consult

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us and that you are not going to appoint any Committee, but when the next war breaks out, when England would be threatened again, then you will come forward and you will be forced to consult us and at that time, mind you, Sir, no Indian will give his co-operation which he so foolishly did at the last time.

Again, Sir, the whole structure of the Indian army, the whole composition of the Indian army is based on a complete mistrust of Indians. Under those circumstances, the country can have no confidence in such an army which is being carried on by Freemason's methods. The attitude of the Government of India has so far been very unresponsive and irresponsible. The conditions of the world have changed. Future wars will not be fought by a few uniformed men alone. You will not be able to fight a war successfully unless the whole country is behind that army. It is not merely a few uniformed people, but the resources of the entire nation will have to be mobilised and if you treat us contemptuously, mind you, that when the next war comes, you will not find that co-operation, but there will be non-co-operation and other methods to force your hands to accede to our wishes.

An Honourable Member: I do not believe it.

Sardar Mangal Singh: My Honourable friend may not believe it, but it is a fact. The question before India is, how to get control of the Army. I would ask the Government of India whether it is better for them and for the British Government to let this impression go abroad that we cannot get this control by constitutional methods, that we cannot get this control by passing these Resolutions in the Legislature. Thank God, we have come here with these Resolutions. If this impression goes abroad, then they would follow other methods to get control of the Army, which other countries have followed to get control of the Army. When once we despair, we will be forced to the only conclusion that the control of the Army can only be secured by military and bloody revolutions. I put it to the Government of India, is that course better for the British Government or for the Government of India or for the people of this country? At the present moment thank that great man Mahatma Gandhi who is leading the country by peaceful and constitutional methods. But the youngmen of this country are getting impatient and I wish to warn the Government of India that if that impression is carried to the limit of desparation then the consequences would be very bad for the British Government and for the Government of India and for India also. But a sensible Government who could correctly gauge the feelings of the country would come forward to accept this very modest Resolution. Government would not lose anything by accepting this Resolution.

Up to this time, we are sick of the breach of promises. There have been breaches of faith during the last century and recently, as has been pointed out by my Honourable friend, Mr. Gadgil, there were several promises that this House would be consulted in such and such a contingency but those promises were not fulfilled. When the actual time for consultation comes, they do not consult us at all. Sometimes the promises and assurances given solemnly by the predecessors of the Honourable the Defence Secretary were easily forgotten. Referring to one such pledge,

I may point out to the House that this is what the Defence Secretary said. With reference to the consultation of this House when Indian troops would be sent abroad, he said: "I assure the House that this is a definite pledge and not merely a formula of words." This was the repeated assurance given by the Army Secretary that this is a definite pledge and not a mere formula of words. But a year afterwards, this proved an indefinite pledge and a formula of no words. The Government of India went back and they refused to consult the Legislature. They do not agree to appoint a Committee so that that Committee might be consulted when sending troops abroad. I put it to the Army Secretary that if he consults the proceedings of the House during the last 4 or 5 years he will find that his predecessors have made definite pledges and given definite assurances to this House that the Legislature is to be consulted before the despatch of Indian troops abroad. I ask the Army Secretary whether they have consulted the House even once. When Indian troops were despatched to China some Honourable Members of this House were no doubt privately consulted, but that is no substitute for consultation of the whole House. When Indian troops were sent to Abyssinia the plea was put forward that the House could not be consulted because it was not in Session, and at that time both the Defence Secretary in this House and His Excellency the Commander-in-Chief in the other House gave this impression that if an agreed formula were coming forward, the Government of India would consider it sympathetically and perhaps appoint a Committee. After that an agreed formula was put forward supported by all Parties in the House and a Resolution was passed. Then the Government of India did not do anything. They not only kept quiet but they definitely declared that they were not going to appoint any Committee or consult the Legislature before sending out troops.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Sardar Mangal Singh: Very well, Sir; I support the Resolution.

Mr. Thirumala Rao (East Godavari and West Godavari *cum* Kistna: Non-Muhammadan Rural): Sir, that this Resolution is a very modest one need not be reiterated. One is oppressed with a sense of despair when one sees such very moderate Resolutions not being heeded to by Government. I do not stand to argue my case in favour of this Resolution, but when I stand up I really feel the humiliation that our country is in the unhappy position of being entirely isolated from the defence of its own borders. We are supposed to represent the man in the street here,—such of us as come here as elected Members,—and I want to present to the House what the man in the street feels about this. My Honourable friend, Mr. Gadgil, and those who have spoken before me have explained the constitutional position and all the various promises that have been given by the British Government with regard to the subject. But the man in the street, when he thinks of the condition and how insecure his life is and how insecure the condition of India is at the present moment, he has nothing but despair and he cannot look to any sort of help from the elected representatives of the country. Because, when you see the world situation today it is most alarming.

[Mr. Thirumala Rao.]

Considering the far eastern as well as the western situation, we see that the grip of Britain over the world situation is loosening now. The Mediterranean which is said to be the main artery of the British in all its activities in the east is passing into the hands of Italy; and Mussolini has said that he will convert it into an Italian lake. And at least one military expert has declared that Gibralter is becoming vulnerable and that the Suez canal could not be saved and the way round the Cape of Good Hope must be explored if Britain is to rule eastern waters. And with regard to Japan it has proclaimed that its ambition is to declare to the world that it is now the turn of the east to rule the west; therefore, it is in a death drive against China and nobody knows when it will enter India. In these circumstances what is our lot?

The military is in the entire hands of the British and it is a closely preserved secret where no Indian, however eminent and however trusted by the British Government, is allowed to have an insight into the administration. And we are asked to be prepared for air raids and gas masks; Bombay, Calcutta and Karachi are given demonstrations in what are called black-outs, and people in Karachi have been asked to make underground cellars to enable them to stay there for 10 or 15 days in order to be prepared to protect themselves against gas raids and air attacks. Government want us to take precautions against all contingencies but they never want to trust us to the extent of having a Standing Committee of the Indian army in this House to discuss small matters which are not directly connected with the policy of the army. The other day the House passed the Military Manœuvres Bill; to that extent Government want the support of the people because their manœuvres have to be carried on to keep their army fit. Their army must be an army of occupation and kept ready only to subdue us and not to defend us. Are you the real defenders of the country? Have you got greater interest than the 35 crores of the people of this country? If you really feel that you must stand by this country because you say you are here to help this country and firmly plant this country on the road to self-government,—as you use the word in your blue books,—you must see that this country is defended properly and the people of this country are given their proper place in the defence of their country. I say this is a very modest request.

Some of our friends say that if Japan comes what is that to Britain? They will leave us to our fate and to Japan. We cannot defend India. If you want to defend India by air it takes at least four days to come to India and it takes 16 days for the navy to come from the West to defend Indian coasts. We are deliberately placed, as a matter of military policy, in this helpless condition, so that we shall always be slaves of Britain and will never wish to get out of the British Empire. But that will be the real reason and the genuine reason for India to demand complete independence and to work for it by all means. Therefore, if your professions are sincere and if you believe that by inaugurating the Federation and by giving Provincial Autonomy in the provinces you are bringing about a state of self-government in this country, you must see that some sort of gesture is made in this connection by accepting this Resolution.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, I find that Government have not so far spoken on

this Resolution. As we do not know the mind of Government it is necessary that we should ask Government to take this House into their confidence and to accept the advice which is contained in this Resolution. When a similar Resolution was moved in 1936, Government did not divide on it, and we expect that on this also they will follow the same principle. The Resolution is only to the effect that Government should accept a Standing Army Committee just as we have got other similar Committees in this House. The absence of such a Committee undoubtedly creates a sort of suspicion in the minds of Members of this House and also of the public at large. Can it be said that Government distrust the people? When there is a big Indian Army and the majority of it is Indian, why should Government place themselves in a position of being distrusted by the people? Why should there be any difference of principle in the mind of the Government of India between the proposed Committee and other Standing Committees? The Government of India accept the salutary advice of the Standing Finance Committee which the Honourable the Finance Member is sometimes chary to dispense with . . . .

Mr. N. M. Joshi (Nominated: Non-Official): It has been abolished!

Mr. Muhammad Azhar Ali: That is all the more serious then. However, I would ask the Army Secretary to consider this point very seriously. It should not only be not a matter of distrust but it ought to be a matter of courtesy on the part of the Government of India to establish a Committee for the army. The Committee is sure to give good advice as there might be occasions when the Government of India or the Army Department might be committing some mistakes. If such a Committee is established a great responsibility will be removed from the shoulders of the Government of India.

We know what world conditions are at present: the big powers are trying to humiliate the British Government. We know it for a fact that Italy has been trying its best to humiliate Great Britain, and Germany also is trying to do the same. We are undoubtedly connected with the British Government to this extent that at present we are said to be its subjects—we are an appanage of it. If we have a Committee like this, we would certainly advise the British Government to proceed in such manner as not to make the Indian people hostile. For purposes of propaganda and the like—such as the German and Italian propaganda against Indians—and also in a matter like helping China, this Committee will be of great advantage to the British Government. I do not want to criticise the British Government now, because the budget will come and that will be the occasion for the whole House to criticise the army budget and all other matters; but I would ask the Army Secretary today to consider the point that they should establish a sort of Committee for the sake of advising and making representations.

As my friend, Mr. Abdul Qaiyum, was saying about the complaints which the Indian people have against the army, if there were a Committee it would have been possible for the Committee to explain several matters to the Government and to the people. If the Army Secretary were allowed by His Excellency the Commander-in-Chief to make a speech on this subject and enlighten the House, the remarks which have been made about the deficiencies of the army would perhaps not have been made. The army is as dear to the Indians as it may be dear to the

[Mr. Muhammad Azhar Ali.]

Britisher. We know that although it is an army of occupation, it is an army which will in time of need protect us and, therefore. whatever subjects may arise—military manœuvres or anything—we will be willing to advise the Army Department according to our own ideas. I am not speaking today in any hostile spirit, but I merely ask them to consider the position. Why should they allow mistrust to grow? Why should they not take us into their confidence and avoid the troubles which they have all along been having? There are very few families in the Punjab and the United Provinces where people have not got their relations in the Army: the Indian Army has served the British people everywhere on different fronts; and, therefore, the relations and the representatives of the people have got a right to ask the Government of India to take them into confidence and act according to the advice that they can give. With these words, I support the Resolution.

Captain Sardar Sir Sher Muhammad Khan (Nominated Non-Official): Sir, I rise to make a few observations and to oppose this Resolution. The previous speakers who think they are experts in the army affairs have asked for a Committee to control the Indian Army. Not a single one of them has mentioned the functions of this Committee . . . .

Mr. N. V. Gadgil: I have done it.

Captain Sardar Sir Sher Muhammad Khan: One of the speakers said that the duty of purchase and supply should be given to this Committee. Is it fair that elected Members of this House should be asked to purchase grass and grain and supply water for the army? As a matter of fact they have not made up their minds as to what the functions of the Committee should be. My friend from the Frontier Province said that every matter in the Indian Army should be discussed in this Committee and he quoted a few examples of disciplinary action. If two officers play music in a mess and fight on that, will this Committee set the matter right? I would have welcomed the Resolution if it had been one to speed up Indianisation.

What do we find in England? There is a Committee of Imperial Defence and all the heads of the three arms are members of that Committee. No Committee would be worth a paper on which it is written if no experts are on it. I just remember a story that in olden times, that is, in the time of Sultan Salauddin, when he went for *Jehad* or a holy war, some mullahs were left behind to preach *Jehad*, but they said "Let us go to the battle field and die to get *shahids' Rutba* (rank)". They requested the Sultan to permit them to fight. He said: "No, your business is not to fight in the battle field, but to do preaching and preparing the nation for the holy war". They did not agree but insisted on going to fight. The next morning the Sultan asked his General that when you capture any prisoners, tie down their arms and legs and lay them on the ground, and order the very mullahs to cut their heads with their swords till he comes back. So he (the General) did, but he was surprised, when he came back, to see that not a single prisoner's head was cut. Poor mullahs said: "Sir, we tried to obey your order; but every time we tried to go near them they shouted on us with anger to retire". If this sort of Committee is formed then God protect the Indian Army! My

friend the last speaker, Mr. Azhar Ali, said that Japan is now fighting with China, and if such a Committee as this is appointed, they will be able to save us from Japanese invasion. (*Some Honourable Members*: "He never said so.") How can they do it? They are not experts. And they want only elected Members to be put on that Committee. I would tell my friend, Mr. Gadgil, that we are just having a national army, let us create experts first and then appoint such a Committee, not till then.

Mr. President (The Honourable Sir Abdur Rahim): I suppose the Army Secretary wishes to speak on this Resolution.

5 P.M.

Some Honourable Members: Only one minute more, Sir.

Mr. President (The Honourable Sir Abdur Rahim): Then we will adjourn.

The Assembly then adjourned till Eleven of the Clock on **Monday**, the 7th February, 1938.

LEGISLATIVE ASSEMBLY.

Monday, 7th February, 1938.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

ACTIVITIES OF THE *FAUJI AKHBAR*.

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

(a) what is the amount of money that Government spend annually on the *Fauji Akhbar*;

(b) what are the interests it serves; and

(c) what is the actual rural reconstruction work that the army is doing?

Mr. C. M. G. Ogilvie: (a) The net annual cost to Government is about Rs. 30,000.

(b) I refer the Honourable Member to the answers given to Mr. Satyamurti's starred question No. 921 of the 30th September, 1937.

(c) I refer the Honourable Member to the answers given to parts (a), (b) and (c) of Mr. Asaf Ali's starred question No. 62, dated the 24th August, 1937.

Mr. T. S. Avinashilingam Chettiar: May I know what is the actual rural reconstruction work that they are doing, apart from merely saying that they are doing rural reconstruction work?

Mr. C. M. G. Ogilvie: I would refer the Honourable Member to the answer I gave to Mr. Satyamurti's question No. 921.

Mr. Abdul Qaiyum: May I know if this paper is not sent to most people and libraries without any payment?

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

Mr. Bhulabhai J. Desai: May I know if this paper pursues any definite policy or represents any special interest?

Mr. C. M. G. Ogilvie: I must refer the Honourable Leader of the Opposition to my answers to Mr. Satyamurti's starred question No. 921.

Mr. Bhulabhai J. Desai: It is perfectly easy to say that, but it does not convey much to me. Will you kindly read that out as part of the answer?

Mr. C. M. G. Ogilvie: I am not sure whether it is the custom to repeat the answers in such cases.

Mr. President (The Honourable Sir Abdur Rahim): When an answer has been recently given, it is not the practice to repeat it.

Mr. Bhulabhai J. Desai: The question I am asking is what particular policy this paper pursues. I am quite certain the answer is not there. It is no use saying that the answer is there. I repeat my question.

Mr. C. M. G. Ogilvie: The policy was stated thus: "To give accurate information on topics of the day. . . .

Mr. President (The Honourable Sir Abdur Rahim): It states the policy?

Mr. C. M. G. Ogilvie: Yes. "and, as the leading journal of rural reconstruction, to support measures for the welfare of the agricultural classes. ..... The Rule that the Defence Services are not permitted to concern themselves with party politics is fundamental and the paper in question conforms to this rule".

The supplementary questions also touch on the subject.

Mr. Lalchand Navalrai: May I know from the Honourable Member if this paper is supplied to the Central Library?

Mr. C. M. G. Ogilvie: I think so.

Mr. Lalchand Navalrai: May I also know from the Honourable Member what is the subscription to it.

Captain Sardar Sir Sher Muhammad Khan: You had better subscribe and you will know.

Mr. Lalchand Navalrai: You subscribe for me. I would like to know also what is the number of subscribers?

Mr. C. M. G. Ogilvie: The average circulation is twelve thousand copies a week.

Mr. Abdul Qaiyum: How many of these are paid for?

Mr. C. M. G. Ogilvie: I cannot tell you that.

HOLDING OF POLITICAL MEETINGS AND FLYING OF NATIONAL FLAGS IN CANTONMENTS.

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

(a) in view of his answer to starred question No. 931, dated the 30th September, 1937, whether Government have finished consideration of the matter of issuing instructions to cantonments with regard to the holding of political meetings and the flying of national flags in cantonments; and

(b) if so, to what conclusion they have come?

Mr. C. M. G. Ogilvie: (a) Yes. It is presumed that by national flags the Honourable Member means the emblems of political parties.

(b) The Government of India have not found it necessary to issue instructions. This, however, has been done by the military authorities. The position is as follows:

With regard to political meetings, there is no bar whatever against the holding of such meetings in Cantonment bazaar areas. If, however, it appears likely to the Officer Commanding the Station that speeches will be made which are intended to or are likely to sway the troops from their allegiance or to promote indiscipline among them, he may take action to exclude the speakers and organisers from the cantonment area in accordance with the provisions of section 239 of the Cantonments Act of 1924.

As regards the flying of flags of political parties, there is no objection whatever to this being done, provided that the flying or hoisting of the flags is not accompanied by ceremonies intended to imply that the flag concerned is not merely a party emblem, but has superseded the Union Jack as the national flag of India. Persons who organise or take part in such proceedings in cantonments render themselves liable to exclusion in accordance with the provisions of section 239 of the Cantonments Act.

Mr. Badri Dutt Pande: May I know if the hoisting of the national flag was banned at Lansdowne on the 26th January?

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

Mr. Abdul Qaiyum: May I know if there is any objection to troops taking part in purely election meetings?

Mr. C. M. G. Ogilvie: It depends upon the nature of the election meeting and on the circumstances of each particular case. No general answer can possibly be given to such a question.

Mr. Abdul Qaiyum: May I know if the officers and men who are voters are permitted to attend meetings organised in connection with elections to provincial assemblies and for local and municipal boards?

Mr. C. M. G. Ogilvie: That will depend upon the circumstances of each case.

Prof N. G. Ranga: Is the Honourable Member aware of the fact that the Union Jack has not been accepted by the people of India as the national flag of India?

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

PUBLICATION OF REPORTS BY THE RESERVE BANK OF INDIA.

148. ***Mr. T. S. Avinashilingam Chettiar:** (a) Will the Honourable the Finance Member state what reports the Reserve Bank is under a statutory obligation to publish every year?

(b) How are they brought to the knowledge of the public and made available to them?

(c) Are they sent to any persons or bodies of persons for information?

The Honourable Sir James Grigg: I would invite the Honourable Member's attention to the provisions of sub-section (*2*) of section 53 of the Reserve Bank of India Act.

Mr. T. S. Avinashilingam Chettiar: May I know if these reports are sent to any bodies or organisations?

The Honourable Sir James Grigg: I don't know what organisations the Honourable Member has in mind.

Mr. T. S. Avinashilingam Chettiar: To commercial or any other organisations?

The Honourable Sir James Grigg: It is published in the *Gazette of India*

Mr. Lalchand Navalrai: May I know from the Honourable Member if any report of the Reserve Bank is published with regard to the finances spent on agriculture?

The Honourable Sir James Grigg: They publish a good many brochures on agricultural credit, I think.

Mr. Lalchand Navalrai: May I know particularly if there is any report on help to agriculture?

The Honourable Sir James Grigg: If the Honourable Member means agricultural credit, yes.

Mr. Lalchand Navalrai: Are there copies of that in the Library?

The Honourable Sir James Grigg: Copies were circulated to Honourable Members. The Honourable Member evidently does not read the literature sent to him.

Mr. Lalchand Navalrai: I certainly read, but the Honourable Member does not know himself what it was.

FUNDS IN THE HANDS OF THE CENTRAL GOVERNMENT SPENT THROUGH PROVINCIAL GOVERNMENTS.

149. ***Mr. T. S. Avinashilingam Chettiar:** (a) Will the Honourable the Finance Member state what funds are in the hands of the Central Government which have to be spent through Provincial Governments?

(b) What amount is available for being spent in each of these funds?

The Honourable Sir James Grigg: The funds to which the Honourable Member refers, and the approximate amounts available at the end of November, 1937, are as follows:

Central Road Fund 2,30 lakhs,

Rural Development Fund 1,20 lakhs,

Sugar Excise Fund 11½ lakhs.

To avoid any possibility of misunderstanding, I might say that a great part of these amounts are not free money, for they have been allocated, though not drawn.

Mr. T. S. Avinashilingam Chettiar: May I know if these funds are spent through the Provincial Governments at their discretion?

The Honourable Sir James Grigg: No, the Central Road Fund grants are made subject to conditions. The Rural Development Fund grants were made in accordance with certain prescribed conditions and subject to the general approval of the Government of India, and with regard to the sugar excise fund I think I am right in saying that the schemes were to be subject to the general approval of the Imperial Council of Agricultural Research.

Prof. N. G. Ranga: May I ask what steps the Government of India propose to take to make those Provincial Governments to whom portions of the rural development fund have been allotted spend these sums within the prescribed time?

The Honourable Sir James Grigg: I suggest, Sir, that now those circumstances have changed, the Honourable Member might himself bring pressure to bear upon the Provincial Governments.

LATEST FIGURES FOR CUSTOMS REVENUE AND INCOME-TAX.

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

(a) the latest figures with regard to customs revenue as compared with last year; and

(b) the latest figures regarding the realisation of income-tax as compared with the previous years' and the last year's estimate?

The Honourable Sir James Grigg: I would refer the Honourable Member to the published statement.

Mr. T. S. Avinashilingam Chettiar: What is the latest available figure which is not published?

The Honourable Sir James Grigg: I certainly have not the slightest intention of telling the Honourable Member anything that is not published.

Prof. N. G. Ranga: May I ask if any improvement has taken place in the returns of income-tax after the appointment of the special officer for income-tax?

The Honourable Sir James Grigg: I think he might be allowed to have a little more time.

IMPORTS OF SILK GOODS AND COST OF ANTI-SMUGGLING MEASURES AT KARAIKAL AND PONDICHERRY.

151. *Mr. K. Santhanam: Will the Honourable the Finance Member be pleased to state:

(a) whether 180 tons of silk goods were imported into Karaikal by sea in 1937 as against 21 tons in 1936 and six tons in 1935; and

(b) the increase in cost of anti-smuggling measures in 1937 at Karaikal and Pondicherry?

Mr. A. H. Lloyd: (a) Government have no reason to believe this, but are not in possession of detailed information.

(b) Approximately Rs. 3.75 lakhs.

Mr. K. Santhanam: May I ask if the Government have called for information, or will they call for information?

Mr. A. H. Lloyd: The information unfortunately is in the possession of the authorities of a foreign Government,—the French Government—in India.

Mr. K. Santhanam: May I inform the Honourable Member that the information that has been given has been ascertained to be correct?

Mr. A. H. Lloyd: I am quite unable to accept the information given by Mr. Santhanam as correct.

GOVERNMENT CONTROL OVER THE OPERATIONS OF THE RESERVE BANK OF INDIA.

152. *Mr. Manu Subedar: (a) Will the Honourable the Finance Member be pleased to state what control, if any, Government exercise over the operations of the Reserve Bank?

(b) What form of consultations takes place between the Managing Governor of the Reserve Bank and the Honourable the Finance Member, and on what subjects?

(c) Since the Reserve Bank was established, has the Honourable the Finance Member intervened or remonstrated with the Reserve Bank authorities for or against the reduction of bank rate?

The Honourable Sir James Grigg: I would refer the Honourable Member to the provisions of the Reserve Bank of India Act and to the reply which I gave to question No. 478 asked by Mr. Ganga Singh on the 4th of March, 1937.

Mr. Manu Subedar: May I ask if that was not one of the circumstances which led to the resignation of Sir Osborne Smith?

Mr. President (The Honourable Sir Abdur Rahim): That question cannot be put.

CONTRIBUTION OF THE BRITISH GOVERNMENT TOWARDS THE MECHANISATION OF THE INDIAN ARMY.

153. *Mr. Manu Subedar: (a) Will the Defence Secretary be pleased to lay on the table the correspondence resulting in the "gift" of monetary contribution towards the mechanisation of the Indian Army from the United Kingdom?

(b) Did the Government of India ask for this gift or was it offered to them?

(c) What is the total amount of equipment, orders for which are being placed in the United Kingdom in connection with the mechanisation of the Indian Army?

(d) What is the total amount of the gift?

(e) What is the total amount of the equipment?

Mr. C. M. G. Ogilvie: (a) No, because it would not be in the public interest to do so.

(b) and (c), (d) and (e). I refer the Honourable Member to my speech of the 31st January on Mr. Avinashilingam Chettiar's adjournment motion.

Mr. Manu Subedar: May I ask if there are no figures available for the orders placed in the United Kingdom? That is the question I put in part (c). May I have an answer?

Mr. C. M. G. Ogilvie: No orders have yet been placed in the United Kingdom, and I am unable to give you the exact figure.

Mr. Manu Subedar: What is the amount of orders that are going to be placed in the United Kingdom?

Mr. C. M. G. Ogilvie: Again I cannot be more specific than on the last occasion.

Mr. President (The Honourable Sir Abdur Rahim): This matter has already been thoroughly discussed.

Mr. Abdul Qaiyum: Will a part of this money be spent in India?

Mr. President (The Honourable Sir Abdur Rahim): This matter has already been thoroughly discussed. Next question.

MEASURES FOR DEFENCE AGAINST AIR-RAIDS AND GAS ATTACKS.

154. *Mr. Manu Subedar: Will the Defence Secretary be pleased to state:

(a) what special steps Government are taking to increase the number of aviation pilots in India (i) on the military side, and (ii) on the civil side, with a view to preparing for defensive operations against the menace to Indian life and property arising out of unsettled world conditions today;

(b) whether Government have evolved any scheme for disseminating information about poison gas and the measures which should be taken by the population against such danger when it arises; and

(c) whether Government are aware that there is a great discontent in the country that in the matter of defence the co-operation of the public is neither asked nor encouraged?

Mr. C. M. G. Ogilvie: (a) Financial considerations entirely preclude the development of a large Indian Air Force.

A scheme is, however, under consideration for the formation of a reserve of Indian pilots for the Indian Air Force, certain members of which may be drawn from civil flying clubs.

(b) The matter is at present under the consideration of the Government of India

(c) No.

GRANT OF LOANS AT NOMINAL RATE OF INTEREST ON INDIAN COTTON.

155. ***Mr. Manu Subedar:** Does the Honourable the Finance Member propose to recommend to the Reserve Bank to give loans at a low or nominal rate of interest on Indian cotton with a relatively small margin, *i.e.*, up to Rs. 150 per candy?

The Honourable Sir James Grigg: No, Sir.

MEASURES FOR DEFENCE AGAINST AIR-RAIDS.

156. ***Mr. Govind V. Deshmukh:** (a) Will the Defence Secretary please state the measures adopted by the Government of India by way of military defence against air-raids on India by hostile nations?

(b) Do they propose to give extensive and intensive training to Indian youths for air defence? If not, why not?

Mr. C. M. G. Ogilvie: (a) I can assure the Honourable Member that the Defence Department is fully alive to the necessity of safeguarding the ports and other vulnerable points against the menace of air attack. Certain measures in that respect have already been taken, and others are projected. It would obviously be contrary to the public interest to give specific information as to the degree and nature of the defences in question.

(b) I refer the Honourable Member to the reply I have just now given to part (a) of Mr. Manu Subedar's starred question No. 154.

Mr. Lalchand Navalrai: May I know which measures have actually been taken up to now?

Mr. C. M. G. Ogilvie: I have answered that question.

Mr. Govind V. Deshmukh: May I know if the commercial pilots will be of any use or some use for purposes of military defence?

Mr. C. M. G. Ogilvie: Well, Sir, I am not an expert in the matter but I think I may inform the Honourable Member that those that can at least fly an aeroplane will complete their training, other things being equal, as R. A. F. officers, quicker than those who have never flown an aeroplane before.

Mr. Govind V. Deshmukh: If so, would more facilities be given for training commercial pilots than are at present given by the Government of India?

Mr. C. M. G. Ogilvie: I am afraid I am not the person to be asked for detailed information about the training of commercial pilots. I have no more information than I have given.

Mr. Lalchand Navalrai: May I know with regard to the measures that have hitherto been taken in this direction, what are these measures?

Mr. C. M. G. Ogilvie: I have already replied to that question. I said that it would be against the public interest to give specific information.

Mr. Lalchand Navalrai: Even with regard to what has already been done?

Mr. C. M. G. Ogilvie: Yes.

BANNING OF THE BOOK "AFTER MOTHER INDIA".

157. ***Seth Govind Das:** Will the Honourable the Home Member be pleased to state:

(a) whether Government have examined the book "After Mother India" with a view to trace the objectionable passages contained therein;

(b) whether Government have arrived at the decision that the book should be banned in this country; and

(c) whether Government have banned the book, and if not, why not?

The Honourable Sir Henry Craik: (a) to (c). Government have examined the book and decided that it is unobjectionable. The book was published in 1929 and appears to have caused no excitement. No action has, therefore, been taken against it.

MEASURES FOR DEFENCE AGAINST AIR-RAIDS.

158. ***Mr. Abdul Qaiyum:** (a) Will the Honourable the Home Member please state whether any steps have been taken or are about to be taken by Government to organise a passive air defence against air-raids in India?

(b) Has any committee of experts been set up to go through the whole question and to suggest ways and means for combating the air menace?

(c) Have Government consulted the Provincial Governments in connection with the passive air defence scheme?

(d) What part or parts of India are considered most vulnerable to such attacks?

(e) What is the estimated cost on the new scheme to combat the air danger?

(f) Is it proposed to confine activities to mere passive defence or is it intended to train a large body of young Indians in India to man the Indian air arm? If not, why not?

The Honourable Sir Henry Craik: (a), (b), (d) and (e). The subject of passive air defence has recently been examined by a Committee of representatives of the Departments of the Government of India, including the Defence Services. The report of the Committee has just been submitted but has not yet been considered by Government, and no decisions have yet been reached.

(c) Not yet.

(f) The Indian Air Force is at present expanding, and there is no present intention of accelerating or increasing the existing scheme.

†159*.

MECHANISATION OF THE INDIAN ARMY.

160. ***Mr. Abdul Qaiyum:** (a) Will the Defence Secretary please state whether any inquiry was made in India before it was decided to mechanise these units?

(b) Were any experts consulted as to whether, in view of the special conditions obtaining in India, mechanisation was desirable for this country?

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

Mr. Abdul Qaiyum: May I know if the report of this Committee was in favour of mechanisation in India, taking into consideration the conditions in India?

Mr. C. M. G. Ogilvie: There was not a Committee. The Governor General in Council was advised by His Excellency the Commander-in-Chief and his staff, who were of opinion that a certain degree of mechanisation was necessary.

MECHANISATION OF THE INDIAN ARMY.

161. ***Mr. Abdul Qaiyum:** Will the Defence Secretary please state whether it is proposed to carry out mechanisation of any Indian regiment or battalion? If not, why not?

Mr. C. M. G. Ogilvie: I refer the Honourable Member to my speech of the 31st January on Mr. Avinashilingam Chettiar's adjournment motion.

Mr. President (The Honourable Sir Abdur Rahim): There was an adjournment motion on this subject which lasted for two hours.

†162*.

†This question was not put by the questioner.

REFUSAL OF PAYMENT FOR CURRENCY NOTES ON FLIMSY GROUNDS BY TREASURY OFFICERS.

163. *Mr. Badri Dutt Pande: Will the Honourable the Finance Member state:

(a) whether he is aware that the Treasury Officers are refusing payment for currency notes on very flimsy grounds saying that the notes are mutilated, *e.g.*, if the notes are torn in a corner or have ink, oil or ghee marks on them;

(b) whether he is aware that people experience great difficulty in sending the notes to the currency office for repayment as it causes much expense and delay; and

(c) whether it is the intention of Government to issue orders to the Treasury Officers to withdraw a note which they think is soiled or mutilated?

The Honourable Sir James Grigg: No, Sir.

Mr. Badri Dutt Pande: What is the objection to treasury officers being ordered to withdraw these soiled notes?

The Honourable Sir James Grigg: That is all covered by instructions. The existing instructions are given here. I do not think additional ones are necessary.

Mr. N. M. Joshi: May I know what the present instructions are?

The Honourable Sir James Grigg: The Honourable Member will find them in article 109 of the Resource Manual, a copy of which, I understand, is in the Library.

Mr. Lalchand Navalrai: Is it the Honourable Member's reply that the treasuries do not refuse such notes or the answer is that no such notes are tendered at the treasuries?

The Honourable Sir James Grigg: Perhaps I had better read the instruction. My reply was to the effect that "Treasury officers are not refusing the payment of current notes on very flimsy grounds. The instruction is contained in the following sentences:

'Half, mutilated, mismatched or altered notes and notes disfigured by oil or other substances in such manner as to render their identification doubtful should never be received in payment of Government dues or cashed. The holder should be advised to apply to the Currency Officer of the circle to which the notes belong for instructions regarding the procedure under which the value of such notes can in some cases be recovered; or in the case of notes which bear no indication of the circle of issue, to the Currency Officer, Calcutta'."

Mr. K. Santhanam: May I know if the Government cannot enter into an arrangement with the Imperial and other Scheduled Banks to withdraw all these notes?

The Honourable Sir James Grigg: Certainly not.

STANDING FINANCE COMMITTEE.

164. *Mr. Badri Dutt Pande: Will the Honourable the Finance Member inform the House if Government have decided to abolish the Standing Finance Committee?

The Honourable Sir James Grigg: I would refer the Honourable Member to the reply given by me to Mr. T. S. Avinashilingam Chettiar's starred question No. 91 on the 2nd February, 1938.

Prof. N. G. Ranga: May I ask when this Committee is going to be constituted again?

The Honourable Sir James Grigg: I can only repeat what I said just now.

Mr. President (The Honourable Sir Abdur Rahim): I remember it very well: the answer was given only the other day.

RELEASE OF MAJOR CHANDAN SINGH, A PRISONER OF PESHAWAR MARTIAL LAW CASE.

165. *Mr. Badri Dutt Pande: With reference to the answers to starred question No. 48 of the 24th August, 1937, is it a fact that His Excellency the Commander-in-Chief was pleased to release Havildar Narayan Singh, and is the Defence Secretary in a position to state why his colleague Havildar Major Chandan Singh, the only remaining prisoner of the Peshawar Martial Law case, has not been released?

Mr. C. M. G. Ogilvie: The answer to the first part of the question is in the affirmative. With regard to the second part I refer the Honourable Member to the answer given to his starred question No. 48 on the 24th August, 1937, and to the supplementary questions and answers arising therefrom.

Mr. Badri Dutt Pande: May I ask when will this case be revised by the Commander-in-Chief again?

Mr. C. M. G. Ogilvie: I can only refer the Honourable Member to the answer which I gave to a similar supplementary question asked by himself on the last occasion when this question was raised.

Mr. Abdul Qaiyum: May I know how many Garhwali prisoners . . . .

Mr. President (The Honourable Sir Abdur Rahim): There is nothing about the Garhwal prisoners in the question.

Mr. Abdul Qaiyum: The prisoners belonged to the Garhwal Regiment . . . .

Mr. President (The Honourable Sir Abdur Rahim): The question has already been answered.

Mr. Abdul Qaiyum: How many of these prisoners are still in prison?

Mr. President (The Honourable Sir Abdur Rahim): The question relates only to two specific persons.

Mr. C. M. G. Ogilvie: One.

Mr. Mohan Lal Saksena: Have the Central Government received any representation from the Provincial Government about these prisoners?

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

Mr. Badri Dutt Pande: Have the Provincial Government written anything to the Central Government about this prisoner?

Mr. C. M. G. Ogilvie: I have seen nothing.

Mr. Abdul Qaiyum: May I ask if the Frontier Government have very strongly written for the release of this prisoner?

Mr. C. M. G. Ogilvie: I have seen nothing.

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

BAN ON THE RETURN OF CERTAIN INDIANS TO INDIA.

166. *Mr. **Badri Dutt Pande:** Anent the interpellation in the Simla Session of the Assembly, will the Honourable the Home Member be pleased to state if Government have taken any practical steps with a view to facilitating the return of Indians now treated as exiles in foreign countries, *e.g.*, Professor Khan Khoja, Raja Mahendra Pratap, Mr. Har Dayal, Viren Chattopadhya and others?

The Honourable Sir Henry Craik: I would refer the Honourable Member to Mr. Maxwell's speech in the Council of State on the 15th September, 1937, and the replies given in this House on the 5th October last to starred questions Nos. 1001, 1004, 1010 and 1014 and the supplementary questions which arose therefrom. The case of Har Dayal is still under consideration, and I am not prepared at this stage to make any statement about him. None of the other persons concerned has since applied for facilities to return to India. Their cases do not, therefore, arise at present.

Mr. Abdul Qaiyum: May I ask whether Qazi Abdul Wali of Peshawar . . . . .

Mr. President (The Honourable Sir Abdur Rahim): His name is not mentioned in the question.

Mr. Abdul Qaiyum: He is one of the exiles who has applied for permission to return to India.

The Honourable Sir Henry Craik: I cannot say off-hand. I must have notice.

DECLARATION OF GURU GOBIND SINGH'S BIRTHDAY AS A CLOSED HOLIDAY IN THE GOVERNMENT OF INDIA.

167. ***Sardar Sant Singh:** (a) Is the Honourable the Home Member aware that year in and year out resolutions are passed by the Sikhs at Delhi, New Delhi and Simla for the grant of a closed holiday in the Government of India offices on the occasion of Guru Gobind Singh's birthday?

(b) Is he also aware that many a time this demand has been brought to the notice of Government through questions in this Assembly?

(c) Is he further aware that the demand for an increase of holidays in the Secretariat offices was recently put forward by the Imperial Secretariat Association and a holiday for Guru Gobind Singh's birthday was asked for?

(d) Is he aware that there is a feeling of resentment amongst the whole of the Government of India staff in regard to non-acceptance of the request for grant of more closed holidays?

(e) Is he aware that there are many important festivals in which members of communities other than those whose festival they are, also take part but for want of facilities they are compelled not to partake in such celebrations, and Guru Gobind Singh's birthday is one in which many Hindus also take part?

(f) Is he further aware that in view of the Railway concessions granted by the Railways during Christmas holidays, almost every member of the staff is obliged to save holidays by non-participation in certain important religious functions, etc.?

(g) Is he also aware that all the Local Governments grant holidays at the occasion of all important religious days, with a view to enabling their staff to partake freely in the celebrations of festivals?

(h) Is he prepared to sanction as many closed holidays to the Secretariat staff as are given by the Punjab or Delhi Governments?

(i) If not, does he propose to consider the desirability of observing Guru Gobind Singh's birthday as a closed holiday? If not, why not?

The Honourable Sir Henry Craik: (a) and (b). Some resolutions have been received on the subject and some questions have been asked.

(c) Yes.

(d), (e) and (f). No.

(g), (h) and (i). I would refer the Honourable Member to the replies which I gave to parts (c), (d), (f) and (g) of Seth Haji Abdoola Haroon's starred question No. 213 on the 10th February, 1936, and to the Honourable Member's own question No. 589 on the 19th February, 1936.

Sardar Sant Singh: Is the Honourable Member prepared to consider this request of the Sikh public to add this holiday to the list of holidays observed by the Government of India?

The Honourable Sir Henry Craik: I think I have already answered that.

RETIREMENT OF PERSONS FROM THE GOVERNMENT OF INDIA SECRETARIAT AND THEIR RE-EMPLOYMENT IN OTHER APPOINTMENTS.

168. *Sardar Sant Singh: (a) Will the Honourable the Home Member please state the names of persons who have retired from gazetted and non-gazetted ranks of the Government of India Secretariat since 1st January, 1937, their age of superannuation at the time of retirement and the extensions of service granted to each individual together with the reasons therefor?

(b) Will he also please state if any of these persons has been employed or allowed to continue in Government service after the age of superannuation, and what are the special qualifications which prompted Government in each case to resort to such action?

(c) How do Government justify the appointments of these retired persons in preference to qualified employed or unemployed men who are eligible for such appointments?

(d) Is he prepared to consider the desirability of replacing all such re-employed persons in order to afford relief to the deserving unemployed hands immediately? If not, why not?

The Honourable Sir Henry Craik: (a) and (b). I am making inquiries to ascertain what officers, gazetted and non-gazetted, have been permitted to continue in service after the age of superannuation during the calendar year 1937 in the Government of India Secretariat and the circumstances in which this has been permitted. The information will be laid on the table of the House in due course.

(c) and (d). These persons are not re-employed after retirement but are continued in service. Such continuation is permissible only on public grounds, and I would invite the Honourable Member's attention to the reply given on the 27th August, 1937, to Dr. Ziauddin Ahmad's unstarred question No. 28. It would be idle, until the number and circumstances of such extensions are known, to express any opinion as to their effect on the problem of unemployment.

EJECTION OF THE MEMBERS OF THE HOCKEY TEAM OF THE LAHORE MEDICAL COLLEGE FROM A COMPARTMENT BY BRITISH SOLDIERS AT CHARBAGH STATION ON THE EAST INDIAN RAILWAY.

169. *Sardar Mangal Singh: (a) Will the Defence Secretary please state whether Government are aware that members of the hockey team of the Lahore Medical College students were forcibly ejected from the railway compartment by British soldiers at Charbagh railway station, East Indian Railway, on the night of the 24th/25th December, 1937?

(b) Why were the British soldiers allowed to take the law into their own hands, and why did the railway authorities not interfere while the soldiers were throwing out the students?

(c) Has the Defence Secretary made any enquiries in this matter and with what results?

(d) What punishment has been awarded to the British soldiers, and what steps have been taken to prevent a repetition of a similar happening?

Mr. C. M. G. Ogilvie: (a) Government are aware of the incident that took place at Charbagh Railway Station on the evening of the 24th December, 1937, but it is entirely incorrect that any force was used or that any assault took place.

(b) and (c). From independent enquiries made by the railway authorities and the military authorities, it is clear that the facts are as follows:

A party of Indian regimental followers arrived by rail at the station in question and were to proceed onwards with an advance party of a British battalion that was in the process of moving from Waziristan. I might mention that the British troops had their own reserved accommodation in military coaching stock and that the whole incident centres on the accommodation of the Indian followers. On arrival of the Indian followers, they were allotted third class carriage No. 2214 by the Railway station staff. The carriage in question was standing on No. 2 platform. On its arrival on No. 7 platform it was found that it had been occupied by the Hockey team. A military officer found three students in the carriage. He explained the position to them. At first the three students who were in the carriage refused to leave but after further argument, they left the carriage of their own volition. At no stage was any force used. As the train was about to leave, the military personnel were called upon to assist in moving out the students' baggage.

(d) Does not arise.

Mr. Lalchand Navalrai: May I ask if this third class compartment was labelled as 'Reserved'?

Mr. C. M. G. Ogilvie: I cannot tell you that.

Mr. Abdul Qaiyum: May I know if this was due to the eloquence of the officer and the soldiers or to the use of force?

Mr. C. M. G. Ogilvie: I think it was due to a misunderstanding.

Mr. Badri Dutt Pande: Is it not a fact that the students were pushed out of the compartment?

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

Mr. Badri Dutt Pande: Were they not forcibly ejected out of the compartment?

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

Sardar Mangal Singh: Is it not a fact that the luggage was thrown out of the compartment by the soldiers?

Mr. C. M. G. Ogilvie: Their luggage was removed from the compartment. I do not see why the Honourable Member should presume that it was thrown out.

Sardar Mangal Singh: What is the report of the Station Police about this incident?

Mr. C. M. G. Ogilvie: The report which I have given at considerable length is drawn from the reports of the railway authorities and the military authorities.

Qazi Muhammad Ahmad Kazmi: Did the soldiers help the students only in removing the luggage or did they also help them in replacing it in another compartment?

Mr. C. M. G. Ogilvie: No. I do not think the soldiers acted as coolies, but they certainly helped them to remove it.

Mr. Badri Dutt Pande: Why could not the military have got into another compartment when the students were occupying this compartment?

Mr. C. M. G. Ogilvie: Presumably one was not available.

Sardar Mangal Singh: Are the Government aware that the Principal of the King Edward's Medical College, Lahore, wrote to the Railway authorities about this incident, and that he has not so far received any reply from the Department?

Mr. C. M. G. Ogilvie: I am entirely unable to say.

Sardar Mangal Singh: I have got a copy of that letter.

Mr. President (The Honourable Sir Abdur Rahim): The next question No. 170 which stands in the name of Mr. Abdul Qaiyum is his sixth question. The Honourable Member has exhausted his quota of five questions and so he cannot put this question.

Mr. Abdul Qaiyum: But I did not ask two questions, Sir.

Mr. President (The Honourable Sir Abdur Rahim): That does not matter. This being the Member's sixth question the answer will be laid on the table.

Mr. M. Asaf Ali: May I know your definite ruling, Sir, on this point? Supposing there are six questions in the name of one Member of which he does not ask one or two questions. Is it your ruling, Sir, that even then he could not put his sixth question?

Mr. President (The Honourable Sir Abdur Rahim): That has always been the practice. That is my interpretation of the Rule.

PERSONS AND OFFICERS KILLED OR WOUNDED AND EXPENDITURE INCURRED IN THE WAZIRISTAN CAMPAIGN.

†170. ***Mr. Abdul Qaiyum:** (a) Will the Defence Secretary please state the total number of killed and wounded among the troops in the latest Waziristan campaign?

(b) How many British officers and other ranks were killed or wounded in the above campaign?

(c) When did the last Waziristan campaign begin and when did it officially end.

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

(d) What is the total expenditure incurred by Government in connection with this campaign? Will the Defence Secretary please state the latest available figures?

Mr. C. M. G. Ogilvie: (a) and (b). From the 25th November, 1936, to the 15th Decemebr, 1937, Government forces suffered the following casualties in the Waziristan operation:

	Killed.	Wounded.
British officers	16	24
British other ranks	27	85
Viceroy's commissioned officers . .	9	16
Indian other ranks	193	559
Total .	245	684

(c) The operations began on the 25th November, 1936, and have not yet officially ended.

(d) Up to the end of 1937, an additional expenditure of Rs. 194 lakhs has been incurred.

SHORT NOTICE QUESTIONS AND ANSWERS.

REVISED INSTRUMENT OF ACCESSION.

Mr. K. Santhanam: Will the Honourable the Leader of the House be pleased to state if the revised Instrument of Accession has been sent to the Indian States?

The Honourable Sir Nripendra Sircar: The final revision of the Instrument of Accession is still under consideration.

Mr. Badri Dutt Pande: Did the Honourable Member take steps to read the speech of Sir C. P. Ramaswami Aiyar published in today's newspapers?

The Honourable Sir Nripendra Sircar: I have read the whole of the *Hindustan Times* today. I had nothing much to do this morning.

Mr. Bhulabhai J. Desai: Do I understand the Honourable Member to say that he must again refer to the astrologer as to when it will be sent?

The Honourable Sir Nripendra Sircar: That will be duly answered when such a question is put.

Mr. Bhulabhai J. Desai: I am putting the question now. When is it expected to be sent?

The Honourable Sir Nripendra Sircar: I regret to say that we have not yet discovered a competent astrologer.

Mr. N. M. Joshi: May I ask whether the Government of India will publish the Instrument of Accession for the information of the public in British India?

The Honourable Sir Nripendra Sircar: I cannot make any statement on that.

WORKERS' STRIKE IN THE BIRLA MILLS, DELHI.

Prof. N. G. Ranga: Will the Honourable Member for Labour be pleased to state:

(a) whether Government are aware of the fact that the workers of the Birla Mills, Delhi, are on strike from the 24th January, 1938;

(b) whether the Textile Labour Union had given notice to the Birla Mills management on the 17th January, on behalf of the workers of the Birla Mills, of the intention of the workers to go on strike, if the management failed to accept the twelve demands of the workers;

(c) whether it is a fact that six active workers of the Birla Mills, who took part in the Union activities, were arrested by the Police on the 31st December, 1937;

(d) whether it is a fact that since the 24th January to 1st February, 1938, the strikers were taking out processions and holding meetings, which were thoroughly peaceful and disciplined in character;

(e) whether it is a fact that on the 1st February, 1938, the Police began escorting the non-strikers into the Mill, and that they took into custody three strikers who tried to persuade some non-strikers who were being so escorted; and

(f) whether permission was asked by the Textile Labour Union to take out a procession of the strikers within New Delhi municipal limits, and if so, whether it was given?

Mr. A. G. Clow: (a) Yes. The strike began on 24th January. It became complete and merged in a lock-out by the management on 25th January. I believe there has since been a partial resumption of work.

(b) Such a letter was sent on or about that date.

(c) Six dismissed workers of the Mills who were alleged to have entered the house of the head jobber on 30th December and assaulted him and two others were prosecuted under sections 452/147 of the Indian Penal Code. They were discharged by the trying Magistrate on 31st January.

(d) The processions and meetings were peaceful except for some abuse of the proprietor of the mills and of the workers who had failed to go on strike.

(e) No. On that day four persons who were going to the mills in a tonga are said to have been assaulted by strikers and a shopkeeper who intervened is alleged to have been beaten by three strikers. He complained to the Magistrate in charge of the Sabzimandi Police Station who went to the spot and directed the shopkeeper to file a complaint if so advised. The alleged assailants were not detained.

(f) I understand that no such application was received.

Prof. N. G. Ranga: Have Government received any application from the workers for the appointment of a Conciliation Board?

Mr. A. G. Clow: No formal application under the Trades Disputes Act. The matter would be one for the Chief Commissioner.

Prof. N. G. Ranga: Is it not a fact that they sent a wire to that effect and it has been redirected to the Chief Commissioner by the Government of India?

Mr. A. G. Clow: Three telegrams were received; I have got them here with me. I do not think any of them actually suggested the appointment of a Tribunal under the Trades Disputes Act.

Prof. N. G. Ranga: Have Government offered their good offices to bring about any settlement between these two contending parties?

Mr. A. G. Clow: I think there is a later question on that subject.

Mr. N. V. Gadgil: Will the Government appoint a Conciliation Board if a formal application is made by the workers?

Mr. A. G. Clow: That is a hypothetical question.

Mr. N. M. Joshi: May I ask whether the Government of India have power to appoint a Court of Enquiry or a Board of Conciliation when application is made?

Mr. A. G. Clow: I am not quite certain of the position, but I do not think that the Government of India have any power whether application is made or not. I think the matter is one for the Chief Commissioner who alone has power to take the move.

Prof. N. G. Ranga: Are the Government aware that the workers are under the impression when they sent the wire to the Government that they have asked for the appointment of a Conciliation Board?

Mr. A. G. Clow: There is a later question on the subject.

WORKERS' STRIKE IN THE BIRLA MILLS, DELHI.

Sir Abdul Halim Ghuznavi: (a) Will the Secretary for Labour please state whether it is a fact that hunger strike is going on in Birla Mills in Delhi?

(b) When did the strike commence?

(c) When did Government get the information of such strike?

(d) Did Government get the information from a press report?

(e) In what papers were the details of strike published?

(f) Did Government receive any representation from the proprietors of the Mill or from the workmen?

(g) What are the causes of the strike?

(h) What steps have Government taken to meet the situation?

Mr. A. G. Clow: (a) As I stated in reply to the preceding question a strike which merged in a lock-out is in progress in the mills. I am not aware of any hunger-strike in this connection.

(b) On the 24th January.

(c) and (d). The Chief Commissioner mentioned the matter to me on the 25th January.

(e) The press accounts that I have seen do not give any details.

(f) Requests for Government intervention were received from (i) the Secretary, Zari Workers' Union, Delhi, (ii) the Secretary, All-India Trade Union Congress Delhi, and (iii) the Textile Union, Delhi.

(g) I am informed that the immediate cause of the strike was intensive agitation by persons belonging to an organisation known as the Delhi Workers' League.

(h) The Chief Commissioner has taken the necessary steps for the protection of the public. He is keeping in touch with both sides through the Superintendent of Industries and has considered the possibility of intervening in the dispute, but does not believe that any useful steps can be taken in this direction at present.

Prof. N. G. Ranga: How many workers are involved in this strike?

Mr. A. G. Clow: Somewhere between 2,000 and 3,000.

Sir Abdul Halim Ghuznavi: Will the Honourable Member say whether he has seen in any newspaper in Delhi any mention about this strike?

Mr. A. G. Clow: I saw in the *Hindustan Times* and in the *National Call* a statement of three or four lines that a strike had occurred.

Sir Abdul Halim Ghuznavi: What was the date of publication of this statement in the Press?

Mr. A. G. Clow: It was a day or two after the strike had taken place.

Sir Abdul Halim Ghuznavi: What did the newspaper report say?

Mr. President (The Honourable Sir Abdur Rahim): I do not think it arises out of this question.

Prof. N. G. Ranga: Have Government received any representation from the workers that deductions not countenanced by the Payment of Wages Act were being made in regard to the wages paid by these workers?

Mr. A. G. Clow: I have received no such representation.

Mr. N. M. Joshi: May I ask whether the Government of India know anything about the causes of this strike?

Mr. A. G. Clow: I think this question has just been asked and answered.

Mr. N. M. Joshi: May I know what the demands of the workers are?

Mr. A. G. Clow: There was a long list of about 12 demands presented. The first one was, for instance, the withdrawal of certain criminal cases instituted against members of the Delhi Textile Labour Union who assaulted workmen.

Mr. N. V. Gadgil: What is precisely the attitude of the Government of India in regard to this matter? Are they trying to help in the solution of this or are they trying merely to maintain law and order?

Mr. A. G. Clow: If the Honourable Member is referring to the demand that I have just mentioned, I understand the men have been discharged.

Sir H. P. Mody: May I know whether the demands were presented before or after the strike?

Mr. A. G. Clow: They were presented before the strike.

Prof. N. G. Ranga: Is it a fact that these workers were discharged by the Magistrate, because the allegations made against them were found to be untrue?

Mr. A. G. Clow: I presume the allegations were not found to be proved, otherwise they would not be discharged.

Prof. N. G. Ranga: Is the Honourable Member satisfied that the police did not arrest these people on false, flimsy and insupportable grounds?

Mr. A. G. Clow: I think that contains an insinuation, and I have no reason to suppose that to be the case.

Sir Abdul Halim Ghuznavi: Will the Honourable Member specify the name of the managing agents of the Birla mills?

Mr. A. G. Clow: I think the mills are under direct proprietary control; I am not sure.

PROPOSED ORDER-IN-COUNCIL CLOSING THE KENYA HIGHLANDS TO INDIANS.

Mr. Abdul Qaiyum: Will the Secretary for Education, Health and Lands please state:

(a) whether it is a fact that an Order-in-Council has been issued, or is about to be issued, which will close the Kenya Highlands to Indians for ever;

(b) whether Government's attention has been drawn to a recent speech of Lord Francis Scott in which the following words occur: "We will not tolerate interference from local Indians, the Government of India or anybody else on this particular question";

(c) whether it is a fact that even non-British Europeans can purchase lands and settle in these highlands;

(d) whether Government made any representations to the authorities concerned not to proceed with this objectionable measure; if not, why not; and

(e) whether Government contemplate taking any steps in the form of retaliation, to force the Colonial Office to throw those Highlands open to Indian settlers?

Sir Girja Shankar Bajpai: (a) Not so far as the Government of India are aware.

(b) Government have seen a Press report that such a statement was made.

(c) Yes, but this is not a new development.

(d) and (e). In view of the answer to part (a) these do not arise.

Seth Govind Das: Is it not a fact that the commission, called the Carter Land Commission, was appointed in 1935 for the demarcation of these Highlands, and that Commission recommended that the demarcation should be made and there should be an order promulgated for reservation of these Highlands?

Sir Girja Shankar Bajpai: That may be, but the question is, whether it is a fact that an Order-in-Council has been issued or is about to be issued which will close the Kenya Highlands to Indians for ever; and my answer is, not so far as the Government of India are aware. If my Honourable friend has any information in his possession to the contrary, I am quite prepared to take up the matter.

Seth Govind Das: Will the Honourable Member take it from me, because I had just been to Kenya, that it is definitely known there that the Order-in-Council is ready to be promulgated and the executive committee of the Kenya Legislature has been appointed to go into the matter, and as soon as the report of that committee is ready and published that Order will be promulgated?

Sir Girja Shankar Bajpai: My Honourable friend is imparting information and not asking a question.

Seth Govind Das: I am asking whether Government know about it.

Sir Girja Shankar Bajpai: I have already said more than once that the Government of India are not aware that an Order-in-Council has been issued or is about to be issued which will close the Kenya Highlands to Indians for ever. My Honourable friend has given certain information. If he will kindly let me have particulars of it, I am quite prepared to look into the matter.

Seth Govind Das: And what will be the attitude of Government in that case?

Sir Girja Shankar Bajpai: That is a hypothetical question.

Seth Govind Das: Does the Honourable Member know that the present Governor of Kenya is unsympathetic towards the Indians, as has been said by Mr. Kaderbhai, the President of the East African Congress, and, therefore the Europeans in Kenya are going to take undue advantage of the Governor and this Order is going to be promulgated very soon?

Mr. President (The Honourable Sir Abdur Rahim): Order, order. That question cannot be put as it is really arguing.

MOTION FOR ADJOURNMENT.

BAN PUT BY THE GOVERNMENT OF THE PUNJAB ON PROF. N. G. RANGA, M.L.A.

Mr. President (The Honourable Sir Abdur Rahim): I have received notice of a motion of adjournment from Sardar Sant Singh who wants to discuss a definite matter of urgent public importance, namely:

"The ban put by the Government of the Punjab on Prof. N. G. Ranga, M.L.A., preventing him thereby from participating in and presiding over a public meeting in the Punjab and thus violating the privilege of an Honourable Member of this House to carry on constitutional agitation in any part of India to create and consolidate public opinion on questions of public importance".

Is that privilege confined to Members of this House or is it the privilege of every citizen to carry on political activities, subject to the laws?

Sardar Sant Singh (West Punjab: Sikh): It is no doubt the privilege of every public man in India to create and consolidate public opinion, but it is the special privilege of the chosen and elected representatives of the people to create public opinion.

Mr. President (The Honourable Sir Abdur Rahim): The next point is that the Honourable Member knows very well that no question of privilege can be discussed on an adjournment motion. I had occasion to give rulings previously on this point and in consequence of that, Government tried to bring forward a Resolution or an amendment to the Standing Orders, but nothing has been done so far. At any rate the matter stands as I pointed out in my ruling. This motion is disallowed.

Sardar Sant Singh: Sir, before you go on to the next item, I beg to submit that I gave notice of one other motion.

Mr. President (The Honourable Sir Abdur Rahim): That motion is not on the agenda paper and cannot be moved.

Mr. M. Asaf Ali (Delhi: General): Sir, may I submit . . . . .

Mr. President (The Honourable Sir Abdur Rahim): No, we will take up the next item now.

ELECTION OF MEMBERS TO THE PUBLIC ACCOUNTS COMMITTEE.

The Honourable Sir James Grigg (Finance Member): Sir, I beg to move:

"That the non-official members of the Assembly do proceed to elect, in the manner required by rule 51 of the Indian Legislative Rules, eight members to be members of the Committee on Public Accounts."

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

"That the non-official members of the Assembly do proceed to elect, in the manner required by rule 51 of the Indian Legislative Rules, eight members to be members of the Committee on Public Accounts."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I may inform Honourable Members that for the purpose of election of Members to the Committee on Public Accounts the Notice Office will be open to receive nominations upto 12 noon on Thursday, the 10th February, 1938, and that the election, if necessary, will be held in the Assistant Secretary's Room in the Council House, New Delhi, between the hours of 10-30 A.M. and 1 P.M. on Thursday, the 17th February, 1938.

THE CONTROL OF COASTAL TRAFFIC OF INDIA BILL.

APPOINTMENT OF CERTAIN MEMBERS TO THE SELECT COMMITTEES.

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

"That Mr. C. C. Miller and Sir Muhammad Yamin Khan be appointed to the Select Committee on the Bill to control the Coastal Traffic of India in place of the Honourable Sir Muhammad Yakub and Sir Leslie Hudson."

With your permission, I want to add also the name of Mr. S. C. Sen who will certainly be very helpful on the Committee.

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

"That Mr. C. C. Miller and Sir Muhammad Yamin Khan be appointed to the Select Committee on the Bill to control the Coastal Traffic of India in place of the Honourable Sir Muhammad Yakub and Sir Leslie Hudson, and that Mr. S. C. Sen be added to the Committee."

Mr. F. E. James (Madras: European): Before you put that question, Sir, may I draw attention to one matter? I do not want to take objection to this motion, but it has been the custom of this House in the past to accept a motion of this kind, without any discussion by agreement only when it seeks to substitute names for those who might have resigned or might not have been able to be on the Committee for some reason or other. I see, however, that the Honourable Member has added a fresh name.

Mr. President (The Honourable Sir Abdur Rahim): That is so. The Honourable the Mover ought to have mentioned this specifically; and I would then have asked the permission of the House to add a new name. I have now put the names to the House. If there is any objection, it may be taken. The question is:

"That Mr. C. C. Miller and Sir Muhammad Yamin Khan be appointed to the Select Committee on the Bill to control the Coastal Traffic of India in place of the Honourable Sir Muhammad Yakub and Sir Leslie Hudson, and that Mr. S. C. Sen be added to the Committee."

The motion was adopted.

THE DESTRUCTIVE INSECTS AND PESTS (AMENDMENT) BILL.

Mr. President (The Honourable Sir Abdur Rahim): Further consideration of the Bill further to amend the Destructive Insects and Pests Act, 1914, for certain purposes.

Mr. Sami Vencatachelam Chetty (Madras: Indian Commerce): Sir, I move:

"That in clause 2 of the Bill, for the word 'extension' the word 'transport' be substituted."

It was with some hesitation that I tabled this amendment having regard to the vast knowledge of English of the Government of India, but still I think that the word "extension" is inexplicable, and I would suggest that the word "transport" be substituted for that word.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands) I accept that.

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

"That in clause 2 of the Bill, for the word 'extension' the word 'transport' be substituted."

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. Sami Vencatachelam Chetty: Sir, I move:

"That for sub-clause (*a*) of clause 4 of the Bill the following be substituted :
'(*a*) in sub-section (*1*) after the word 'articles' the words 'or of insects generally or any class of insects' shall be inserted; and"

I take it, Sir, that the intention of the Government is to prohibit such insects or class of insects likely to affect the crops. If that be so, these words must be transposed in the way I have suggested. Otherwise, perhaps, the amendment is out of order. I should like to know the view of the Government in this matter.

Sir Girja Shankar Bajpai: Sir, the position is that my Honourable friend's assumption is not correct. We do not want to limit our power of regulation only to insects and pests which cause infection.

Mr. Sami Vencatachelam Chetty: Then I beg leave to withdraw this amendment.

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member the leave of the House to withdraw his amendment?

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

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

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Mr. Sami Vencatachelam Chetty: Sir, I move:

"That in clause 5 of the Bill, at the end of the proposed section 4A the following be added :

'and a Provincial Government may by like notification in its Official Gazette prohibit or regulate subject to such conditions as that Government may impose, the export or transport from any place to any other place within the province of any article or class of articles or of insects generally or any class of insects likely to cause infection to any crop'."

The object of my moving this amendment is to give the Provincial Government authority to regulate the transport of such insects or such articles which are likely to cause infection to any crop from place to place within the province. This might perhaps be considered in any legislation which may have to be passed by the Provincial Governments.

Sir Girja Shankar Bajpai: I would like to raise a point of order with regard to that. We are legislating by virtue of an entry in list III, *i.e.*, an entry with regard to Concurrent Subjects. What my Honourable friend is proposing is that we should legislate with regard to what is exclusively within the jurisdiction of a Provincial Government. I think that that is not in order.

Mr. President (The Honourable Sir Abdur Rahim): What is that point?

Sir Girja Shankar Bajpai: What we are trying to do by this legislation is to prevent the movement of an infected article or insect or pest from one province to another, or from one province to any part outside India. What my Honourable friend is suggesting is that we should now legislate to regulate the movement of this particular class of article or insect within the province itself.

Mr. Sami Vencatachelam Chetty: I do not want to say anything on the point of order: if you allow the motion to be made, I shall discuss the merits.

Mr. President (The Honourable Sir Abdur Rahim): This raises the old question as to whether it is a point of order and whether it is for the Chair to give a ruling . . . . .

Sir Girja Shankar Bajpai: I do not wish to press my point of order. What I really wanted to convey was that this is a thing which ought to be left to Provincial Governments to regulate by their own legislation or order: it is not a thing which we can deal with: the scope of the Bill is limited to movement of these things from one province to another province, and not within the same province.

Mr. Sami Vencatachelam Chetty: If that is so, I beg leave to withdraw my amendment.

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member the leave of the House to withdraw his amendment?

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

Mr. Sami Vencatachelam Chetty: Sir, I move:

"That in clause 5 of the Bill, to the proposed section 4C, the following proviso be added:

'Provided that such Indian State prohibits the export to British India of any article or insect which has been declared to be a pest by the Central Government'."

Sir, according to the Bill, the onus of declaring an article or insect to be a pest rests more with the Central Government in return for a similar notification by the Indian States and not *vice versa*. Unless some reciprocity at least in this matter is established, I don't see why the Central Government alone should be charged with this responsibility. I would, therefore, request the Honourable Member in charge to consider the necessity of making the Indian States issue a similar notification when the Central Government notifies to that effect.

12 NOON.

Sir Girja Shankar Bajpai: Sir, I beg to submit for the consideration of my Honourable friend that it is not really necessary to move this amendment, for the very simple reason that we already have power under the existing Act to prevent the entry into any part of British India of anything which we consider is likely to cause infection to any crop, and my friend may take it from me that if an Indian State has an insect or pest or any article which has been declared to be dangerous, and tries to export it to British India, the Government of India will not invoke the provisions of section 4C, unless the Indian State is prepared to give us its co-operation.

Mr. Sami Vencatachelam Chetty: It is not quite a satisfactory explanation.

Mr. President (The Honourable Sir Abdur Rahim): Do you mean the reply is not very happily worded.

Mr. Sami Vencatachelam Chetty: Yes.

Sir Girja Shankar Bajpai: Sir, if you will permit me, I wish to suggest a substituted amendment in this form:

"Provided that such Indian State prohibits the export to British India of any article or insect or class of insect, the import of which into British India has been prohibited by the Central Government."

Mr. President (The Honourable Sir Abdur Rahim): Won't it serve the Honourable Member's purpose? You want to prevent pest from being transported to another place. Perhaps the proviso suggested by the Honourable Member will meet his case.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, the only point for consideration is if somebody exports a pest from an Indian State to British India, unless the State prohibits it, the exporter will not be punished. Of course, it is open to the Government of India to prevent the export of pest from an Indian State to British India. It can only catch it on the border. What we want is that when the Government of India have power to punish every exporter who exports an insect or pest to the States, the Indian States should also have a similar power to punish those who will export pests from their States to British India. Whenever the Government of India issues a notification preventing

the entry into British India from an Indian State of any infectious insect, we want that the Indian State concerned should also issue a similar notification, and then only the object of this measure can be easily secured. I don't see why the Government should have any objection to this.

Sir Girja Shankar Bajpai: Sir, I can only repeat what I said before, namely, that it is not necessary in the opinion of the Government of India to have such a provision. At the same time, if my friends feel very strongly about this and the discussion is likely to be prolonged, I am quite prepared, in order to cut short the discussion, to accept the motion with certain verbal amendment. I shall again read out the words:

"Provided that such Indian State prohibits the export to British India of any article or insect or class of insect, the import of which into British India has been prohibited by the Central Government."

If my friend will adopt those words, I have no objection to the amendment.

Mr. Sami Vencatachelam Chetty: Most willingly.

Mr. President (The Honourable Sir Abdur Rahim): You had better then withdrawn the other.

Mr. Sami Vencatachelam Chetty: Yes, Sir, I withdraw my amendment.

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member the leave of the House to withdraw his amendment?

Several Honourable Members: Yes.

The amendment was, by leave of the Assembly withdrawn.

Mr. Sami Vencatachelam Chetty: I move:

"That in clause 5 of the Bill, to the proposed section 4C, the following proviso be added:

'Provided that such Indian State prohibits the export to British India of any article or insect or class of insect, the import of which into British India has been prohibited by the Central Government'."

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

"That in clause 5 of the Bill, to the proposed section 4C, the following proviso be added:

'Provided that such Indian State prohibits the export to British India of any article or insect or class of insect, the import of which into British India has been prohibited by the Central Government'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I think that finishes all the amendments to clause 5.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): Sir, I have got an amendment No. 9 printed on the list which was circularised on the 1st of February, and I don't know why it is not found in the list today.

Sir Girja Shankar Bajpai: My friend moved it, Sir, and it was adopted.

Prof. N. G. Ranga: There was so much confusion on that day that I don't remember it.

Mr. President (The Honourable Sir Abdur Rahim): You had enough time to find out what had happened. The question is:

"That clause 5, as amended, stand part of the Bill."

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Clause 6 was added to the Bill.

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): Sir, I move:

"That in clause 7 of the Bill, in the proposed section 5A, after the words 'Any person who' the word 'knowingly' be inserted."

Sir Girja Shankar Bajpai: I accept it.

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

"That in clause 7 of the Bill, in the proposed section 5A, after the words 'Any person who' the word 'knowingly' be inserted."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): No. 12, I think it has been covered by No. 11.

Mr. Sami Vencatachelam Chetty: Sir, I move:

"That in clause 7 of the Bill, in the proposed section 5A the words 'or exports or attempts to export from British India to an Indian State any article or insect' be omitted."

The object is obvious.

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

"That in clause 7 of the Bill, in the proposed section 5A the words 'or exports or attempts to export from British India to an Indian State any article or insect' be omitted."

Sir Girja Shankar Bajpai: I do not see how it is obvious. It was to have been consequential on the omission of clause 4C, which has not happened.

Mr. Sami Vencatachelam Chetty: I beg leave to withdraw my amendment.

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

Prof. N. G. Ranga: Sir, I move:

"That in clause 7 of the Bill, in the proposed section 5A for the words 'five hundred' the words 'two hundred and fifty' be substituted."

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

"That in clause 7 of the Bill, in the proposed section 5A for the words 'five hundred' the words 'two hundred and fifty' be substituted."

Sir Girja Shankar Bajpai: I accept it.

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

"That in clause 7 of the Bill, in the proposed section 5A for the words 'five hundred' the words 'two hundred and fifty' be substituted."

The motion was adopted.

Mr. Sami Vencatachelam Chetty: Sir, I move:

"That in clause 7 of the Bill, in the proposed section 5A the words 'with imprisonment which may extend to three months, or' be omitted."

It seems to be unnecessary to restrict the liberty of a person for an offence of this sort. I, therefore, want to dispense with the punishment of imprisonment. Sir, I move.

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

"That in clause 7 of the Bill, in the proposed section 5A the words 'with imprisonment which may extend to three months, or' be omitted."

Sir Girja Shankar Bajpai: I accept that.

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

"That in clause 7 of the Bill, in the proposed section 5A the words 'with imprisonment which may extend to three months, or' be omitted."

The motion was adopted.

Prof. N. G. Ranga: Sir I move:

"That in clause 7 of the Bill in the proposed section 5A for the words 'two thousand' the words 'one thousand' be substituted."

We have considered this very carefully and come to the conclusion that it is not fair to allow an ordinary peasant or small trader to be fined up to two thousand even for a second offence. It is really too much of a jump from 250 to 2,000, once a man progresses from the first offence to the second offence. Therefore, I suggest that the Honourable Member in charge of the Bill will be well advised to accept our suggestion. Sir, I move.

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

"That in clause 7 of the Bill in the proposed section 5A for the words 'two thousand' the words 'one thousand' be substituted."

Sir Girja Shankar Bajpai: My Honourable friend seems to think that because I am prepared to go with him some way, I shall be prepared to accept anything. I would not accept this particular amendment of my Honourable friend. We have gone as far as we could. To cut out imprisonment altogether is as far as we can go.

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

"That in clause 7 of the Bill, in the proposed section 5A for the words 'two thousand' the words 'one thousand' be substituted."

The motion was negatived.

Mr. Sami Vencatchelam Chetty: Sir, I move:

"That in clause 7 of the Bill, in the proposed section 5A the words 'or with both' be omitted."

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

"That in clause 7 of the Bill, in the proposed section 5A the words 'or with both' be omitted."

The motion was adopted.

Clause 7, as amended, was added to the Bill.

Mr. G. H. Spence (Secretary, Legislative Department): Sir I move:

"That in clause 1, of the Bill, for the figures '1937' the figures '1938' be substituted."

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

"That in clause 1, of the Bill, for the figures '1937' the figures '1938' be substituted."

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: 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 COMMERCIAL DOCUMENTS EVIDENCE BILL.

Mr. J. A. Thorne (Government of India, Nominated Official): Sir, I beg to move:

"That the Bill to amend the Law of Evidence with respect to certain commercial documents be referred to a Select Committee consisting of Mr. Govind V. Deshmukh, Mr. N. C. Chunder, Sardar Sant Singh, Khan Bahadur Muhammad Anwar-ul-Azim, Rai Bahadur Seth Bhagchand Soni, Mr. F. E. James, Mr. E. Couran-Smith, Mr. H. Dow, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

I fear this Bill is not a very exciting measure but it is one of real importance. Whatever the merits of our judicial system in India, it has been recognised that procedure is often subject to serious delays; and therefore any measure which is calculated to remove the causes of delay must be of real benefit to a considerable number of people. I will briefly remind the House of the genesis of this Bill. In 1926, a long time ago, the Bombay High Court pointed out that their efforts to improve the procedure

relating to commercial causes so as to ensure a better and speedier disposal had met with one obstacle which could be removed only by legislation. This related to the difficulties placed by the existing law in the way of using documents which by the practice of merchants are accepted as evidence and taken as *prima facie* correct but which in a Court of Law cannot (without the consent of the parties) be admitted in evidence without testimony both as to their genuineness and as to the correctness of the statements made therein. The High Court quoted specific instances arising in that Court of great expense and delay caused by parties, who, in order to give trouble, insisted on the other side getting commissions issued, sometimes to foreign countries, to take evidence as to facts which for all practical purposes are sufficiently established by the documents themselves. The High Court also referred to the remarks made in the report of the Indian Civil Judicial Committee, which spoke of the practice in India of a party insisting on the production of unnecessary evidence and putting the other side to the trouble of proving matters which in England would be admitted as a matter of course. The Bombay High Court said that this difficulty had in England been surmounted by legislation, and they suggested that similar legislation should be introduced in India. That suggestion was put, I think ten years ago, in 1927, to Local Governments and the other High Courts and Bar Associations and to the Mercantile Associations, and the suggestion in its general form was accepted. Then came the drafting of the Bill and that was a comparatively simple matter. But the preparation of the Schedule, which contained the documents to be specified, proved to be a long and laborious task. The Honourable the Home Member explained a year ago, when moving for circulation of the Bill, that we do not claim any finality for the Schedule in its present form, though a great deal of pains had been given to its preparation and to consultation in the course of its preparation with the various bodies and associations which would be primarily interested in it.

The motion for circulation was adopted last March, and Honourable Members now have before them the collected opinions. I have been through those opinions and I think I am right in saying that they are practically unanimous in accepting the need for legislation and approving the general lines of our Bill. That, I suggest, is enough for our present purpose. There are some criticisms in these opinions of the substantive clauses. For instance, some opinions consider the effect of clause 3 to be too sweeping. Clause 3 relates to the presumption as to genuineness of documents, and some people consider that the absolute presumption of genuineness goes too far and should be modified. Then there are opinions criticising clause 4, which gives the Governor General in Council power to add to or remove from the Schedule any document by notification in the Gazette of India. Some people think that that power should be qualified; for instance, it has been suggested that any intention to amend the Schedule should be notified first and objections called for and any amendments should be made only after those objections are received and considered. Well, Sir, those are points that can and will be considered in the Select Committee if my motion is passed. But naturally it is this long Schedule of forty three items which has come in for most criticism. Some people want to exclude some of the items, others have suggestions as to other items which ought to be included. These suggestions will be found of great value, and I have no doubt that the Committee will give careful attention to them when it comes to the detailed examination of the Schedule.

[Mr. J. A. Thorne.]

Sir, I think I am justified in speaking of this Bill as one which is recognized throughout India as a useful, and I might almost say a necessary, measure, and all that remains is to get it settled, subject to the verdict of this House, in Select Committee. Sir, I move.

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

"That the Bill to amend the Law of Evidence with respect to certain commercial documents be referred to a Select Committee consisting of Mr. Govind V. Deshmukh, Mr. N. C. Chunder, Sardar Sant Singh, Khan Bahadur Muhammad Anwar-ul-Azim, Rai Bahadur Seth Bhagchand Soni, Mr. F. E. James, Mr. E. Conran-Smith, Mr. H. Dow, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Urban): Sir, this measure has been generally welcomed by the commercial bodies as well as by the Courts, but in respect of the list that is to be attached to the Schedule there is bound to be some difference. It is good to bear one thing in mind, *viz.*, that this list should be confined to only such documents as are issued either by a public authority or such other concerns of a public nature as a Port Trust, a Chamber of Commerce, etc. Certain other things which have been included in this list have been objected to among the "opinions". As regards items 33 and 34—bills of exchange and bank drafts, etc., which are drawn by private bodies—to give them the respect and the consideration which documents kept by public bodies are entitled to is, in the opinion of some people, rather too much. I need not say much about these items, for I hope and am confident that they will be examined very carefully in Select Committee before being added on to the list; but one thing to which I would like to call attention is clause 4, which lays down that:

"The Governor General in Council may, by notification in the Gazette of India, direct that any document shall be added to or removed from the Schedule; and upon such direction being made the Schedule shall be deemed to be amended accordingly."

Over this matter there is a very considerable difference of opinion and very rightly to my mind. Sir, even the European Association in Calcutta, which usually has any amount of faith in the Government of India, says this on page 5 of the "Opinions":

"This Association is in favour of the Bill. It is suggested, however, that in connection with Clause 4, 'Power of the Governor General to alter schedule', it would appear from Sir Henry Craik's speech in introducing the Bill that the compilation of the schedule required extreme care and it would therefore appear advisable that powers of deletion and powers of addition (particularly the former) should be subject to some control, *e.g.*, prior consultation with the Chambers of Commerce just as a rule made under a particular Act is first circulated."

But more than this, the Bar Association of Akola, in my opinion raises a very important point which is supported, if I may say so, by the very authoritative opinion of the Advocate General of the Punjab. As regards clause 4 the Bar Association says:

"This Association is on principle against conferring legislative powers on the Governor General in Council. The common procedure of amending the Act by amending Acts should suffice. The latter method ensures that changes will be made after complete deliberation and after the public have had full opportunity to discuss the matter."

The Advocate-General, Punjab, goes a step further and says:

"The third point of criticism is that the fourth clause of the Bill conferring power on the Governor General to alter the schedule by notification appears to me to be *ultra vires*. The fourth clause delegates legislative functions to the executive and this procedure appears to me to be opposed to principle. Amendments to the schedule can only be made in the ordinary manner by legislation and not by notification."

I am not a lawyer enough to go into these matters and to say whether this section is really *ultra vires* or not, but I am confident when I say that the inclusion or the exclusion of a particular document from the Schedule is a very important matter and if it is to be done by means of a Notification, then it is not fair to the commercial community. I submit that the ordinary process by which amendments are made to Acts which is being done every day, should be followed here also. It will not take much time to formulate a matter like this and it can easily be done by legislation. So, I would suggest to the Select Committee to go into the matter and delete this clause. I support the motion.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I have only one point to add to the remarks of the Honourable the Mover and my friend who spoke just before me. It is that this Bill does not contain any clause for reciprocity. Many of the items in the Schedule provide for the recognition of the documents issued by foreign Chambers of Commerce, Port Trusts, etc. In such cases we should insist that similar certificates of Indian authorities be recognised in those countries. It may be that unilateral recognition will assist our merchants, still it is a matter of vital political importance that even in minor matters we should insist on complete reciprocity. Otherwise our merchants trading with those countries will be put to a lot of difficulty. So, I suggest that the Select Committee should go into each item of the Schedule with the view to find out whether similar documents of Indian authorities are recognised in the Courts of foreign countries as evidence, and if they are not, the Government of India should negotiate with those Governments for the recognition of those documents as evidence in their Courts in the same way as they are recognised by the Indian Courts.

With reference to clause 4, there is certainly a legitimate objection, but it might be that the procedure of legislation may prove dilatory and it may be necessary in order to avoid litigation to alter the Schedule by notification. In all such cases I suggest that a provision might be made to take the sanction of the Legislature by means of a Resolution or some such process. Subject to this condition, clause 4 might be of some advantage for getting the Schedule altered by a simple method. I commend these suggestions to the consideration of the Select Committee and I support the motion.

Mr. M. S. Aney (Berar: Non-Muhammadan): Sir, I rise to support the motion of my Honourable friend, the Member in charge of the Bill. The only two points on which I wanted to make some observations are already touched by my friends, Mr. Chettiar and Mr. Santhanam. As regards the point which Mr. Santhanam has made, I desire to observe that this Bill is being brought with a view to prevent delay required for the sake of proving certain kinds of documents. There is some force in the point urged by my Honourable friend that while giving recognition to certain documents of foreign nations, we must try to see that our documents are also recognised by them in the laws under which evidence is being recorded

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in their Courts. That is a good point for the Government of India to consider, but in the meantime I will say this that if we really find that a judicial inquiry in our own Courts is being hampered for want of a proof of certain documents which, on the face of it, can be accepted without detriment to the administration of justice, then I do not think we need allow this clause to remain pending till any such inquiry is made by the Government of India and any tangible results are arrived at. We can proceed with the passing of a clause like this and at the same time make a suggestion to the Government of India to see whether the documents of the same type made in India are recognised by the foreign Courts. It is in that light that I want the Government of India to consider the point raised by my friend, Mr. Santhanam.

As regards clause 4, it is true that Schedules are enacted as part of the Act itself, and if no clause of the Act can be amended by the Governor General in Council without consulting this House, the Schedule also cannot be touched by the Governor General in Council. I do not know how far it is wise to delegate a power like that to the executive authority. We are not legislating for today but also for tomorrow when probably the constitution of this House might be changed, and we do not know whether in that case it will be desirable for us to allow the Schedule of this Act to be a variable factor according to the discretion of the Governor General in Council. I am quite sure in a matter of this kind I cannot apprehend much danger because there is no point for the Governor General in Council to add any more documents or to take out any more documents even from a political point of view. Yet, so far as the rights of the House are concerned, it is a matter to which we ought not to be indifferent even for the sake of convenience. Therefore, if we cannot bring in for some reason a measure of amendment regularly before this House, there must be some method for getting the legislative sanction for that amendment. The Governor General in Council may deem it necessary to make an amendment in his own discretion and the proper method for doing it in my opinion would be to submit that amendment for the consideration of this House when it meets immediately after the amendment has been made. If some such change be made in the Select Committee or the section be re-drafted with a view to incorporate this suggestion into the Act, I believe the objection which my Honourable friend, Mr. Chettiar, has raised may be met. That is how I feel about the Bill. Otherwise, I think it to be a very useful measure and will help to expedite the administration of justice. I, therefore, support the motion.

Mr. Abdul Qaiyum (North-West Frontier Province: General): Sir, I rise to support the motion for the reference of this Bill to a Select Committee. This measure has been long overdue, and it is really surprising how long the Government of India takes to move in certain directions. I have one or two things to say in connection with the present measure. There is no doubt that the number of items included in the schedule constitute a formidable list, but I still think that the list is not as far-reaching as I would like it to be. There is no doubt that owing to the defects in the law of evidence it is very difficult for parties to prove very ordinary documents, and as a result of this defect, civil litigation has become very expensive. There is also one other fact to be considered. Unless radical amendments are made in the Schedule and many more items are included

in it, the parties bent on prolonging the case will have ample scope of giving vent to their talent. Sir, I would suggest once more to the Select Committee which is being set up to go into this question, to include many more items into this Schedule, with a view to make litigation cheaper and to make the duration of these civil cases as short as possible.

There is one thing, however, to which I should like to draw pointed attention of the Select Committee and that has been commented upon by one or two Honourable Members before me. It is this that clause 4 constitutes a novel departure in legislation. Hitherto we know that the Government have been very anxious about their rule-making power. But the fertile brains of its draftsmen have now invented a new thing namely to invite this House to delegate future legislation as far as the Evidence Act is concerned to the Government. This is an invitation to this House to abdicate its powers which I seriously think that this House is not in a mood to do. I would strongly suggest to the Select Committee to remove clause 4 from this Bill because it is a very dangerous precedent to set up. It would be quite easy for the Government to come to this House and to move that further items should be included in this Schedule, or to make any other suitable amendments in the law of evidence—which is very very old, because it was passed in 1872 and not many amendments have been effected in that Act. There is no doubt that the law of evidence in many respects has become obsolete, and it is not keeping pace with the changes which have taken place since it was enacted. The Government deserve to be congratulated on taking this step which has been long overdue. But I would strongly suggest that many more items should be included in this Schedule because unless this is done litigation would continue to be a very hazardous game. With these words, Sir, I support the motion.

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

"That the Bill to amend the Law of Evidence with respect to certain commercial documents be referred to a Select Committee consisting of Mr. Govind V. Deshmukh, Mr. N. C. Chunder, Sardar Sant Singh, Khan Bahadur Muhammad Anwar-ul-Azim, Rai Bahadur Seth Bhagchand Soni, Mr. F. E. James, Mr. E. Conran-Smith, Mr. H. Dow, 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 DANGEROUS DRUGS (AMENDMENT) BILL.

Mr. A. H. Lloyd (Government of India: Nominated Official): Sir, I beg to move:

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

Sir, in order to explain this small measure, I have to take the House back to the Dangerous Drugs Convention, which is the name generally applied to the Convention that was signed in 1925 at the end of the International Conference which was held in Geneva in that year to consider further measures to carry out the objects aimed at by the International Opium Convention signed at the Hague in 1912 and to complete and strengthen the provisions of that Convention. The Dangerous Drugs Convention was ratified on behalf of India in the year

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after it was signed. One Chapter of that Convention deals with control of international trade and that contains an Article, Article 15, the first paragraph of which lays down that no consignment of any of the substances covered by the Convention which is exported from one country to another country shall be permitted to pass through a third country, whether or not removed from the ship or conveyance in which it is being conveyed, unless a copy of the export authorisation or other necessary documents which accompanied the consignment is produced before the competent authorities of the third country.

Now, looking at that from the point of view of India as the third country, we found on examining our law that we were fully armed to deal with any consignments of the nature described with one single exception. That was the case of goods carried by steamers which entered a port in British India, but did not propose to discharge the goods in the port but only to carry them forward, to the further destination. Even in such a case we found that we could deal with the matter if the consignment was not manifested because the ordinary Sea Customs law gives us the power to confiscate any unmanifested cargo. There did, however, remain one possibility, an unlikely one as we thought, of the ship openly carrying an unauthorised consignment of dangerous drugs and manifesting them as part of the cargo to be retained on board on arrival in British India port and in that case, we found, as the law stood hitherto, that we should have no power to confiscate the goods. This depends upon the interpretation of the expression used in the Dangerous Drugs Act 'bringing into British India' as not covering the case of goods only brought in to the limits of British Indian port but retained upon the ship in which they are carried. Legal opinion held the view that it was, to say the least, extremely doubtful whether such goods could be held to have been brought into British India for the purpose of the law. We thought that, for reasons which I have given, that point was not likely to be of practical importance. We had to reconsider the matter recently because we heard of a ship that was expected to call in a British Indian port which was carrying from one destination outside India to another destination outside India a cargo of opium which it was suspected had not been covered by the proper authorisation prescribed in the International Convention. As it turned out, that particular ship did not call at any British Indian port, but the case drew our attention once again to the subject of this small omission in our armoury for enforcing, our international obligations, and so we decided to remove all doubt in case another incident should occur and a ship should really arrive in a British Indian port, by asking this House to agree to the insertion in the Dangerous Drugs Act the addition which appears in clause 2 of the Bill. Sir, I move.

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

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

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): Clause 2.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I move:

"That in clause 2 of the Bill, for all the words beginning with the words 'and includes' and ending with the words 'is being carried' the following be substituted:

'and includes bringing on board a ship or in a conveyance into any port or place in British India'."

Sir, I suggest that my amendment carries out the intention of the Bill much more simply and much more correctly than the clause as given in the Bill. The clause as drafted in the Bill is an addition to the definition of 'Import into British India' as it is given in the Dangerous Drugs Act. Sir, 'imported into British India' as now defined, means subject to the provisions of clause (j) to bring into British India by land or sea or air. Now the words "dangerous drug" mentioned in clause 2 would have no meaning in a mere definition of "importing into British India", and also the expression "intended to be taken out of British India" is bound to create further complications. Suppose a dangerous drug is on board a ship and is not intended to be taken out but is intended to be used in the ship itself. Then it cannot be said that it is intended to be taken out of British India. This will create further complications. My amendment covers all cases in which such drug is brought anywhere near British India. Sir, I move.

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

"That in clause 2 of the Bill, for all the words beginning with the words 'and includes' and ending with the words 'is being carried' the following be substituted:

'and includes bringing on board a ship or in a conveyance into any port or place in British India'."

Mr. A. H. Lloyd: Sir, the Honourable Member who moved this amendment is quite right in making it clear that our idea is absolutely identical, but, I am afraid, I cannot accept the amendment for reasons that I will try to explain. I have already said in my earlier speech that we can conceive of no circumstances in which goods could be brought into a port in British India without falling within the scope of our existing law, unless they were being retained on board the ship with a view to being carried again out of British India. The same certainly applies to goods brought by conveyance by land. It seems to me to be quite unthinkable that it could be held, if a motor car arriving (say) at the Afghan frontier had a consignment of dangerous drugs intended for French India, that the process of transport did not include bringing into British India which would fall within the purview of the Dangerous Drugs Act as it already exists. For this reason I consider that the drafting of the amendment which is designed to cover all classes of cases and not simply the specific class of goods referred to in my Bill is unfortunate because it involves bringing in matter which is unnecessary. I think it is recognised that to include in a statutory provision unnecessary matter is not only in itself unnecessary but also carries with it the seeds of danger, in that the provision is in danger of being interpreted as conveying implications which when applied elsewhere might have unfortunate results. For instance, if we were to say, as is now suggested, that bringing into British India includes bringing in a conveyance into a place in British India, that would give the implication that wherever the expression "bringing into British India" occurs in any other law,—as for instance, in the

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Destructive Insects and Pests Act which we have just dealt with,—the same in the absence of any other provision was not fully effective.

That is the general criticism of what I may call an unnecessary provision and that is the main reason why I have to oppose the amendment.

The Honourable Member who moved the amendment referred to the words "dangerous drug" as being out of place in the definition of "import". But I do respectfully submit that it is not out of place since the Act does not cover any other import except dangerous drugs.

I think I have explained why we confined our proposal to the case of goods intended to be taken out of British India without being removed from the conveyance in which they are being carried. The reason is that it is the only circumstance in which we can imagine that they would not come within the scope of our existing law as it stands. The Honourable Member referred to the possibility of a consignment being on board ship without its being intended to be carried to another destination out of British India; and that is a case not covered by Article 15 of the Convention at all. It is a case in which certainly our own domestic law will apply, as soon as it is contemplated that the drug will be put to any use in the ship. If, for instance, the Captain and the crew were to sit down to smoke opium, nobody would suggest that our ordinary law would not apply to that operation. For that reason I hope that the amendment will not be pressed.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I wish the Honourable the Mover of the Bill will kindly reconsider his decision. The amendment seeks to avoid a dangerous drug being brought on board a ship for the purpose of being carried out of India to some other country, and even in that contingency this Act is sought to be made applicable to that, by extending the definition of "import" even to cases where the drug instead of being transhipped or being brought to shore . . . . .

Mr. A. H. Lloyd: Transhipment we have full control of already. The single case that we have not control of under our existing law is where the drug remains on board ship without being moved at all.

Mr. M. Ananthasayanam Ayyangar: What I say is this. By this amendment it is intended that even if goods are on board ship without being brought on shore, those persons who are in charge of the ship must come within the purview of this Act. Now, some words are added to this definition enlarging its scope, and it is therefore difficult to work it out. The words "intended to be taken out of British India" are absolutely unnecessary and I say they are harmful. The reason is this. A man may seek to bring on board ship into British India some dangerous drug. He brings it into port. His original intention is that it should be imported. After he comes to the port it is open to him to change his mind when he finds that there is a law here which would make it penal, and he might think of going back. Under this definition you cannot extend the operation of this Act and you cannot penalise his having a drug on board ship for a day or a couple of days. He may change his mind. This amendment seeks only to penalise those persons who intended

to take away the ship to some port in some other country. They only keep it there for some time. This seeks to penalise only such persons.

There is another class who might come for the purpose of bringing in into British India and, after coming into port, may not land it; but may change their mind and may take it away. To apply to these cases the amendment of my Honourable friend, Mr. Santhanam, has been given in those terms. There is, therefore, that lacuna. So far as the use of the words "dangerous drug" is concerned, I will take the very rules of interpretation that the Honourable the Mover wanted to tell us on the other side of the House. "Dangerous drug" is already defined as a separate item in the definition section and so far as the words "import into British India" are concerned, there is a separate clause for defining what it is to import into British India. That is clause (*i*). Clause (*h*) defines "dangerous drug" separately. In the original definition in clause (*i*) relating to importation into British India the words "dangerous drug" are not used, and advisedly. Because, it will be unnecessary to include the words "dangerous drug" in every definition and in every separate item, as the Act itself intends to deal only with the prevention of dangerous drugs being imported. It is, therefore, unnecessary. I would, therefore, say that this elaborate definition making intention penal and also introducing the words "dangerous drug" once again into the definition clause are absolutely unnecessary and are likely to mislead in particular cases. In these circumstances the amendment that is sought to be made by my Honourable friend, Mr. Santhanam, is less cryptic and is much clearer than the present section. I, therefore, support this amendment.

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

"That in clause 2 of the Bill, for all the words beginning with the words 'and includes' and ending with the words 'is being carried' the following be substituted :

1 P. M.

'and includes bringing on board a ship or in a conveyance into any port or place in British India'."

The motion was negatived.

Clause 2 was added to the Bill.

Mr. A. H. Lloyd: With your permission, Sir, I move:

"That in clause 1 of the Bill, for the figures '1937' the figures '1938' be substituted."

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

"That in clause 1 of the Bill, for the figures '1937' the figures '1938' be substituted."

The motion was adopted.

Clause 1, as amended, 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 Honourable Sir Henry Craik (Home Member): Sir, I move:

"That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, for a certain purpose, be taken into consideration."

I notice that there is an amendment that the Bill be circulated for opinion, and if the House would prefer that the Bill should be so circulated, I am quite willing to accept that. Perhaps, in that case, it would suit the convenience of the House generally if I did not make any detailed speech on this motion.

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

"That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, for a certain purpose, be taken into consideration."

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I move:

"That the Bill be circulated for the purpose of eliciting opinion thereon before the 1st September, 1938."

As there is no speech on that side, I do not propose to make any speech myself.

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

"That the Bill be circulated for the purpose of eliciting opinion thereon before the 1st September, 1938."

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I have put in an amendment and, therefore, I think it necessary to inform the public when this Bill goes into circulation that I want the proposal in the Bill to be made less rigorous: the Bill says that an *ex*-convict who does not give information of residence or change of residence should be punished with a term of six months, instead of the one month at present provided. I say we should not take a jump at once from one to six months. He should not be so strictly treated when he comes out of jail: on the contrary an attempt should be made to see that he improves and, therefore I have proposed three months.

The Honourable Sir Henry Craik: I would merely point out that the punishment at present is six months.

Mr. Lalchand Navalrai: It is six months only when an offence has been committed: otherwise it is only one month.

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

"That the Bill be circulated for the purpose of eliciting opinion thereon before the 1st September, 1938."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): Before the House adjourns, I should like to mention in connection with the meeting to take place on the evening of Saturday, the 26th February, 1938, when the General Budget will be presented, that it has always been the practice to dispense with questions on such occasions, although our Standing Order 10 lays down that the first hour of every meeting shall be available for asking and answering questions.

Honourable Members are now aware, however, that under the revised procedure for dealing with questions and answers, the Chair is required long before the commencement of each Session to allot the time available for answering questions to different Departments of the Government. In accordance, therefore, with our usual practice and in anticipation of the general concurrence of the House, no allotment as regards questions was made in respect of the evening meeting fixed for the 26th February, and the first statement attached to the Secretary's Circular letter No. LXXVI of the 8th December accordingly made no mention of questions for that meeting. There will, therefore, be no questions on that day.

The Honourable Sir Nripendra Sircar (Leader of the House): May I ask your permission, Sir, to mention one or two matters connected with the sittings of the House? I understand that the *Id* has been shifted from Saturday, the 12th to Friday, the 11th. In the circumstances, the Assembly will not sit on Friday and we propose to ask the Governor General for fixing non-official Resolutions now fixed for Friday, the 11th to allot Saturday, the 12th, if that is the desire of the House.

There is another matter. I was approached this morning by some Honourable Members, and I was told that they would like to interchange non-official Bills and non-official Resolutions which are fixed for the 15th and 16th respectively. So far as we are concerned, we have no objection to that of any kind.

Mr. President (The Honourable Sir Abdur Rahim): I may mention that I have received a representation from several Muslim Members of this House that the day before the *Id* day should be a non-working day, that is, that the Assembly should not sit on that day. I have in this matter to follow the practice which has hitherto been followed, and that is, the House does not sit only on the *Id* day, and this is in accordance with the interpretation of the rules given in this House by my predecessors. Therefore, the House will sit on the 10th February.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): Sir, the Honourable the Leader of the House mentioned that inasmuch as *Id* falls on Friday, he proposes to ask the Governor General to fix the Resolutions on the immediately following Saturday or some other day.

The Honourable Sir Nripendra Sircar: That is what I suggested.

Mr. President (The Honourable Sir Abdur Rahim): That is of course for the Governor General to decide. In that case, the questions which are now set down for Friday will be. . . .

The Honourable Sir Nripendra Sircar: May I just mention that if next Saturday does not suit Honourable Members of this House, we certainly don't want to force it on them, and the result will be that the other date will not be available till April. I am entirely in the hands of the House. Will that suit?

Several Honourable Members: Any day in April will suit.

Mr. President (The Honourable Sir Abdur Rahim): I take it that the Honourable the Leader of the House will consult the Leaders of Parties and decide what day will be most convenient.

The Honourable Sir Nripendra Sircar: Then the last thing I want to mention, Sir, is that the Tea Control Select Committee which was postponed will sit today at 2-45 P.M.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 8th February, 1938.

LEGISLATIVE ASSEMBLY.

Tuesday, 8th February, 1938.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

HOURS OF DUTY OF THE STATIONARY AND THE RUNNING STAFF ON THE NORTH WESTERN RAILWAY.

171. ***Mr. Lalchand Navalrai:** (a) Will the Honourable the Railway Member be pleased to state if it is a fact that the Assistant Station Masters, Goods Clerks and such other subordinate staff in stationary duty perform eight hours duty and in case of emergency four hours more?

(b) Will the Honourable Member state the fixed hours for running staff like guards and van-sorters wherever they are, to perform their duty?

(c) Is it a fact that in case of emergency, they have to perform duty in all for sixteen hours? If so, what is the reason for this disparity between the former and the latter staff?

(d) Do Government realise the discontent prevailing amongst the running staff of the North Western Railway?

(e) Will Government be pleased to state if the aforesaid stationary and running staff get any extra allowance for doing duty for more than eight hours? If not, why not?

(f) Do Government propose to take from them duty in case of emergency for reasonably lesser time—in any case not for more than four hours? If not, why not?

The Honourable Sir Thomas Stewart: (a) On railways on which the Hours of Employment Regulations have been given statutory effect, Assistant Station Masters, Goods Clerks and other staff to whom these Regulations apply, are, subject to certain exceptions, not permitted to be employed for more than 84 hours in any week if their employment is 'essentially intermittent', and for more than 60 hours a week on the average in any month if their employment is other than 'essentially intermittent'. In cases of emergencies their duty hours may extend beyond these limits.

(b) The Hours of Employment Regulations do not apply to running staff like guards, and the like, but as far as practicable their hours of work are regulated within the limits laid down in these Regulations.

(c) Presumably the Honourable Member is referring to the North Western Railway. If so, Government are informed that both stationary

and running staff are liable to be kept on duty for 16 hours or more in emergent and exceptional cases.

(d) The North Western Railway Administration state that they are not aware of any discontentment prevailing amongst the running staff nor have they received any complaint or representation from such staff on the subject.

(e) As regards stationary staff, they are paid overtime in accordance with section 71C of the Indian Railways (Amendment) Act, 1930, a copy of which is in the Library of the House. Guards are allowed mileage allowance for the entire run.

(f) Does not arise in view of the reply to paragraphs (a) to (c) above.

Mr. Lalchand Navalrai: May I know from the Honourable Member if there are van sorters working something like guards? Will they also be given this overtime?

The Honourable Sir Thomas Stewart: If I may read section 71C of the Indian Railways (Amendment) Act, the Honourable Member may be in a position to judge for himself:

"Subject to rules made under section 71E temporary exemptions of railway servants from the provisions of sub-section (1) and sub-section (2) may be made :

(a) when such temporary exemptions are necessary to avoid serious interference with the ordinary working of the railway, in cases of accident, actual or threatened, or when urgent work is required to be done to the railway or to rolling stock, or in any emergency which could not have been foreseen or prevented; and

(b) in cases of exceptional pressure of work not falling within the scope of clause (a) :

Provided that a railway servant exempted under clause (b) shall be paid for overtime at not less than one and a quarter times his ordinary rate of pay."

Mr. Lalchand Navalrai: May I know from the Honourable Member if this emergency occurs every day?

The Honourable Sir Thomas Stewart: I am afraid I can give no idea as to when emergencies arise or are likely to arise.

Mr. Lalchand Navalrai: May I request the Honourable Member to inform the Agent of the North Western Railway to use them only on an emergency and not for ordinary purposes and then call it emergency?

The Honourable Sir Thomas Stewart: I have no reason to believe that the Agent of the North Western Railway is not conforming with the terms of the statutory obligation that is imposed on him.

Mr. Lalchand Navalrai: I only want this question and answer to be sent to the Agent.

NON-RESERVATION OF RAILWAY COMPARTMENTS DURING KUMBH AND OTHER *MELAS.*

172. ***Mr. Badri Dutt Pande:** Will the Honourable Member in charge of Railways and Communications be pleased to state if there is a circular

to the effect that during Kumbh and other big *Mela* days, no compartments are to be reserved? If so, are Government aware that this rule causes and has caused hardship in many cases?

The Honourable Sir Thomas Stewart: No circular of the kind referred to has been issued by the Railway Board. I understand, however, that, on the Bengal and North Western and East Indian Railways, to which lines it is presumed the Honourable Member's question refers, restrictions in regard to the reservation of compartments are imposed when circumstances necessitate such action being taken.

The only *mela* in connection with which such instructions have been issued on the Bengal and North Western Railway is the *Kartic Purnamashi Mela* held annually at Sonepore. For this *Mela*, the railway staff were advised that no reserved accommodation was to be allowed from the 17th to the 26th November, 1937, without a reference to the Traffic Manager.

For the *Magh Mela* at Allahabad, the East Indian Railway have recently issued instructions prohibiting reservation of third and intermediate class carriages or compartments to and from Prayag, Prayag Ghat and Phaphamau and first and second class carriages to and from Prayag Ghat, during the periods when a heavy rush is anticipated.

Government recognise that these restrictions on the reservation of accommodation cause inconvenience to some passengers, but it is believed that a far greater number would be inconvenienced if reservations were allowed.

Prof. N. G. Ranga: May I know whether any special trains are run on these occasions for relieving congestion?

The Honourable Sir Thomas Stewart: That question does not arise out of the one under answer.

Prof. N. G. Ranga: It arises because it raises the question of . . . . .

Mr. President (The Honourable Sir Abdur Rahim): This is a specific matter on which information may not be available to the Honourable Member.

Mr. Lalchand Navalrai: Is this system of no reservation going on on account of want of stock or the Government do not want money or because they get too much?

The Honourable Sir Thomas Stewart: The reason for the non-reservation is, I presume, pressure on the available space.

EXPENDITURE AND PERIOD OF TRAINING FOR OBTAINING A COMMERCIAL PILOT'S LICENCE.

†173. ***Mr. Govind V. Deshmukh:** Will the Honourable Member for Railways and Communications please state:

(a) what a flying club subsidised by the Government in England and a club subsidised by the Government of India charge per hour to a person who wants to receive training for the licence of a Commercial pilot; and

† Answer to this question laid on the table, the questioner being absent.

(b) the time required for completing the aforesaid training in England, France, and India; and whether the time required for training in India cannot be curtailed; if not, why not?

The Honourable Sir Thomas Stewart: (a) Very few flying clubs are fully organised for the training of commercial pilots. The usual flying rates at subsidised flying clubs in India are from Rs. 30 to Rs. 35 per hour for day flying and about Rs. 90 an hour for night flying. The corresponding charges in England are from Rs. 20 to Rs. 26 per hour for day flying and about Rs. 55 an hour for night flying.

(b) The time required for the training of a commercial pilot varies with many factors including the aptitude of the pilot. It could not take less than two years whether in India or in England. If, however, the Honourable Member is thinking of a curtailment of the flying experience required, this would be most undesirable for the reasons I explained on 6th October, 1937, in reply to part (f) of question No. 1027 by Mr. Abdul Qaiyum.

ALLEGED VICTIMISATION OF THE MEMBERS OF THE NORTH WESTERN RAILWAY UNION.

174. ***Mr. Lalchand Navalrai:** (a) Will the Honourable the Railway Member be pleased to state, with reference to starred question No. 988, put by Bhai Parma Nand on the 2nd October, 1937, whether the information promised in answer to the supplementary question put by me has been obtained?

(b) If so, have Government passed orders to direct the Agent, North Western Railway, to supply copies of the circulars referred to therein, to the Unions?

(c) With reference to the last supplementary question of the aforesaid question, will the Honourable Member state, if, when questions and answers are sent to the Agents, they inform the Honourable Member what action they have taken in connection with the subject matters of the questions? If so, what information has the Agent, North Western Railway supplied with regard to the complaint contained in part (c) of the aforesaid question No. 988?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) No, as this is a matter within the competence of the Agent, North Western Railway, Government are not prepared to interefere. It is understood, however, that requests from the North Western Railway recognised Union for copies of particular orders, issued for general information of staff, are considered by the Agent and ordinarily complied with.

(c) Government have no reason to believe that when questions or replies thereto are sent to Agents of railways, for such action as they may consider necessary, the Agents do not take action if any is called for. Government are, therefore, unable to agree that Agents of railways should, as a rule, be asked to advise them of the action taken in such cases particularly those which are within the competence of the Agents of the railways concerned.

In regard to part (c) of starred question No. 988 asked by Bhai Parma Nand in this House on the 2nd October, 1937, Government are informed that the allegations against the senior Inspector, Watch and Wards, have been looked into and found to be incorrect. Government are further advised that the matter was discussed and settled at a meeting between the Deputy Agent, Personnel, and the Honorary General Secretary of the North Western Railway Union. A few cases of serious breaches of discipline and insubordination against some of the chowkidars are, however, under investigation.

Mr. Lalchand Navalrai: With regard to clause (c), my object was to know whether the Honourable Member, when he sends these questions to the Agent, gets at least the replies with regard to the questions put in the House; if so, how is the House to know unless they are placed on the table, or the reply is sent to the Honourable Member who put the question?

The Honourable Sir Thomas Stewart: I have already said that the Government of India have no reason to believe that the Agents do not take action where action is called for; it is, therefore, unnecessary to carry on further correspondence on these matters.

Mr. Lalchand Navalrai: Will the Honourable Member enlighten me on this point that when a question has been put and some thing has been done or not done by the Agent, how is this House to know what has been done or not done?

The Honourable Sir Thomas Stewart: By asking another question.

OPENING OF A RAILWAY LINE BETWEEN KASHIPUR AND KALAGARH.

175. ***Mr. Badri Dutt Pande:** (a) Is the Honourable the Railway Member aware that in 1926-27 a survey was made of a proposed 30-miles railway between Kashipur and Kalagarh *via* Thakurdwara, Jarpen, Rehar and Afzalgarh, etc., in the United Provinces by the Rohilkund and Kumaon Railway?

(b) Is the Honourable Member aware that in July last two or three officers of the Railway went there and made enquiries?

(c) Are Government aware that a considerable quantity of timber, fuel, *gur*, wheat, and rice passes this way, besides a good deal of traffic?

(d) Is it the intention of Government to open this section of the Rohilkund and Kumaon Railway?

The Honourable Sir Thomas Stewart: (a) Yes.

(b), (c) and (d). In 1933 this project was re-investigated and found to be unremunerative. As, however, the United Provinces Government have pressed for its construction they have been asked if they are prepared to give a guarantee. Investigations are now in progress to bring the figures of 1933 up to date.

SHORT STOPPAGE OF DOWN TRAINS AT HALDWANI STATION ON THE ROHILKUND AND KUMAON RAILWAY.

176. *Mr. Badri Dutt Pande: (a) Is the Honourable Member for Railways aware that Haldwani is an important station on the Rohilkund and Kumaon Railway, but that the down trains stop there for a short time and thus cause great inconvenience to the passengers, whose number is always great?

(b) Is the Honourable Member prepared to recommend to the Railway authorities to increase the time of stoppage by a few minutes and thus redress the grievance of the people?

The Honourable Sir Thomas Stewart: (a) No.

(b) I will communicate the Honourable Member's suggestion to the Agent of the Rohilkund and Kumaon Railway for consideration.

Mr. Badri Dutt Pande: Thank you.

UNSTARRED QUESTION AND ANSWER.

GRIEVANCES OF THE DEPARTMENTAL MAIL GUARDS AND POSTMEN IN THE UNITED PROVINCES.

23. Mr. Mohan Lal Saksena: (a) Will the Honourable Member for Communications be pleased to state the number of (i) outside, and (ii) departmental candidates recruited as second grade sorters in 'O' Division in the United Provinces Circle, with dates since 1935?

(b) Is it a fact that in May, 1935, certain mail guards, who were matriculates entered the Department after the 16th July, 1931, and were tested by a Selection Board and approved by the Postmaster General, United Provinces, under paragraph 9 of Government of India, Industries and Labour Department Memorandum No. 130/33/(2), dated the 11th March, 1935, as second grade sorters and shortly after employed against clear vacancies?

(c) Is it a fact that the mail guards also passed the prescribed confirmation test held by a Selection Board for second grade sorters?

(d) Is it a fact that the Postmaster General, United Provinces, recruited certain outside candidates in supersession of the claims of departmental mail guards who passed the prescribed department test twice?

(e) Is it a fact that some of the outside candidates of the Postmaster General's Office, Lucknow, who had failed to pass the revised test in that office, superseded the mail guards and postmen in 'O' and Lucknow Divisions, who are qualified and approved?

(f) Is it a fact that in October, 1937, the Government of India authorised in supersession of all previous orders exemption from appearing at the newly introduced competitive examination of persons:

(i) having an aggregate satisfactory service in the department of not less than 24 months between the 15th July, 1934, and the 15th July, 1937; and

(ii) who had an aggregate satisfactory service in the department of not less than 12 months prior to the 15th July, 1937?

(g) Is it a fact that concessions mentioned in part (f) were extended to outside candidates only and not to departmental candidates who fulfilled the conditions therein?

(h) Will the Honourable Member be pleased to state the reasons for differential treatment accorded to the existing qualified departmental mail guards and postmen and also the number of officials who suffered in consequence? If so, is the Honourable Member prepared to redress their grievances in regard to supersessions by outside candidates? If not, why not?

The Honourable Sir Thomas Stewart: (a) (i) Thirteen, *viz.*, three from 1st July, 1935, eight from 5th August, 1937, one from 8th November, 1937, and one from 10th November, 1937.

(ii) No departmental candidate was recruited.

(b) No. Four mail guards, of whom two were non-matriculates, passed a test for the lower division and not a test in accordance with paragraph 9 of the Government Memorandum referred to. They were approved for the lower division (not second grade) of clerks and appointed merely to officiate in clear vacancies.

(c) The mail guards did not fulfil the conditions of appointment as second grade clerks laid down in paragraph 9 of the Government Memorandum referred to in the reply to part (b) of the question; they were, therefore, subjected to a fresh test for appointment. It was subsequently discovered that they had not fulfilled the condition of five years' approved service qualifying them for the clerical service and were consequently declared ineligible.

(d) In view of the facts stated in the reply to part (c) above, the question of supersession does not arise.

(e) No.

(f) No. The orders referred to are not applicable to all persons who appeared at the examination held under new recruitment rules. They are limited to the relaxation of the restrictions imposed on candidates who were debarred under the new recruitment rules from competing for appointments in the Posts and Telegraphs service in the grade of clerks and who had already served in the clerical grades in an officiating or temporary capacity for the periods mentioned in the orders.

(g) The Honourable Member is referred to the reply given to part (f) of this question. Departmental candidates are not debarred from appearing at the examination when they fulfil the conditions mentioned in the reply to part (c) of the question and are permitted to appear by the Head of the Circle.

(h) No question of differential treatment as between departmental candidates and outside candidates arises. The former test which certain departmental candidates passed was for the lower division and does not render them eligible for entry to the second grade of clerks. To qualify for that grade they are required to pass the second grade test. The departmental candidates who fulfil the prescribed conditions may appear at the discretion of the Head of the Circle for successive examinations. They are not required to compete with outside candidates and thus cannot be superseded by them. The last part of the question does not, therefore, arise.

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

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

Sir, while I do not desire to make a long speech, I think it is but right that the House should know the attitude of the Government towards the amendments—and they are not too many in number—of which notices have been received. Sir, if Honourable Members will take up in their hands the printed list—and there is another to which I shall refer in a minute—as regards the first amendment in substitution of sub-clause (2) (*f*) of clause 3, I understand that the contesting parties have been able to come to some kind of agreement; and if that is so, Government will support that and that idea will be accepted by the House. Then, as regards No. 2, if that is moved, I shall oppose it. No. 3 is a small one by Mr. Susil Sen himself and that we shall support. As regards Nos. 4 and 5 for changing India into "British India", I may inform the House that I shall oppose them and my reason is this, that those amendments in the Council of State were made after very careful consideration. I had the opportunity—and I gratefully acknowledge it—of getting the assistance of Mr. Vaidyanathan who happened to be then here, and I was thoroughly convinced that this change was necessary, and if those amendments are moved, I shall deal with them in detail. I had further discussions this morning and I am confirmed in my view that this change should not be made: it would lead to very serious administrative difficulties, apart from other objections. No. 6 is in the name of Prof. Ranga reducing "45" to "40". With regard to that, I may tell the House that before I accepted the change from 45 to 40, I was in touch with the Leaders of all the parties, and they not only agreed but most of the parties pressed me to reduce 45 to 40 and that was supported and backed by the insurance interests, generally speaking. I regret, therefore, that a change which has been done with the consent or rather at the instance of the different parties of this House must be opposed by me. Now as regards No. 7, I shall come to that later if I may dispose of earlier the others. As regards amendment No. 8, which is an amendment on clause 45, Government will have no objection to accepting it. As regards No. 9, that is one by Mr. Susil Sen and I need not say anything about it. As regards No. 10, that is a slight clarification of the language of clause 114 of the Bill requiring the laying of the rules on the table of the House. That again Government will have no objection to accepting. No. 11 is by Mr. Susil Sen and I need not deal with that. That leaves No. 7 and some amendments by the same notifier, Mr. Ananthasayanam Ayyangar, and his friends, which appear on the second list. I take them together and describe them shortly as amendments of clause 40. Sir, although the amendments appearing on the second list in the name of Mr. Ananthasayanam Ayyangar were notified only yesterday, I shall not, if those amendments are moved, take the point that I had not sufficient notice, because as a matter of fact on Thursday last I was verbally informed that he was going to notify those amendments; so I have not been taken by surprise.

But let me deal with the nature of those amendments taken together, *viz.*, both in list No. 1 and in list No. 2 relating to clause 40. The position is this. The desire of the Honourable gentlemen who have given notice of this amendment is to stop a possible danger, *viz.*, of evasion of clause 40 by creating bogus posts, enabling the holder of that bogus post to receive the salary or allowances payable for that post in addition to the forty per cent. or whatever it is which is permissible to him as a licensed agent. In substance, therefore, these amendments desire that the employees of insurers should not be allowed to act as licensed agents. Sir, I quite see the possibility of the danger. If I shall oppose those amendments, should they be moved, it is because, really I do not think that they should be moved at this stage and for other reasons which I am going to indicate. It is quite true that you can get round clause 40 by creating a bogus post—if I may use that expression for brevity. At the same time, assuming as we must that the holder of this post as also the insurer are thoroughly unscrupulous, even then the proposed amendment does not shut the door against evasion. What I mean is this,—that Mr. A will be the holder of the bogus post, and the licensed agent's business will be carried on by his son or by his brother-in-law in name. Sir, it is not pure imagination on my part that this bogus system may be attempted to be followed. If I may give you some illustrations of the kind of evasions which are going on today and how dishonest people are snapping their fingers at your Insurance Bill and Company Bill, possibly that will be news to you, and show the impossibility of completely stopping evasion.

Now, I think this House by passing the Company Law has prohibited loan by one company to another company if there are directors who are common to the two companies. That is what we have provided and that applies to Insurance Companies. Let us see what is happening. Take two companies, X and Y, and assume that there are some common directors A and B. Under the provisions of the Company Law,—whether one of them is an insurance company or not does not matter,—X company is prevented from advancing money to Y company because there are common directors A and B. Now, what happens is this. X company executes a mortgage in favour of a person O. He is the bogus gentleman and he may have money or he may not have money. But the mortgage ostensibly is from X company to O. The next step is that Mr. O, who is a bogus gentleman, executes either a sub-mortgage or an assignment of the mortgage to company Y. The Y company says that it is not hit because X company has not borrowed from Y company at all. I do not suggest that is exactly what has happened in connection with a case which I shall place before you, but that shows it may have happened and how evasion is possible and is being effected. I am reading from the *Indian Finance* of the 29th of January, 1938. This is the report of the Directors of an Insurance Company. I need not name the Insurance Company. Those who are interested to find out the name of the company can do so by referring to this magazine. There is an item of 'mortgages of property in India, Rs. Twenty-three lakhs and odd', that is to say, this Insurance Company has advanced Rs. 23 lakhs odd to different mortgagors. If you look at the other side, there are two illuminating notes. This amount, according to the notes that is to say, the amount of 23 lakhs, includes a loan of Rs. 4,11,000 odd advanced to an intermediary. That

[Sir Nripendra Sircar.]

person may or may not be Mr. O in my illustration. This person, the intermediary, the screen has conveyed his security and his rights as mortgagee in the property belonging to a company, some of whose directors are the directors of the other company. The scheme is obvious. They have put in as a middleman a bogus gentleman, Mr. O, and the company snaps its fingers at the Company Law. The fear of bogus mortgagees and of bogus posts is therefore real and not imaginary.

I may also tell the House of other two instances which I have come across. They may be curious to know what they are, though I daresay my Honourable friend, Sir Homi Mody, can give you more illustrations than I can, of course with reference to rival companies and not his own companies. Now, let us assume that an Insurance Company on the 30th of June has got to show by reason of the provisions which you have enacted a certain amount of Government securities. Let us say the amount is 5 lakhs of rupees. When the Superintendent examines the accounts, the company must show that it holds 5 lakhs of rupees worth of Government securities on the 30th of June. Now, what is happening is this. On the 1st of June, as a matter of fact, there are no Government securities or other approved securities worth 5 lakhs of rupees. The company has actually invested its money in other shares, which may be speculative shares, good shares, bad shares or indifferent shares. On the 1st of June, having discovered that the fateful day of 30th of June is very near, what the company does is this. It makes a forward sale of these shares deliverable, let us say, on the 5th of July. Having done that, it again enters into a transaction of the purchase of Government securities which, of course, can be sold again on a month's delivery. It means only paper entries and possibly paying or receiving differences, with the result that on the 30th of June the directors think that they are justified in stating in their account that they hold 5 lakhs of Government securities. That cannot be prevented. If I am referring to this, it is for the purpose of showing that the proposed amendments will not carry out the object which the Mover has in mind. I confess that because we cannot attain 16 annas of what we desire, that is no reason for putting in a provision like this. If that were so, we need not have made any provisions which may be called safeguards in connection with the companies or the insurance law.

Quite irrespective however, of this argument, my main objection is this. I find that this change is objected to by many of the Honourable Members of this House. I daresay there are supporters also. At the present moment a representation has been made to me and I believe that that representation has been repeated to some of the Honourable Members here, giving one instance of the creation of a bogus post. I have not been able to investigate that, but I am assuming it to be correct. If, however, as a matter of fact, there is any tendency to increase this vice, then it will be time for Government as also for this House to intervene. But at the present stage I am not prepared to make a change of this kind having regard to the stage which the Bill has reached. While saying that, I admit that the notification of these amendments has not been approached by me in any hostile spirit. On the other hand, I am really grateful and I think a very useful purpose has been served by drawing the pointed attention of the House and of the Government to a danger which

at the present moment may be very small but which may increase later on. That object has been served and gained by notifying these amendments. But I would earnestly appeal to my Honourable friend, Mr. Ananthasayanam Ayyangar, and his colleagues who have given notice of these amendments not to press this matter and not to move them now. If I may lay my cards on the table, the reason is this. It is possible—I do not say that I can guarantee the result—that these amendments will be defeated. Now, I do not care to have a victory over the Opposition in this matter because the result will be undesirable. This will encourage the idea that Government has opposed a change of this kind. It will encourage the idea that they can go on creating bogus posts and Government will keep its eyes closed. Therefore, I do think that a loss of these amendments on the floor of this House will be undesirable. Equally, supposing these amendments are carried, the result will be that our opposition here will be continued in a later stage in another place and possibly the whole Bill will be thrown into the melting-pot. For these reasons, I very earnestly appeal to the Leader of the Group from which these amendments have been notified not to press these amendments at this stage of the Bill. Sir, I hope my appeal will not go in vain.

Then, Sir, the next list may be disposed of very shortly because whatever I have to say on amendments to clause 40 of the Bill appearing in that list, I have already said. There are two amendments in the name of my Honourable friend, Mr. Suryya Kumar Som. Sir, apparently my Honourable friend—is my Honourable friend present here, I see he is not present, then all my eloquence is wasted—has broken every possible rule which is to be found in the Manual. First of all the notice is only one day's notice. But supposing that is waived, what next? My Honourable friend is trying to introduce changes in matters which have not been changed in the Council of State at all and, therefore, he cannot move them, but it will be time enough to oppose them, if they are moved. They are wholly out of order and I need not say anything more about it.

I think I have dealt with all the amendments and I have given the House the attitude of the Government towards the amendments which have been notified, and as I expect there will be some kind of arrangement for No. 1 and, should the Opposition agree not to press clause 40 to a Division, then, Sir, there is very little work before the House. Sir, I move.

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

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

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): Mr. President, I shall confine myself to the amendments on which criticism and advice have been offered by the Honourable the Leader of the House, and I do not use the word 'advice' in any cynical spirit at all, for I am aware that the wisely regulated wisdom of the Elders has not materially altered the Bill as was passed by this House. Wisdom, indeed, they possess, but I wish to emphasise the wise direction which was given to them from time to time. Any way that has really shortened the sphere of the activities of this House on the second occasion on which the Bill has been returned.

[Mr. Bhulabhai J. Desai.]

Dealing with clause 3, sub-clause (2), item (*f*), the House will remember that as the Bill was then passed, the obligation imposed by that clause was in terms wider than what it is today. Clause 3, sub-clause (2), item (*f*) reads now:

"a certified copy of the published prospectus, if any, and of the standard policy forms of the insurer, the assured rates, advantages, terms and conditions to be offered in connection with life insurance policies, together with a certificate by an actuary that such rates, advantages, terms and conditions are workable and sound."

The noticeable omission there is that the Elders have limited item (*f*) to life insurance business, whereas when the Bill passed this House it referred to all forms and kinds of insurance. I am not aware exactly, why or in what way the limitation took place in the Upper House. But I wish to call attention to the necessity of bringing back item (*f*) as nearly as it may be practicable to its original condition having regard to the terms of clause 41 of the Bill. Clause 41 reads:

"No person shall allow or offer to allow, either directly or indirectly, as an inducement to any person to effect or renew an insurance in respect of any kind of risk relating to lives or property in India."—

—Notice the words that follow 'lives'—'or property in India',—

"any rebate of the whole or part of the commission payable or any rebate of the premium shown on the policy, nor shall any person taking out or renewing a policy accept any rebate except such rebate as may be allowed in accordance with the published prospectuses or tables of the insurer."

Sir, that clause of the Bill can only be applied successfully and usefully if either in the prospectuses or tables of the insurer, every item of insurance business and the normal premium relating thereto have been published. Otherwise you will find that clause 41 would lose most of its value if item (*f*) is limited only to life, and it is for that purpose that we have felt it our duty to see that the clause was brought back to its original form, namely as being applicable to all forms of insurance.

During the course of the discussion, it however transpired that whereas there would be little or no difficulty as regards fire business, as regards accident business at least in reference to workmen's compensation and to motor insurance including third party risks, it was somewhat difficult in a practicable sense that a schedule of rates can be filed with reference to marine business and other miscellaneous businesses relating to accidents. We have been able, Sir, to perceive the propriety of excepting those parts of insurance business in which the filing of these rates might be attended with grave difficulties, and there is every prospect that when we come to this clause and when the amendment is sought to be moved attempting to bring back item (*f*) to its original condition, we shall agree, and I hope the House will agree that the difficulties which were pointed out with reference to the filing of scheduled rates as regards those items of insurance business as impracticable would be then excepted from the operation of the clause. Item (*f*) would then run practically in the same form as it was before, with the exception that I have mentioned. That would probably satisfactorily meet both the amendment of item (*f*) and also the practical working of clause 41.

As regards the amendment relating to clause 40, I should beg leave of the House to say a few words not merely because of what fell from the Honourable the Leader of the House but also because of the larger considerations which it involves. I am aware of the manner in which, at least in two or three instances, the sections of the Indian Companies Act relating to prohibitions which were regarded as salutary in public interest as well as even before this Bill has been passed into law, some of its provisions are sought to be circumvented and ingenious devices are being found in the hope that they will escape the penalties provided for in the Indian Companies Act and in the present Bill when passed into law. During the course of the discussion that took place, I beg leave to suggest without unduly straining either the patience of the House or even the patience of the Elders the object both in the Indian Companies Act as well as in the present Act can be met, at all events, fairly successfully if in clause 40 of the Bill, if not now, at a later stage, words 'directly or indirectly' were added after the words 'pay or contract to pay'. That clause would then read:

"No person shall, after the expiry of six months from the commencement of this Act, pay or contract to pay directly or indirectly any remuneration, etc., etc.":

because it appears to me that all these devices from the point of view of any tribunal can always be met if the word 'indirectly' was added. It is true that it becomes a matter of evidence to discover whether the intervening screen was real or whether the intervening screen, that is to say whether "O" in the illustration given by the Honourable the Leader of the House was a real person or was a dummy. And from the very balance-sheet which he read out it would be perfectly obvious to any tribunal dealing with this matter that 'O' was absolutely a dummy. That is to say, where company X could not lend money to company Y that the prohibited transaction should be carried out through the intervening agency of 'O', a mortgagor, and who would then transfer the loan on a mortgage from the company Y and hold it for the benefit of company X and thus, prohibited loan would be given keeping within the letter of the law. If the words "directly or indirectly" were added this transaction will attract the penalty of the Act.

Coming back to the present Bill, the instance that has come to my knowledge is that individuals are being employed on large salaries to supplement the commission payable to their friends or dependants who are insurance agents. Undoubtedly this happens in the case of unscrupulous insurers, but legislation without attempting to distinguish between the scrupulous and unscrupulous (if it is indeed not possible so to distinguish them) aims at eliminating cases where it can be evaded, cases where the law is attempted to be defeated. It may not happen in what people call themselves respectable companies; and I have no reason to believe that all companies will not, to the extent to which it is possible, act respectably in conformity to the law. But the fact remains that as soon as a device is pointed out, it is a temptation which some resist and others do not resist; and my Honourable friend, Sir Homi Mody, will probably say that human frailty is the other way about; that if a device is found it may easily be availed of and that ethical considerations do not generally prevail in business.

Sir H. P. Mody (Bombay Millowners' Association: Indian Commerce): Quite right.

Mr. Bhulabhai J. Desai: That being perfectly right, as I have been assured by the representative of business houses, I think the House should be careful to employ every possible means to defeat such devices. An instance which has come to my knowledge is that a man who otherwise is not probably worth Rs. 100 has been employed on Rs. 1,000 a month, the object being that the insurance agent who is really behind the screen is to that extent in a position to get added remuneration in addition to the limitation which we have placed upon him. That is the manner in which it is sought to be defeated. My suggestion is that if the words "directly or indirectly" are added a case like that can be easily and nearly always met. I agree that there may be a case on the border-line where the tribunal may not be able to come to a decision that the particular employee,—I will also call him 'O',—is a mere screen to add to the limited commission allowed under the Act or a real person worth Rs. 1,000. But once the word "indirectly" is there, every company would have to be very cautious before employing a man and giving him a salary out of all proportion to his business ability. That is the shortest way in which the matter can be met and if it commends itself to you and to the House and, the Leader of the House, it is the easiest amendment which will carry out the object we all have in view.

It is common ground that it is no use passing an Act if it is going to be defeated by some device which has occurred to us before it has become law at all. One may have other exigencies and circumstances to wait for amendments as it must arise in Bills of this kind and I would not mind waiting myself; but if this amendment could be carried without pressing any other amendment on the paper before you,—adding the words "directly or indirectly" in clause 40,—it will serve the purpose, and I do commend this to the House. But after all is said and done, when you come to examine cases of this kind, if they are patent they will be discovered, but if on the other hand they are on the border line, one may give the benefit of doubt to the employer and not come to the conclusion that a highly paid individual is there only with the object of evading the Act.

There is also another consideration which I wish to point out with reference to what fell from the Honourable the Leader of the House. I know a very historic case which took place with reference to one of the biggest banks we had in Western India which unfortunately failed. There the evasion was in a manner quite as ingenious, if not more ingenious, than the one illustration which he gave, with reference to what may occur in the case of an insurance company. A large amount of money was either lent to the directors or had been already expended in large speculations in a metal which is somewhat dazzling, although not quite so dazzling as gold. When it came to the fatal 30th June, promissory notes to the tune of some 32 lakhs by apparently respectable gentlemen were placed in the possession of the bank's officers, thereby representing that the bank's monies were invested in sound securities. And it went on not merely for one audit but for five audits before the bank actually failed. Therefore, while we are aware that law is and may be evaded in cases of this kind, that does not and should not render us entirely helpless and to the extent

to which we can provide against the evasion of the law we must do so; because, law is worth making a law only if, as far as in us lies, we prevent its evasion and defeat the purpose of the evader.

So much with reference to clause 40 and the amendments relating thereto. As regards the other amendments they are of a nature which does not require any detailed examination. And I must confess, speaking at least for myself, that in a measure of this kind difficulties will appear in course of time during the working of the Bill, and I hope the Government will not be reluctant to put in a short amending Bill, if one were called for, either for the purpose of meeting an evasion or for the purpose of removing a difficulty found in its actual operation. I recognise that it is a new piece of legislation on a subject on which legislation, such as there was, was more or less sketchy and of a very superficial character. And notwithstanding many disappointments and many successes, as each Party looked at this measure, the fact remains that though we have not been able to satisfy every single interest concerned in this Bill, whether the interest be Indian or non-Indian, and whether among Indians where there are different interests,—I am quite certain that there is a general feeling of satisfaction,—though sometimes not openly expressed but always privately and sincerely admitted,—that the Bill has taken a step in the right direction in placing the insurance law on as firm and sound a footing as it was possible to do at this stage of the Indian Central Legislatures.

The Honourable Sir Nripendra Sircar: Sir, may I just say a word in reply with reference to the observations made by my Honourable friend, the Leader of the Opposition? I should like to say that I am at one with him, and if in the working of the Bill we find that abuses, whether referable to section 40 or any other abuses, are showing a tendency to increase, I can give the assurance to this House that I shall be as prompt as circumstances will permit in bringing an amending Bill.

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

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

The motion was adopted.

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

"That the re-numbering and re-lettering of the clauses, sub-clauses and forms in the Bill, as necessitated by the amendments made in the Bill during its passage by the Legislative Assembly, by the Council of State and the changes consequential thereon in all references throughout the Bill be agreed to."

The motion was adopted.

Mr. M. Asaf Ali (Delhi: General): On a point of order, Sir. I do not think the first amendment was moved at all really.

The Honourable Sir Nripendra Sircar: It has not got to be moved.

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

"That in the Bill as so re-numbered, re-lettered and consequentially changed—
In clause 2—

(*a*) in sub-clause (*3*) in the definition of 'approved securities', for the words 'municipal corporations in any Presidency-town' the words 'municipal corporation' be agreed to; and

[Mr. President.]

(b) in item (b) of sub-clause (9)—

(i) for the words and figures 'incorporated under the Indian Companies Act, 1913' the words 'incorporated under any law for the time being in force in British India' be agreed to; and

(ii) for the words 'that Act', where they first occur, the words and figures 'the Indian Companies Act, 1913' be agreed to."

The motion was adopted.

Mr. Sami Vencatachelam Chetty (Madras: Indian Commerce): Sir, I move:

"That for sub-clause (2) (f) of clause 3 of the Bill, the following be substituted:

'(f) a certified copy of the prospectus, if any, and of the standard policy forms of the insurer and statements of the assured rates, advantages, terms and conditions to be offered in connection with insurance policies together with a certificate in connection with life insurance business by an actuary that such rates, advantages, terms and conditions are workable and sound'."

The Honourable Sir Nripendra Sircar: Sir, I am opposing this amendment, but I am accepting the one which has been agreed to between the Parties, which has been circulated.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, that is in addition to this. It is an amendment to this amendment. I move:

"That in the amendment just moved:

(1A) in line one before the word 'prospectus' the word 'published' be added, and

(1B) the following proviso be added at the end:

'Provided that in the case of marine, accident and miscellaneous insurance business other than workmen's compensation and motor-car insurance the above requirements regarding prospectus, forms and statements shall be complied with only in so far as the prospectus, forms and statements may be available'."

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

"That in the amendment just moved:

(1A) in line one before the word 'prospectus' the word 'published' be added, and

(1B) the following proviso be added at the end:

'Provided that in the case of marine, accident and miscellaneous insurance business other than workmen's compensation and motor-car insurance the above requirements regarding prospectus, forms and statements shall be complied with only in so far as the prospectus, forms and statements may be available'."

The motion was adopted.

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

"That for sub-clause (2) (f) of clause 3 of the Bill, the following be substituted:

'(f) a certified copy of the published prospectus, if any, and of the standard policy forms of the insurer and statements of the assured rates, advantages, terms and conditions to be offered in connection with insurance policies together with a certificate in connection with life insurance business by an actuary that such rates, advantages, terms and conditions are workable and sound.

Provided that in the case of marine, accident and miscellaneous insurance business other than workmen's compensation and motor-car insurance the above requirements regarding prospectus, forms and statements shall be complied with only in so far as the prospectus, forms and statements may be available'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): Then we come to amendment No. 2 in the printed list.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I move:

12 NOON.

"That in sub-clause (*1*) of clause 8 of the Bill, all the words occurring after the words 'upon a policy' be omitted."

Sir, as the Honourable the Leader of the House has said that he is going to oppose this amendment, I am afraid, I shall have to explain why we have tabled this amendment. As the sub-clause stands as amended by the Council of State, it says that "the deposits shall not be liable to attachment in execution of any decree except a decree obtained by a policy-holder of the insurer in respect of a debt due. . . . .

Mr. President (The Honourable Sir Abdur Rahim: Just wait, I am afraid there has been confusion.

The Honourable Sir Nripendra Sircar: May I make a suggestion, Sir. I would draw your attention to Legislative Rule No. 35, at page 91, where it is said that if a motion that the amendments be taken into consideration is carried, the President shall put the amendments to this Chamber in such a way as he thinks most convenient for their consideration. I suggest, Sir, a course which will be convenient. In considering these amendments made by the Council of State, where there are no amendments made here, I submit all that is necessary is to put to the House that Amendment No. 2 in connection with say clause 2 as made in the Council of State be agreed to. What we want is concurrence.

Mr. President (The Honourable Sir Abdur Rahim): Do you suggest that the whole amendment need not be read?

The Honourable Sir Nripendra Sircar: It need not be read, Sir.

Mr. President (The Honourable Sir Abdur Rahim): Well, if that suits the House, I have no objection to adopt that practice and save the time of the House.

The Honourable Sir Nripendra Sircar: Now you have to put again that amendment No. 2 as amended in this House be concurred in.

Mr. President (The Honourable Sir Abdur Rahim): The amendment of this House, that is No. 1, in the printed list, has been carried.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Sir, clause 2 has not been put. As suggested by the Honourable the Leader of the House, if you put clause 2, then you come to No. 3 to which an amendment has been moved . . . .

The Honourable Sir Nripendra Sircar: May I point out, Sir, that the clauses need not be put again. What you have to do is, to inquire whether the House agrees to amendments Nos. 1, 2, 3 and so on as made by the Council of State. They have merely to be agreed to. All that is necessary to state here is that Amendment No. 2 in the Council of State, as amended here, be agreed to.

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

"That the amendment* to clause 3 as made by the Council of State, and as amended, be agreed to."

The motion was adopted.

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

"That the amendment† to clause 4 as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment‡ to clause 5 as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment§ to clause 6 as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment¶ to clause 7 as made by the Council of State be agreed to."

The motion was adopted.

Mr. K. Santhanam: I beg to move:

"That in sub-clause (*1*) of clause 8 of the Bill, all the words occurring after the words 'upon a policy' be omitted."

In the section as modified by the Council of State it is stated:

"nor shall it be liable to attachment in execution of any decree except a decree obtained by a policy holder of the insurer in respect of a debt due upon a policy which debt the policy-holder has failed to realise in any other way."

The latter part has been inserted by the Council of State as a result of which, unless the policy holder has exhausted all other steps to recover his policy amount, he cannot attach this deposit. That is to say, until he has taken the company into liquidation, he cannot come to the Superintendent and say, "This insurer has failed to pay my policy amount".

*For this Amendment (No. 2) *see* p. 70 of these Debates.
†For this Amendment (No. 3) *see* p. 70 of these Debates.
‡For this Amendment (No. 4) *see* p. 71 of these Debates.
§For this Amendment (No. 5) *see* p. 71 of these Debates.
¶For this Amendment (No. 6) *see* p. 71 of these Debates.

That is as good as saying that the clause be deleted. There is no sense in the present amendment made by the Council of State. Either this deposit should be useful to the policy holder for the realisation of his claims or this deposit should not be a security. In the original clause it was said:

"Nor shall it be liable to attachment in execution of a decree except a decree obtained by a policy holder of the insurer in respect of a debt due upon a policy."

The subsequent words were not there. The Superintendent has always the power to call upon the insurer to make up any deficit in the deposit. Therefore, if the amendment is carried, any policy holder who has failed to realise his money can attach this deposit and the money will be paid out of the deposit, and immediately the Superintendent will issue notice to the insurance companies saying 'Please pay up the amount'. It will be a sort of summary proceeding in favour of the policy holder and the very fact that the provision exists will make the insurer very careful to pay all decrees promptly. He would not wait till the deposit is attached. Therefore, I do not see why the Government should object to this simple amendment. Otherwise, I am afraid it will encourage insurers to postpone payment and put all kinds of obstacles in the way of the easy realisation of the decrees in relation to the policies. I move.

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

"That in sub-clause (*1*) of clause 8 of the Bill all the words occurring after the words 'upon a policy' be omitted."

The Honourable Sir Nripendra Sircar: I oppose the amendment and I hope the House will not accept it. The amended clause as it now stands means this, that the deposit money will be available for satisfaction of a debt due on a policy, but the decree holder has got first of all to see whether he cannot recover his dues from other funds or other assets of the company. There is no question of liquidation. There must be liquidation before you can come to the deposit, my friend, Mr. Santhanam, said; but that is not correct. What is the idea of a deposit—that it will be available as a kind of guarantee or security for all policy holders. Why should not a policy holder who has obtained his decree in the first instance take it from other sources. Why should he not take it from other funds of the life insurance company. How is the decree holder prejudiced? He attaches other funds. If he cannot get money from those funds, then he proceeds against the deposit but there is danger in my Honourable friend's amendment. If this is carried every one having a decree on a policy will proceed straight to the deposit. Is that desirable and why should that be done. It is quite true that after the money has been taken away the Superintendent has got the power to call upon the insurance company to make up the deficiency, but why should it be enacted by us that the decree holder who has got other funds to look to should go and attach the deposit in the first instance. I submit that in the interest of the general body of policy holders the decree-holder should not be given the right suggested by my Honourable friend. It is easy to imagine that there may be consent decrees, collusive decrees, decrees in favour of directors and so on. Why should they be allowed to go against deposit in the first instance? I oppose it.

Mr. Sami Vencatachelam Chetty: I am afraid the explanation given by the Honourable the Law Member is unconvincing. If the deposit has been

[Mr. Sami Vencatachelam Chetty.]

built up for the safety of the policy holders, it stands to reason that the policy holders should look to it for the satisfaction of their decrees. After all, decrees are the last steps which a policy holder can take for the realisation of his amounts from the insurance company. No sound insurance company would drive its policy holder to obtain a decree against it, if it can possibly avoid it. It is only in the last resort when other reserves are exhausted that going to the deposit will come into play, and if at this stage the policy holders are driven to roam about all places where possibly there are no funds of this insurance company, it would seem to me quite unnecessary to build up a fund called deposit in favour of the so-called policy holders. For whose benefit should this deposit go on accumulating if a policy holder cannot get his money from the funds which have been kept for that purpose. As I say, the resources of the insurance company might have exhausted in other places. And should the policy holder be compelled to spend money in finding out why the resources available for his decree should be so available to him and why he should get satisfaction. Sir, it seems to me that it is killing the policy holder, for whom this Bill is designed, with an amount of kindness which he does not require.

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

"That in sub-clause (*1*) of clause 8 of the Bill all the words occurring after the words 'upon a policy' be omitted.".

The motion was negatived.

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

"That the amendment† to clause 8 as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment† to clause 10 as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment† to clause 12 as made by the Council of State be agreed to."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): Amendment No. 10† in the list of amendments made by the Council of State.

Mr. S. C. Sen (Government of India: Nominated Official): Sir, I move:

"That in the proviso to clause 15(*1*) for the words 'said period' the words 'said period of six months' be substituted."

Sir, it is not necessary to treat this matter in detail, but if Honourable Members will look at sub-clause (1) before the proviso, that provides for a period of six months from the end of the period within which the audited accounts and statements are to be submitted. The proviso speaks of "the said period" and in order to clear it up, it is necessary that the words "said period of six months" should be substituted. Sir, I move.

†For these amendments (Nos. 7, 8, 9 and 10) *see* p. 72 of these Debates.

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

"That in the proviso to clause 15(*1*) for the words 'said period' the words 'said period of six months' be substituted."

The motion was adopted.

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

"That the amendment† to clause 15 as made by the Council of State, and as amended, be agreed to."

The motion was adopted.

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

"That the amendment† to clause 16 as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment† to clause 19 as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment† to clause 20 as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment‡ to clause 21 as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment‡ to clause 27 as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment§ to clause 28 as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment§ to clause 29 as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment§ to clause 31 as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment§ to clause 32 as made by the Council of State be agreed to."

The motion was adopted.

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†For these Amendments (Nos. 10, 11, 12 and 13) *see* p. 72 of these Debates.
‡For these Amendments (Nos. 14 and 15) *see* p. 72 of these Debates.
§For these Amendments (Nos. 16, 17, 18 and 19) *see* p. 73 of these Debates.

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

"That the amendment* to clause 33 as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment† to clause 35 as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment‡ to clause 38 as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment‡ to clause 40 as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment‡ to clause 41 as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment‡ to clause 42 as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment§ to clause 43 as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment¶ to clause 44 as made by the Council of State be agreed

The motion was adopted.

Mr. Sami Vencatachelam Chetty: Sir, I beg to move:

"That in clause 45 of the Bill, before the words 'No policy of life insurance' the following be inserted:

'No policy of life insurance effected before the commencement of this Act shall after the expiry of two years from the date of commencement of this Act and'."

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*For this Amendment (No. 20) *see* p. 73 of these Debates.

†For this Amendment (No. 21) *see* p. 73 of these Debates.

‡For these Amendments (Nos. 22, 23, 24 and 25) *see* p. 74 of these Debates.

§For this Amendment (No. 26) *see* p. 75 of these Debates.

¶For this Amendment (No. 27) *see* p. 75 of these Debates.

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

"That in clause 45 of the Bill, before the words 'No policy of life insurance' the following be inserted :

'No policy of life insurance effected before the commencement of this Act shall after the expiry of two years from the date of commencement of this Act and'."

The Honourable Sir Nripendra Sircar: I accept the amendment

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

"That in clause 45 of the Bill, before the words 'No policy of life insurance' the following be inserted :

'No policy of life insurance effected before the commencement of this Act shall after the expiry of two years from the date of commencement of this Act and'."

The motion was adopted.

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

"That the amendment* to clause 45 as made by the Council of State, and as amended, be agreed to."

The motion was adopted.

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

"That the amendment† to clause 48 as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment† to clause 49 as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment† to clause 50 as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment† to clause 51 as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment† to clause 52 as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment‡ to clause 56 as made by the Council of State be agreed to."

The motion was adopted.

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*For this Amendment (No. 28) *see* p. 75 of these Debates.
†For these Amendments (Nos. 29 30, 31, 32 and 33), *see* p. 75 of these Debates.
‡For this Amendment (No. 34), *see* p. 76 of these Debates.

Mr. S. C. Sen: Sir, I beg to move:

"That in clause 60 after the word 'company' where it occurs the second, third and fourth time, the words 'or other insurer' be inserted."

This is only making good an omission, because the section deals with a company and other insurers and it is to make it clear that this amendment is moved. Sir, I move.

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

"That in clause 60 after the word 'company' where it occurs the second, third and fourth time, the words 'or other insurer' be inserted."

Mr. M. Ananthasayanam Ayyangar: Sir, I have not been able to understand the implication of the amendment. The winding of a partnership is all right but the winding of an individual is rather difficult. Therefore, it will be all right if we say "the winding up of the business of any other insurer".

Mr. S. C. Sen: With your permission, Sir, I may point out that it is not intended to put the words 'or other insurer' after the word 'company' where it occurs for the first time. Therefore, the contingency which my friend is apprehending does not arise.

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

"That in clause 60 after the word 'company' where it occurs the second, third and fourth time, the words 'or other insurer' be inserted."

The motion was adopted.

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

"That the amendment† to clause 60 as made by the Council of State, and as amended, be agreed to."

The motion was adopted.

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

"That the amendment‡ to clause 63 as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment‡ to clause 64 as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment‡ to clause 65 as made by the Council of State be agreed to."

The motion was adopted.

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†For this Amendment (No. 35), *see* p. 76 of these Debates.

‡For these Amendments (Nos. 36, 37 and 38) *see* p. 76 of these Debates.

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

"That the amendment* to clause 70 as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment* to clause 72 (now clause 73) as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment* to clause 79 (now clause 80) as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment* to clause 84 (now clause 85) as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment* to clause 86 (now clause 87) as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment* to clause 91 (now clause 92) as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment† to clause 93 (now clause 94) as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment† to Part IV as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment‡ to clause 94 (now clause 95) as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment‡ to clause 99 (now clause 100) as made by the Council of State be agreed to."

The motion was adopted.

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*For these Amendments (Nos. 39, 40, 41, 42, 43 and 44) *see* p. 76 of these Debates.
†For these Amendments (Nos. 45 and 46) *see* p. 76 of these Debates.
‡For these Amendments (Nos. 47 and 48), *see* p. 77 of these Debates.

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

"That the amendment† to clause 100 (now clause 101) as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment† to clause 102 (now clause 103) as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment† to clause 106 (now clause 107) as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment† to clause 110 (now clause 111) as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment† to clause 112 (now clause 113) as made by the Council of State be agreed to."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): Clause 113 (now clause 114).

Mr. Manu Subedar (Indian Merchants' Chamber and Bureau: Indian Commerce): Sir, I beg to move:

"That in clause 114 of the Bill for the proviso to sub-clause (*2*) the following be substituted :

'Provided that every rule made under this section shall be laid as soon as may be after it is made before both Chambers of the Central Legislature for one month while they are in Session; and, if within one month from the later date on which the rule has so been laid both Chambers agree in making any modification in the rule or both Chambers agree that the rule should not be made the rule shall thereafter have effect only in such modified form or shall be of no effect, as the case may be'."

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

"That in clause 114 of the Bill for the proviso to sub-clause (*2*) the following be substituted :

'Provided that every rule made under this section shall be laid as soon as may be after it is made before both Chambers of the Central Legislature for one month while they are in Session; and, if within one month from the later date on which the rule has so been laid both Chambers agree in making any modification in the rule or both Chambers agree that the rule should not be made the rule shall thereafter have effect only in such modified form or shall be of no effect, as the case may be'."

The Honourable Sir Nripendra Sircar: Sir, I accept the amendment.

†For these Amendments (Nos. 49, 50, 51, 52 and 53), *see* p. 77 of these Debates.

Sir Cowasji Jehangir: Mr. President, the point for consideration was whether these rules should come into effect before or after the two Chambers have had an opportunity of considering them. It has now been decided that the rule shall first come into effect and the Chambers then shall have an opportunity of expressing an opinion. May I make one request to the Honourable the Leader of the House? He has many months within which to consider these rules, draft them and to adopt them. Would he see his way to place them—only the first rules in the initial stage and never afterwards—before the House before they come into effect, so that the public may have an opportunity of considering them I make this request to him, if it is possible to do so. I would make this request because in the very first instance, there may be many points in these rules on which the Honourable Members would like to express an opinion, and if the rules came into effect straightaway, there might be some difficulty felt both by the Companies and by the Government in having to amend them afterwards. I would make this request to the Honourable the Leader of the House to do so if he possibly can.

The Honourable Sir Nripendra Sircar: May I say that that cannot be done and it is for this reason. Supposing we say that the Act comes into operation—taking an imaginary date—the 1st October, 1938. We frame the rules, let us assume if we are expeditious, we can frame our rules before the 1st October, 1938. Now then what happens? The rules are not in operation, but the Act has got to come into operation. There may be no Assembly sitting. What will happen in the meantime? There are no rules whatsoever. Let us take another date. The Act comes into operation on 1st December, 1938. If I comply with the Honourable Member's request, then until these rules have been changed in the House or agreed to in the House they do not come into operation. What happens in the meantime? I submit, Sir, we have considered the matter, and if it were possible, we would have done it.

Sir Cowasji Jehangir: I will suggest a way out, if the Honourable Member would listen to me.

The Honourable Sir Nripendra Sircar: If the Honourable Member would show me the way after the Bill had been passed, I would certainly consider it.

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

"That in clause 114 of the Bill for the proviso to sub-clause (*2*) the following be substituted :

'Provided that every rule made under this section shall be laid as soon as may be after it is made before both Chambers of the Central Legislature for one month while they are in Session; and, if within one month from the later date on which the rule has so been laid both Chambers agree in making any modification in the rule or both Chambers agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or shall be of no effect, as the case may be'."

The motion was adopted.

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

"That the amendment† to clause 113 (now clause 114) as made by the Council of State, and as amended, be agreed to."

The motion was adopted.

†For this Amendment (No. 54), *see* p. 77 of these Debates.

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

"That the amendment† to clause 115 (now clause 116) as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment† to clause 117 (now clause 118) as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment† to clause 118 (now clause 119) as made by the Council of State be agreed to."

The motion was adopted.

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

"That the new clause† as inserted by the Council of State after clause 118 (now clause 119) be agreed to."

The motion was adopted.

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

"That the amendment† to the First Schedule as made by the Council of State be agreed to."

The motion was adopted.

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

"That the amendment† to the Third Schedule as made by the Council of State be agreed to."

The motion was adopted.

Mr. S. C. Sen: Sir, I move:

"That in Part II of the Fourth Schedule, in items 6, 7 and 8 for the words 'policy owners' wherever they occur, the word 'policy-holders' be substituted."

In the body of the Act we have all along used the word "policy-holders" and that is why this amendment is necessary. Sir, I move.

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

"That in Part II of the Fourth Schedule, in items 6, 7 and 8 for the words 'policy owners' wherever they occur, the word 'policy-holders' be substituted."

The motion was adopted.

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

"That the amendment‡ to the Fourth Schedule as made by the Council of State, and as amended, be agreed to."

The motion was adopted.

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

"That the re-numbering necessitated by the amendments made in the Council of State and all references to the numbering of the clauses as corrected being required by such re-numbering be agreed to."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 9th February, 1938.

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†For these Amendments (Nos. 55, 56, 57 58, 59 and 60) *see* p. 78 of these Debates.
‡For this Amendment (No. 61) see p. 78 of these Debates.

LEGISLATIVE ASSEMBLY

Wednesday, 9th February, 1938.

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

STARRED QUESTIONS AND ANSWERS.

(*a*) ORAL ANSWERS.

FACILITIES FOR SECRETARIAT TRAINING IN UNIVERSITIES.

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

(a) whether Government have received replies from all universities with regard to giving secretariat training;

(b) whether any have agreed to give such training; and

(c) if so, when they are going to begin?

Sir Girja Shankar Bajpai: (a) No.

(b) and (c). The attention of the Honourable Member is invited to the reply given by me to his starred question No. 958 on the 1st October, 1937. No additional information has been received since.

Mr. T. S. Avinashilingam Chettiar: May I know which universities have not replied yet?

Sir Girja Shankar Bajpai: The Andhra University and the Punjab University.

Mr. T. S. Avinashilingam Chettiar: May I know the reason for this great delay?

Sir Girja Shankar Bajpai: I think that question ought to be addressed to the University authorities, not to me.

Mr. Lalchand Navalrai: Have you expedited them?

Sir Girja Shankar Bajpai: How do I expedite a University?

Mr. Lalchand Navalrai: Write to them to send a reply soon.

NEGOTIATIONS WITH THE GOVERNMENT OF ITALY ABOUT THE RECOGNITION OF INDIAN MEDICAL DEGREES.

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

(a) whether the negotiations with the Government of Italy with regard to the recognition of Indian medical degrees have come to any conclusion; and

(b) if so, what is the result of the negotiations?

Sir Girja Shankar Bajpai: (a) and (b). The negotiations are still in progress.

Mr. T. S. Avinashilingam Chettiar: When do they expect to finish the negotiations?

Sir Girja Shankar Bajpai: It depends on the Italian Government more than on us.

Mr. T. S. Avinashilingam Chettiar: In the meantime since many Italians are practising here, will they take action?

Sir Girja Shankar Bajpai: I am not aware that many Italians are practising in India.

DEVELOPMENT OF INDIAN SHIPPING.

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

(a) whether the proceedings of the Shipping Committee of the Imperial Conference have been received;

(b) whether the maintenance of adequate Indian shipping was considered in the committee; and

(c) if so, what were the conclusions with regard to the development of adequate Indian shipping?

Mr. H. Dow: (a) Government have not received the proceedings, but they have received a "Summary of Proceedings" of the Imperial Conference which includes a summary of the proceedings of the Committee on Shipping Questions.

(b) and (c). "The Committee on Shipping Questions reviewed the position regarding British shipping in relation to the needs of the several parts of the British Commonwealth of Nations and realised that the maintenance of adequate British shipping was a matter of common concern to the countries of the Commonwealth". The term "British Shipping" here denotes all shipping registered as British wherever the registration be effected, and therefore does not differentiate between shipping registered in India and that registered elsewhere within the British Commonwealth of Nations.

Mr. B. Das: Did the representatives of the Government of India put forward the claims of Indian shipping in that conference?

Mr. H. Dow: This was not a shipping conference, but was a committee of the Imperial Conference. The Government of India did not put forward any representations.

Mr. B. Das: Did the Government of India address any letter to this shipping committee about Indian shipping in any way?

Mr. H. Dow: No.

Mr. T. S. Avinashilingam Chettiar: In view of the fact that Indian shipping is not on a very high level, may I know why Government did not take any steps to press forward their claims?

Mr. H. Dow: Because this particular committee was not concerned with the question merely of Indian shipping: they were an Imperial body dealing with questions which concerned the shipping of the whole empire in relation to other countries of the world.

Mr. Manu Subedar: Have Government received any representation from Indian shipping on this subject?

Mr. H. Dow: We have received representations from Indian shipping, yes.

Seth Govind Das: The Honourable Member has just said that this committee was dealing with the shipping of the Empire as a whole: is India not included in the Empire?

Mr. H. Dow: Yes.

Seth Govind Das: Then, what was the reason why no representation was made by the Government so far as Indian shipping is concerned?

Mr. H. Dow: Because this shipping committee was not dealing with the affairs of the separate units of the Empire: it was dealing with the conditions of British shipping, including Indian shipping, as a whole in relation to world problems.

Seth Govind Das: Are the Government not aware that the present condition of Indian shipping is very bad and that this committee was dealing with the whole question of shipping and was it not their duty to represent the Indian case?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has pointed out more than once that it had nothing to do with this committee.

Mr. K. Santhanam: May I know if the Government of India were in any way represented in this committee?

Mr. H. Dow: This committee was a sub-committee of the Imperial Conference on which India was, as you know, represented.

Mr. K. Santhanam: Did the representatives of the Government of India take any part in this sub-committee?

Mr. H. Dow: I believe not.

Mr. B. Das: Did not the Government of India at that time receive any memorandum from the Indian shipping companies to represent their interests at the Imperial Conference sub-committee?

Mr. H. Dow: I shall require notice of that question: I am not sure whether representations were made in connection with this committee or some other committee.

Mr. B. Das: Will the Honourable Member take it from me that the Government of India here and the India Office in London did receive the memorandum from the Indian shipping companies to represent their interests?

Mr. H. Dow: We have received large numbers of representations from Indian shipping, but not relevant to this particular matter as far as I am aware.

Mr. N. M. Joshi: May I ask, in view of the fact that there is a great agitation in Great Britain for reducing the employment of Indian *lascars* on British ships, if the Government of India will give instructions to their representatives on the committee or conference to protect the interests of Indian *lascars*?

Mr. H. Dow: I am afraid, Sir, the Honourable Member is muddling this committee with the Imperial Shipping Committee, which is quite a different body.

SLUMP IN THE COTTON PRICES.

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

(a) whether they are aware that the price of cotton has gone down very low and that there is a feeling that it may go down much lower?

(b) whether they have investigated the reasons for this fall in price; if so, what are the reasons; and

(c) whether they propose to consider the advisability of taking some steps to prevent the fall in price?

Sir Girja Shankar Bajpai: (a) Government are aware of the fall in prices.

(b) A bumper American crop, which is estimated to be the largest since 1931-32, an adverse world stock situation, the policy of economic self sufficiency pursued by certain foreign countries and the continuation of the Sino-Japanese conflict appear to be the main causes of the slump.

(c) Representations for an increase in the import duty on foreign cotton have been received and are under examination.

Mr. T. S. Avinashilingam Chettiar: Have the Government of India now received a copy of the proceedings of the committee appointed by the Indian National Congress in this matter?

Sir Girja Shankar Bajpai: Not from the Congress, but I have seen that report in the press.

Mr. T. S. Avinashilingam Chettiar: Have they considered the suggestions made therein?

Sir Girja Shankar Bajpai: There is a subsequent question about that: I shall answer that in due course.

Mr. Bhulabhai J. Desai: Are the Government aware that the season for marketing cotton in large parts of India will soon be reached and will the Government of India expedite the decision on the question of the import duty?

Sir Girja Shankar Bajpai: The Government of India will do what they can to reach as early a decision as possible on the question of an import duty.

Mr. Bhulabhai J. Desai: What I wish to emphasise is, will the Government see that any increase in the import duty may be too late if not taken in proper time?

Sir Girja Shankar Bajpai: That point will be taken into account.

Dr. Sir Ziauddin Ahmad: May I ask whether the Government have examined the export figures to various countries and in what countries there is a special deficiency of exports?

Sir Girja Shankar Bajpai: About that also there is a separate question later on.

NECESSITY FOR SAFEGUARDING THE INDIAN INTERESTS UNDER THE TRANSPORT CO-ORDINATION BILL OF KENYA.

181. ***Seth Govind Das:** Will the Secretary for Education, Health and Lands please state:

(a) whether Government have received a copy of the Transport Co-ordination Bill of Kenya;

(b) whether Government have examined the provisions of the Bill together with the representations from Kenya stating the Indian view-point;

(c) whether Government have received the proceedings of the Kenya Council discussing the first reading of the Bill and the deliberations, if any, of the Select Council set up for the purpose;

(d) whether he will lay on the table a copy of the Bill;

(e) whether it is a fact that under the rules no Indian would be appointed to the Licensing Board;

(f) whether it is a fact that the Kenya Government have turned down the request of the Indian community in that colony for the appointment of an Indian Member on the Board;

(g) whether it is a fact that country craft and motor buses in that colony are mostly owned by Indians and these are sought, under the provisions of the Bill, to be controlled so as to minimise competition with the Railways; and

(h) whether Government have made any suggestions to alter or modify the provisions of the Bill to safeguard Indian interests; if not, the reasons of Government therefor?

Sir Girja Shankar Bajpai: (a) and (d). Yes. A copy of the Bill, as passed, is placed in the Library of the House.

(b) The Bill was introduced in the Kenya Legislative Council during the first week of November. The Government of India did not receive any representation from the local Indian community, except a telegram on the 26th November, stating, *inter alia* that the Bill had passed its second reading and been placed before a Select Committee. It did not explain what precisely the objections of the Indian community to the Bill were. A memorandum containing their objections was promised but has not yet been received. Nevertheless, immediately on receipt of the telegram, the Government of India suggested to the Secretary of State for the Colonies that consideration of the measure be postponed. They also made representations to His Majesty's Government on the merits of the Bill in the light of the observations made by Indian Members of the Legislative Council of Kenya during the discussion in the Legislative Council and their own examination of its provisions. The Bill was passed on the 16th December, 1937.

(c) Government have only recently received advance copies of the *verbatim* reports of the Kenya Legislative Council on the second and third readings of the Bill. The proceedings of the Council during the first reading and the report of the Select Committee are awaited.

(e) The section relating to the establishment of the Transport Licensing Board and its composition does not preclude the appointment of an Indian.

(f) Government have no information to this effect.

(g) One of the objects of the Ordinance is to prevent wasteful competition between motor and other forms of transport with railways. Government understand that Indians in Kenya do in fact have considerable interests in the lorry and inland water transport business.

(h) Yes. In reply to the Government of India's representations His Majesty's Government stated that should specific objections arise to any of the provisions of the Bill when it has been enacted, they will be examined and, if necessary, amendments will be considered. On the basis of this statement, correspondence with the Colonial Office is in progress.

Seth Govind Das: Are the Government aware, with reference to clause (e) of this question, that though Indians are not debarred from becoming members of this Board, yet when no provision is made for such appointments of Indians, no Indians are appointed in practice?

Sir Girja Shankar Bajpai: That is exactly the point which we are pressing upon His Majesty's Government, namely that Indians should have representation on this Board.

Seth Govind Das: Are the Government aware that when this Bill was being enacted the Indians in the Kenya Legislative Council wanted two Members on the Select Committee and their demand was rejected, and, therefore, they did not co-operate with the Select Committee?

Sir Girja Shankar Bajpai: That has appeared in the press, yes.

Seth Govind Das: Are the Government aware that this attitude of the Government of Kenya is considered as anti-Indian, and this attitude has been persisted after the present Governor of Kenya has been appointed?

Sir Girja Shankar Bajpai: I do not know that that arises out of this question.

RESEARCH FOR UTILISATION OF COTTON IN OTHER THAN THE TEXTILE INDUSTRY.

182. ***Mr. Govind V. Deshmukh:** Will the Secretary for Education, Health and Lands please state whether any research work has been made as to the use of cotton in any industry besides textile? If so, what are these?

Sir Girja Shankar Bajpai: Detailed information is being collected and will be communicated to the Honourable Member as soon as it is ready.

Mr. Govind V. Deshmukh: When will it be ready?

Sir Girja Shankar Bajpai: I think that general information will be given by my Honourable friend, Mr. Dow, in answer to question No. 186. Detailed particulars ought to be available in a day or two.

PROTECTION OF THE RIGHTS OF INDIANS IN MAURITIUS.

183. ***Mr. Badri Dutt Pande:** (a) Has the Secretary for Education, Health and Lands seen the statement issued by the Imperial Indian Citizenship Association, Bombay, regarding the genesis of labour trouble in Mauritius (published in the *Hindustan Times* of the 18th January, 1938, page 9):

(i) that out of the population of four lakhs, the Indians number 265,796;

(ii) that Indians are debarred from higher posts and no elected Indian is represented in the Legislative Council, while there is only one nominated Indian member at present in the Council;

(iii) that in the Commission of Enquiry to investigate into the grievances of (1) low wages, and (2) reduction of the weight of the variety of sugar-cane known as "Uba Fleriot" and (3) swindling by intermediates, no Indian representative finds a place;

(iv) that there had been many cases of strikes, police firing and victimisation; and

(v) that the poor law allowance for Indians is very small?

(b) What action, if any, is being taken by the Indian Government to protect the rights of its nationals in Mauritius?

Sir Girja Shankar Bajpai: (a) Government have seen the statement referred to by the Honourable Member.

(b) As regards matters within the scope of the Commission of Enquiry, the attention of the Honourable Member is invited to my reply to part (b) of Mr. S. Satyamurti's starred question No. 837 on the 28th September, 1937. His Majesty's Government have been addressed with regard to the other points mentioned in the statement.

Mr. Mohanlal Saksena: When was this letter addressed?

Sir Girja Shankar Bajpai: The letter was sent on receipt of the representation from the Imperial Citizenship Association, about three weeks ago.

Mr. Badri Dutt Pande: Have Government pressed the claims of Indians for representation on the Legislative Council?

Sir Girja Shankar Bajpai: The representation of Indians on the Legislative Council is not affected either by the riots or by the question of poor law.

INSULT TO SETH GOVIND DAS, M.L.A., BY AN AFRICAN LIFTMAN AT DURBAN.

184. ***Mr. Badri Dutt Pande:** (a) Is the Secretary for Education, Health and Lands aware that Seth Govind Das who comes from a respectable family and is a front bencher of this Assembly was insulted by an African liftman who refused to take him in a lift at Durban?

(b) Has the Indian Government taken any action on this matter?

Sir Girja Shankar Bajpai: (a) and (b). The Honourable Member presumably refers to the incident which happened in the premises of the Standard Bank of South Africa in Pretoria. The matter was immediately taken up by the Agent General in the Union with the Manager of the Bank who has offered a full apology and has taken steps to prevent any similar incidents in future.

Seth Govind Das: Are the Government aware that a similar incident took place after that apology was given?

Sir Girja Shankar Bajpai: Yes, Sir, with very similar consequences namely, with an apology and a promise to take steps to prevent any similar incidents in future.

Mr. Badri Dutt Pande: May I know, Sir, what action have "the Trustees and Guardians of India in England" have taken in this matter?

Sir Girja Shankar Bajpai: What action does my friend suggest exactly?

Mr. Badri Dutt Pande: They should see that such insults will not be hurled on Indians in future.

Mr. Manu Subedar: Does the Honourable Member know that he may have been himself there and the liftman would have insulted him just the same.

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

POSITION RELATING TO FRANCHISE TO BE GIVEN TO INDIANS IN CEYLON.

185. ***Mr. Badri Dutt Pande:** (a) Will the Secretary for Education, Health and Lands be pleased to state the position in Ceylon regarding the franchise to be given to Indians?

(b) Did the Government of India's Agent in Ceylon meet the Honourable the Education Member at Madras in this connection? If so, with what results?

Sir Girja Shankar Bajpai: (a) The Honourable Member presumably refers to the Village Communities (Amendment) Ordinance. The Ordinance, which the Ceylon State Council passed, has been reserved by His Excellency the Governor for the signification of His Majesty's pleasure.

(b) The Agent of the Government of India in Ceylon did meet the Honourable Member for Education in Madras and discussed with him recent developments of interest to the Indian community in Ceylon, including those relating to the Village Communities Ordinance. The Government of India's decision not to allow the recruitment of labour for Ceylon unless the question of the Ordinance was satisfactorily settled was taken long before the interview referred to by the Honourable Member.

SLUMP IN THE COTTON PRICES.

†186. ***Prof. N. G. Ranga:** Will the Secretary for Education, Health and Lands be pleased to state:

(a) if he is aware of the terrible slump that has set in during the last few months in world markets for Indian cotton;

(b) what has been the fall in the prices of Indian cotton since this slump has set in;

(c) what were the causes for this slump;

(d) what markets had been affected, so far as our cotton exports are concerned;

(e) what has been the reduction in the total exports of our cotton to the principal importing countries of the world;

†Answer to this question laid on the table, the questioner being absent.

(f) whether any action has been taken by Government to arrest the effects of this slump on Indian cotton-growers?

Sir Girja Shankar Bajpai: (a), (c) and (f). I would refer the Honourable Member to the reply I have given to question No. 180.

(b) and (e). I lay on the table statements which give the required information.

(d) The fall is common to all markets.

I.—*Statement showing the weekly quotations of Raw Cotton, M. G. F. G. Broach and Index Nos. of wholesale prices of Raw Cotton at Calcutta and Bombay* from June, 1937.

Weekly quotations of raw cotton, M. G. F. G. Broach *at Bombay*. (Per Candy of 784 lbs).					Index No. of raw cotton prices *at Calcutta*. (Prices in July 1914 = 100). (Source : Indian Trade Journal).	Index No. of raw cotton prices *at Bombay*. (Prices in July 1914 = 100). (Source : Bombay Labour Office).
		Rs.	A.	Delivery.		
1937—						
June	4	240	0	July-August 1937		
	11	233	0	,,	101	98
	18	227	0	,,		
	25	225	0	,,		
July	2	218	0	,,		
	9	215	0	,,		
	16	207	0	,,	89	90
	23	206	0	,,		
	30	193	0	,,		
August	6	194	0	,,		
	13	187	0	,,		
	20	183	0	,,	83	85
	27	178	0	,,		
Septr.	3	190	0	April-May 1938		
	10	188	0	,,		
	17	183	0	,,	71	84
	24	179	0	,,		
Octr.	1	168	0	,,		
	8	163	0	,,		
	15	165	0	,,	71	84
	22	164	0	,,		
	29	161	0	,,		
Novr.	5	155	0	,,		
	12	161	0	,,		
	19	158	0	,,	70	79
	26	164	0	,,		
Decr.	3	163	0	,,		
	10	165	0	,,		
	17	168	0	,,	74	79
	23	172	0	,,		
	30	167	0	,,		

II.—*Statement showing prices of Indian and American Cotton at Liverpool with parities (per cent. of Indian on American) from June, 1937.*

	Middling American d per lb.	Good Staple Fine Broach d per lb.	*Parities* (per cent. on American).
1937—			
June 4	7·31	6·23 N	85·2
11	7·06	6·06 N	85·8
18	6·92	6·02 N	87·0
25	6·95	6·05 N	87·1
July 2	6·87	5·93 N	86·3
9	6·98	6·01 N	86·1
16	6·85	5·87 N	85·7
23	6·60	5·69 N	86·2
30	6·12	5·30 N	86·6
Aug. 6	6·20	5·36 N	86·5
13	5·93	5·19 N	87·5
20	5·78	5·08 N	87·9
27	5·63	4·95 N	87·9
Sept. 3	5·56	4·87 N	87·6
10	5·46	4·75 N	87·0
17	5·33	4·53 N	85·0
24	5·08	4·33 N	85·2
Oct. 1	4·89	4·05 N	82·8
8	4·75	3·93 N	82·7
15	4·82	4·04 N	83·8
22	4·89	4·12 N	84·3
29	4·83	3·98 N	82·4
Nov. 5	4·55	3·80	83·5
12	4·63	3·93	84·9
19	4·55	3·87	85·1
26	4·64	3·99	86·0
Dec. 3	4·65	3·97	85·4
10	4·70	4·02	85·5
17	4·81	4·05	84·2

N = Nominal

III.—*Statement showing exports of Cotton.*

1st September to 22nd January.

	1937-38.	1936-37.
Calcutta	8,036	10,041
Bombay	2,72,964	7,27,530
Karachi	1,95,054	5,70,506
Madras	12,790	45,987
Tuticorin	4,368	21,213
	4,93,212	13,75,277

SLUMP IN THE COTTON PRICES.

†187. ***Prof. N. G. Ranga:** Will the Secretary for Education, Health and Lands be pleased to state:

(a) if he has read either the full report or the press report of the Committee appointed by the Indian National Congress to enquire into the ways and means to fight the slump in cotton prices and to help our cotton-growers;

(b) if so, if he has considered the suggestions made by the Committee that the Government should grant export of cotton of one inch and less staple; and

(c) what are the conclusions of Government in regard to those suggestions?

Sir Girja Shankar Bajpai: (a) Government have seen the press report.

(b) and (c). If an export subsidy and prohibition of import of cotton of one inch and less staple are the suggestions the Honourable Member is referring to, Government do not consider that they will have the desired result.

STANDARDISATION OF WEIGHTS AND MEASURES.

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

(a) if he is aware of the fact that there is no uniformity in the weights used in different parts of the country, and as a consequence, much inconvenience is caused to traders and merchants;

(b) if he is aware that when paying wages to labour, false weights are used by the employers;

(c) whether any recent enquiry had been made to ascertain the best measures to be adopted to bring about the needful uniformity;

(d) if it is not a fact that with the existing authorised weights, there is no adequate staff to supervise and bring to book dishonest merchants and employers of labour, and there is not sufficient strictness to prevent the abuse of false weights; and

(e) whether he will consider the advisability of appointing an Enquiry Committee to recommend measure to secure a country-wide uniformity in weights, and also to secure a strict and reliable enforcement of the standardised weights?

Mr. H. Dow: (a) Government are aware that there is a lack of uniformity in the weights and measures in use in different parts of India, and they have no reason to doubt that this is causing inconvenience to traders and merchants.

(b) The Government of India are not prepared to admit the truth of this as a general proposition.

(c) and (d). The appointment of supervisory staff to prevent the use of unauthorised weights and measures in the Provinces is a matter for the Provincial Governments.

†Answer to this question laid on the table, the questioner being absent.

(e) Under the new constitution the Government of India have power to legislate only for the establishment of standards of weight, and the question of standardising weights on an all-India basis is at present receiving their attention. They do not, therefore, consider it necessary at present to appoint such an enquiry committee.

MANUFACTURE OF ARTIFICIAL SILK IN INDIA.

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

(a) if Government are aware of the great demand for artificial silk, which is largely imported from Japan; and

(b) if Government are prepared to examine the possibility of manufacturing it in India?

Mr. H. Dow: (a) Yes.

(b) This matter has been engaging the attention of the Indian Central Cotton Committee for some time, and certain preliminary experiments to determine the suitability of various Indian cottons and cotton linters have been carried out by that body. The Committee has recently sanctioned a grant for an experimental plant, intended to test the possibility and cost of producing chemical cotton for an artificial silk industry from Indian cotton linters and short staple cotton.

The Imperial Council of Agricultural Research and also the Industrial Research Bureau are co-operating actively with the Indian Central Cotton Committee in this matter, and the Bureau has already made two *interim* reports to the Committee on the possibilities of the production of artificial silk in India.

RECOMMENDATIONS OF THE ABBOTT-WOOD COMMITTEE.

190. ***Seth Govind Das:** Will the Secretary for Education, Health and Lands please state:

(a) whether Government have received the recommendations of the Abbott-Wood Committee;

(b) whether Government contemplate giving effect to any of the recommendations so made; and

(c) if so, the specific recommendations that Government have decided to give effect to?

Sir Girja Shankar Bajpai: (a) Yes.

(b) and (c). I would invite the Honourable Member's attention to the reply given by me to Mr. M. Ananthasayanam Ayyangar's starred question No. 68 in this House on the 1st February, 1938.

PENSIONERS AND OFFICERS SERVING IN INDIAN STATES.

191. ***Mr. Sham Lal:** Will the Honourable the Leader of the House be pleased to state:

(a) the number of British Government pensioners and Indian officers (Europeans and Indians) serving respectively on the 31st March, 1937 in different Indian States on salaries of more than rupees two hundred per mensem; and

† Answer to this question laid on the table, the questioner being absent.

(b) if the number of such men is fairly large, whether Government propose to take any action in reducing the number?

The Honourable Sir Nripendra Sircar: The information is being collected and will be supplied in due course.

UNSTARRED QUESTION AND ANSWER.

EXPORT QUOTAS OF TEA ALLOTTED TO INDIA.

24. **Mr. Brojendra Narayan Chaudhury:** Will the Commerce Secretary please state:

(a) the total quantity of export quotas of tea allotted to India under the International Agreement for the years 1936-37 and 1937-38;

(b) the total quantity of export quotas allotted to the estates in India, which did not produce any tea during the years 1936-37 and 1937-38 and the percentage of export quotas of such non-producing tea estates in relation to the total quantity of export quota allotted to India for the years 1936-37 and 1937-38; and

(c) the total quantity of export quota allotted to estates, which did not produce tea to the full extent of the quantity of export quota allotted to them but produced only partially during 1936-37 and 1937-38 and the percentage of the quantity of export quota by which they fell short in relation to the total quantity of export quota allotted to India for the years 1936-37 and 1937-38?

Mr. H. Dow: (a), (b) and (c). Information on certain points has been called for from the Indian Tea Licensing Committee, and a reply will be laid on the table of the House in due course.

ELECTION OF MEMBERS TO THE PUBLIC ACCOUNTS COMMITTEE.

Mr. President (The Honourable Sir Abdur Rahim): Honourable Members will recollect that on the 7th February, 1938, I informed them that the election for the Public Accounts Committee, if necessary, will take place on Thursday, the 17th February, 1938. Subsequently it has been represented to me by the Secretary of the Congress Party that the proposed date will debar the Members of his Party from participating in the election as they will be away from Delhi from the 15th to the 22nd February, on account of the annual session of the Indian National Congress. Having regard to this difficulty I have now to announce that the election for the Committee will take place on Friday, the 25th February, 1938, instead of Thursday, the 17th February, as previously fixed.

THE INDIAN RAILWAYS (AMENDMENT) BILL.

(INSERTION OF NEW SECTION 42 B.)

Mr. President (The Honourable Sir Abdur Rahim): Legislative Business.

The Honourable Sir Thomas Stewart (Member for Railways and Communications): Sir, I move:

"That the Bill further to amend the Indian Railways Act, 1890, for a certain purpose (*Insertion of new section 42B*), be taken into consideration."

In Chapter V of the Indian Railways Act as amended by the Adaptation Order of 1937, certain statutory powers are conferred upon the Federal Railway Authority in respect of such matters as relate to the rating of goods, the fixing of terminal charges and such like subjects. There is, however, one important omission. No statutory power has been conferred on the Federal Railway authority to fix maximum and minimum rates and fares. This process, however, which I think it must be admitted is in the public interests, has been carried out by the executive authority of the Central Government ever since railway administration in India was started, and we propose now to give this process statutory recognition. The necessity for doing so arises in this way. By virtue of item 20 in the Federal Legislative List in the Schedule to the Constitution Act, the power to legislate in order to regulate maximum and minimum fares is vested in the Centre. With legislative power goes the executive power necessary in order to put into effect the relevant legislation. It follows, however, that if there is no statutory enactment, there can be no executive powers, and the result of that position is that when the Federal Railway Authority is constituted, it will be unable to carry out functions which the Act contemplates that it will carry out,—in particular section 194 of the Constitution Act contemplates that the Federal Railway Authority among other functions will be concerned with the fixing of maximum and minimum rates and fares. It is for that reason, Sir, that this amendment of the Railways Act has been brought forward. In conclusion, I may say that this amendment like the rest of the Railways Act will cease to have force when a Federal Act has been passed or, if no such Act has been passed, within five years after the institution of Federal Government. Sir, I move.

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

"That the Bill further to amend the Indian Railways Act, 1890, for a certain purpose (*Insertion of new section 42B*), be taken into consideration."

Mr. President (The Honourable Sir Abdur Rahim): There are several notices of amendments, of which two are for circulation. The first one is in the names of Mr. Santhanam and Mr. Ananthasayanam Ayyangar. I may point out that it does not mention the date by which the opinions are to be sent.

Mr. K. Santhanam (Tanjore *cum* Trichinipoly: Non-Muhammadan Rural): I propose to add "by the 1st of January, 1939". Sir, I beg to move:

"That the Bill further to amend the Indian Railways Act, 1890, for a certain purpose (*Insertion of new section 42B*), be circulated for the purpose of eliciting opinions thereon by 1st January, 1939."

[Mr. K. Santhanam.]

This appears to be a short Bill, but I am afraid like the cobra's sting, it is a poisonous Bill. For the last one year and more, we have been asking for some information regarding the Government's proposals about the Statutory Railway Authority, but every time we have been refused any kind of information. We have been told that no proposals are yet ready for publication about the Statutory Railway Authority. Still, a Bill has been brought before us to confer some authority on the Statutory Railway Authority. Even now the Mover of this motion has not taken the House into confidence as to when they propose to constitute the Statutory Railway Authority and what sort of negotiations or contract will be entered into between the Statutory Railway Authority and the Government of India regarding various matters including the payment of contribution to the general revenues. Secondly, this Bill proposes to confer statutory powers on the Federal Railway Authority to fix maximum and minimum rates. As it is, the Government of India have been exercising this power. So far as the Government of India have been exercising this power, the Statutory Railway Authority inherits it automatically but, to the extent that they have not got this power, I suggest that we should not lightly confer this power, because, reading the Government of India Act, this is one of the few powers left with the Federal Legislature in connection with railways. Whether after giving this power to the Statutory Railway Authority, it will be considered a matter of policy or not is in doubt. In section 183, it is stated:

"If any dispute arises under this sub-section between the Federal Government and the Authority as to whether a question is or is not a question of policy, the decision of the Governor-General in his discretion shall be final."

For instance, if the Statutory Railway Authority contends that their exercise of the power to fix maximum and minimum fares is not a question of policy and is a mere question of administration and, on the other hand the Federal Ministry contends that it is a question of policy, then the dispute will have to go to the Governor General and the Governor General in his discretion will decide whether it is a question of policy or of administration. If he decides it is a question of mere administration, then the Federal Government will have no control over this part of the business. Therefore, I suggest that this Bill means that the only power, the little power, that is left to this Legislature, with reference to the railways under the Government of India Act, is sought to be taken away and the House should not easily allow this to be done. At any rate, the public should have an opportunity to scrutinise this Bill and all its implications and, therefore, this motion for circulation is being moved by me. I hope that all the sections of the House will support this motion and give the commercial organisations, the public, the politicians and everybody concerned an opportunity to examine it, before the little power given under the Government of India Act to the Legislature and executive of the Federal Government is transferred to a new authority, which is still in the womb of the future and the nature of which has not yet been disclosed by the mover or any spokesman of the Government of India. Sir, I move.

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

"That the Bill further to amend the Indian Railways Act, 1890, for a certain purpose (*Insertion of new section 42B*), be circulated for the purpose of eliciting opinions thereon by 1st January, 1939."

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): Mr. President, I rise to support the motion for circulation, and I shall briefly enumerate the different provisions of the Act and the stage at which the transitory condition of the Government of India stands today. The point which has got to be borne in mind in order to appreciate the necessity and the value of circulation is what I may call shortly the transitory stage at which the Central Government of India stands today, and it is only when the full implications of it are understood that the thin end of the wedge, whether intended or unintended, which is sought to be put in by means of an apparently innocent looking Bill, for which the Mover today gave no reasons whatever as to its immediate urgency or requirement, will be apparent.

The object of this Bill requires examination. It is stated thus: This Bill is intended to remedy an omission in the Indian Railways Act of 1890. Therefore, this Act worked for 48 years without requiring an amendment of this nature. I think the Mover might easily be laughing, at all events, in his cheek, if he had realised the case he has made or has dared to make before this House, after a period of 48 years. He has not made it part of a regular Bill relating to the Railways which might be examined in all its bearings by the House. The Statement of Objects and Reasons further says:

"This Act contains, at present, no provision that gives Government the power to prescribe maxima and minima rates and fares for railways in India. Government has, however, exercised this power since the beginning of railway operation, over all railways in India, irrespective of whether they are owned or managed by itself or by private companies or by Indian States, local authorities, or Provincial governments. To give this power of the Central Government statutory recognition, until such time as a new Federal Railway Law is passed, or for a period extending for five years after the Federation, an amendment to the Indian Railways Act has been found necessary."

To any one with a modicum of common sense, it must be obvious that the reason given here cannot either bear examination or that there is more than what is contained in the reasons given here. I may claim to say this, that I have rarely approached measures merely as a matter of suspicion because they emanate from the opposite side, but undoubtedly when a measure of this kind is put forward and when even circulation of the matter is so far as I can see not intended to be agreed to, the suspicion even if it did not exist is bound to arise in the minds of Members of this House.

Let me state what is the transitory position in which we stand today. Part VIII of the Government of India Act, 1935, beginning with section 181 and ending with section 199, has not been brought into operation and the House will see this from the Order in Council which was made on the 18th December, 1936:

"Whereas by section three hundred and twenty of the Government of India Act, 1935, (hereafter in this Order referred to as 'the Act'), is it provided that the provisions of that Act other than those of Part II thereof shall, subject to any express provision to the contrary, come into force on a date to be appointed by His Majesty

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in Council for the commencement of Part III thereof, but His Majesty in Council is empowered to fix an earlier or later date for the coming into operation of any particular provisions of the Act:

And whereas by the Government of India (Commencement and Transitory Provisions) Order, 1936, it was provided that the provisions of Part VIII of that Act,"—(*which is the part which is now material for the purpose of consideration by this House*)—"should come into force on such dates as His Majesty in Council might thereafter appoint . . ."

And, so far as I am aware, no order fixing the date of this Part has been made in terms of that Order in Council. The transitory stage at which, therefore, the Government of India stand today is that Part VIII is not in operation, and therefore the situation is that the Government of India today has the same powers as otherwise existed under the Railways Acts and the powers accompanying them or corollary thereto which have been hitherto exercised by the Government. It has not been stated, even as a reason for this Bill, that any difficulty has arisen because of the power which has hitherto been exercised by the Government of India to fix maxima and minima rates for Railways of all types; I do not wish to go into the detailed description which is given in this Statement of Objects and Reasons for that purpose. It would, therefore, appear that it is an anticipatory preparation for an occasion as to the date of which neither the House nor anybody else nor even the Leader of the House with his astrological knowledge is in a position to pronounce. Therefore, it is the astrologer alone who knows when and under what conditions Part VIII will come into operation. If that is the situation, what is the excuse for occupying the time of this House in trying to rush before it a measure conferring one particular item of power upon a Federal Railway Authority which has yet to come into existence and not merely come into existence as a matter of formation or organization, but come into existence as the result of the first step to be taken, *viz.*, putting into operation Part VIII of the Government of India Act? You will see from the powers and authority of the Federal Railway Authority when Federation comes into existence, which are to be found in section 181, that these are material for the purpose of considering the reason why this House ought not to agree to undertake this measure at this stage:

"(1) The executive authority of the Federation in respect of the regulation and the construction, maintenance and operation of railways shall be exercised by a Federal Railway Authority (hereinafter referred to as 'the Authority').

(2) The said executive authority extends to the carrying on in connection with any Federal railways of such undertakings as, in the opinion of the Authority, it is expedient should be carried on in connection therewith and to the making and carrying into effect of arrangements with other persons for the carrying on by those persons of such undertakings:

Provided that, as respects their powers under this sub-section, the Authority shall be subject to any relevant provisions of any Federal, Provincial or existing Indian law, and to the relevant provisions of the law of any Federated State, but nothing in this sub-section shall be construed as limiting the provisions of Part VI of this Act regulating the relations of the Federation with Provinces and States.

(3) Notwithstanding anything in this section, the Federal Government or its officers shall perform in regard to the construction, equipment, and operation of railways such functions for securing the safety both of members of the public and of persons operating the railways, including the holding of inquiries into the causes of accidents, as in the opinion of the Federal Government should be performed by persons independent of the Authority and of any railway administration.

So much of Part X of this Act as provides that powers in relation to railway services of the Federation shall be exercised by the Authority shall not apply in relation to officers of the Federal Government employed in the performance of any of the functions mentioned in this sub-section."

And you will find, Sir, when you come to the subsequent sections that there is a provision made as to the extent of the control that would be given to the Federal Legislature on the questions of policy relating to railway administration, notwithstanding the fact that executive authority is conferred on the Federal Railway Authority. It has been pointed out—but it requires a little more explicit statement,—it has been pointed out by my Honourable friend, Mr. Santhanam, that the Act itself contemplates that a question may easily arise as to where the proper line is to be drawn between policy and matters of executive authority, and provision, therefore, has been made in the Act that on that the opinion of the Governor General shall be accepted or shall be final. But before we have yet come to the stage where the Act has come into operation, before the Federal Railway Authority is formed, and before a question has arisen whether or not a particular matter falls within this matter of principle or falls within a matter of the executive authority, it is sought practically to be defined by this Act that, in so far as the fixing of maxima and minima rates is concerned, it is not a matter of policy but it is a power to be conferred on the Federal Railway Authority without any question or examination,—whether it is a matter of principle; what, if an issue is joined, will be the decision of the Governor General, and, apart from the question of joining the issue, without finding from all the sections in the country, either trade or the ordinary traveller who would be interested in the decision of matters of this character as being either the customers of the Railways or as providing the capital for which interest is to be paid from the revenues to which it contributes, what they think; and it is somewhat difficult to understand why today in respect of a matter which has gone on perfectly smoothly for forty-eight years and until the Federal Railway Authority is brought into existence, this Bill is sought to be forced on this House.

It has also to be considered, when you come to think of it, that there is another matter. It was contemplated at the time of the Parliamentary Committee Report that there would have to be an Indian Act dealing with the whole field of railway authority, based undoubtedly on the powers which would be laid down in the Constitution Act. The few sections of the Constitution Act undoubtedly lay down the principles, and whereas a complete or comprehensive measure is necessary for that purpose, if at all a section of that kind were needed, it would have been perfectly easy for the Parliamentary Act to have included in it this particular section, in which circumstances it is true that this House would have been perfectly helpless, but the very fact that it was omitted from the Parliamentary Act is sufficient evidence or testimony to the point we are now making, *viz.*, that it is a matter entirely within the sphere or intended to be left to the sphere of this Legislature after considering all the points of view and all the provisions that such an Act provides. I would like to call attention to paragraph 393 of the First Volume of the Joint Committee's Report in which this matter has been dealt with:

"The powers which the Governor General will possess of taking action in virtue of his special responsibilities (including, of course, that relating to any matter which affects the Reserved Departments) must extend to the giving of directions to the Railway Authority . . . . . We have considered the question whether the statutory basis for the new Railway Authority should be provided by the Constitution Act or

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by Indian legislation. There would be obvious advantages in having in being at the earliest possible date a Statutory Railway Authority conforming as closely as possible, both in composition and powers, with the body which will function after the establishment of the Federation, and we see no objection to the necessary steps being taken to this end in India. But even so we are clearly of opinion that the Constitution Act must lay down the governing principles upon which this important piece of administrative machinery should be based, and consequently that the provisions of the first (and any subsequent) Indian enactment on this matter should conform with those principles."

In other words, if it had been regarded as a matter of principle, it would have found a place in the Parliamentary Act. But if it is left to the legislative powers of the Federal Legislature, then it is rather premature to say how a particular power or authority will fit in with the rest of the scheme which would have to be included or embodied in an Act to be brought before the Federal House for the purpose. I, therefore, suggest that as the Indian Railways Act has worked without any difficulty for over half a century, no immediate occasion has arisen for its amendment. On the other hand, the manner in which this is sought to be brought before this House clearly shows that it is intended to be disjointed from the whole scheme of the Indian Act to be put and embodied and brought before the Federal Legislature, and its anticipation is not only fraught with suspicion but fraught with great danger. I, therefore, support the motion for circulation.

Mr. M. S. Aney (Berar: Non-Muhammadan): Sir, I would have very much liked my friends on the Congress Benches to have opposed this motion rather than move an amendment for circulation. However, as the motion is before the House, I rise to support that motion. The thing is this. Here we have got a Bill put before us for consideration to the effect that certain powers should be delegated by this House to the Federal Railway Authority. The Federal Railway Authority, as a matter of fact, as contemplated by the Government of India Act, has not come into existence, although the Adaptation Order has no doubt introduced certain provisions by which the present Government for certain purposes is allowed to function as a Federal Railway Authority. But the Federal Railway Authority which the Government of India Act really contemplates and for which provision is made in Part VIII has not come into existence in reality. In fact, as has already been pointed out by the Honourable the Leader of the Opposition, Part VIII of the Government of India Act which deals with the constitution, functions and powers of the Federal Railway Authority has not yet come into operation and it is left to His Majesty's Government to fix some date on which it may come into operation later on. Now, that being the case, it becomes somewhat difficult to understand why is it that the Government of India should think it necessary to come before this House with a piece of legislation asking for certain powers to fix the maxima and minima of rates to be given to that body.

One of the most objectionable features of the Federal scheme, which is condemned throughout this country by almost all sections of political parties, which count for anything in the public life of this country, is the creation of a separate Federal Railway Authority which will be more or less practically independent of control of this House. Up to this time there was no occasion for this House, although it has tried in many other

ways, to express its opinion on that question. Government has not yet come before this House to secure the approbation of this House for a principle like the one which is embodied in the Government of India Act on that point. Up to this time all this has been done by the Parliament, and if we have to submit to anything it is not because we like it but because we are helpless in the matter. It is because we find ourselves in this position that we are complaining so far as this Federal Railway Authority is concerned. Certain changes are made by the Adaptation Order, which is not an Act of this House but which is also made by the Parliament itself. So, technically speaking, if the Federal Railway Authority has technically come into existence today, it is not because this House wanted it or this House has created it, but it has come into existence in spite of this House. But if this Bill is accepted by us today, then, in my opinion, we give our assent in a direct manner to a body like that coming into existence. If we do so, we shall be in a way committing ourselves to the position of the Federal Railway Authority as contemplated by the Government of India Act.

Now, the Federal Railway Authority is a part of the Federal scheme itself, a scheme to which we are opposed tooth and nail. We do not want that Federation to come and all the paraphernalia which that Federation contemplates. One of the things that are contemplated is this Federal Railway Authority and, therefore, as a matter of principle, I would ask the Honourable Members of this House not to accept the principle of this Bill at all.

Then, it has been very rightly pointed out that the Indian Railways Act had been in existence for so many years and the occasion for the fixing of the maxima and minima rates must have arisen more than once during all these years, and that power has been exercised by the Government of India without any difficulty or doubt having been ever raised or any difficulty having been really created in the way of their exercising that particular right. So, if this power of fixing the maxima and minima rates not only for the State Railways but also for the Company Railways could have been exercised by the Government of India during all these years without any difficulty, where is the need for the Government of India to come hurriedly before this House and ask it to sanction a measure of this kind which is to invest them with that power? All that is stated is that the power is there and it is being exercised but the Government of India is anxious to have the statutory recognition of that power. If they could do these things without statutory recognition for all these years, I am sure they can continue to do so for some time more also till the Federal Legislature comes into existence.

Secondly, I take exception to this measure for this reason also that the Government of India contemplates not only the constitution of a Federal Railway Authority but an authority armed with all the powers and for which the Government of India ought to come before this House with a proper measure. What that Federal Railway Authority will be is a matter which we are entitled to know and the sort of thing they want can be understood only when they come out with a full and comprehensive measure giving all the powers which that authority is intended to have. When that whole picture will be present before this House, it will be proper for us to say whether the particular power which is now claimed should be given to that body or should be retained by this House. When this House is asked to part with certain powers, which it has technically

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got, because the very fact of coming before this House with a measure of this kind shows that the real power of fixing the maxima and minima rates is in the hands of this Legislature and that this Legislature is now asked to part with that power and delegate it to the Federal Railway Authority, it ought to look at the matter with great care and caution. So, the power which at least in theory is possessed by this House is to be delegated. Now, before we delegate any of our powers to anybody, we want to know who is it that is going to have that power? What is the nature of that particular body which wants to be possessed of this power? In order to have a complete idea of that statutory body called the Federal Railway Authority, it is necessary that the Government of India should come out with a comprehensive measure showing its composition and its various powers and functions, and, in that case, it shall be proper for us to know whether and how far the powers of this House should be parted with and delegated to that particular body or not. But to come before the House with a measure asking for one little power is in my opinion really intended not so much to get that power at all, but to commit this House to the position of having accepted the necessity of having a Statutory Railway Authority as contemplated by the Government of India Act.

I, therefore, think that this matter requires to be seriously considered and this House also should have the benefit of outside public opinion before it can make up its mind finally on this subject. In order to get time to consider the implication of a measure like that with all its pros and cons and in order that we should be in a position to understand what cultured public opinion thinks of a Federal Authority invested with such powers that we want this Bill to be circulated. I believe there will be no harm in allowing a measure like that to go before the public for their opinion. Therefore, for these reasons, I am in favour of the motion for circulation, although I would have liked to oppose the Bill and kill it this very moment now and here. But in the absence of any motion like that, as the second best thing, I wish to support the motion for circulation which has been moved by my Honourable friend, Mr Santhanam.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, we met in London in 1933 to discuss the question of the establishment of a Federal Railway Authority, and then we expected that the Bill would be brought before the Assembly sometime in 1934 at the latest. We have been waiting up to now these four years to see if a Bill will be presented before the Assembly establishing a Federal Railway Authority. Year after year, Session after Session, we thought that the Government would place the Bill before the Assembly to constitute a Federal Railway Authority. Unfortunately, we had differences with the European section of the Members of the Committee who happened to be there. Though we Indians were all unanimous on our side, we were opposed by the European element in that Committee. Owing to that difference of opinion, we could not get this Federal Railway Authority Bill presented to this Assembly. We were often told in the discussions in London that it might not be possible to have this scheme put before this House and that it might have to go before Parliament if we were not unanimous. But we the representatives of India, all Hindu and Muslim Members of the Legislature who were Members of that Committee were unanimous on

that point. Now, he find that after a lapse of a long time this Bill has come before us. One principle was accepted there and that was the unanimous wish of all the Members of all Parties of which the Legislative Assembly was composed at that time, namely, that there should be Railway Authority. This was the unanimous wish and we were all unanimous on that point.

Some Honourable Members: Not at all. We do not want this Federal Railway Authority.

Sir Muhammad Yamin Khan: All the Members in the then Assembly were agreed. I meant them when I referred to 'we'. Sir, having agreed to that principle, it is not right for a new Assembly to go back and say that whatever the previous Assembly has done was wrong and we are not bound. Of course, the present Assembly is not bound to accept what the previous Assembly did. But Honourable Members who were Members of the then Assembly and who still continue to be Members of the present Assembly and who endorsed their signatures to that principle cannot go behind this. I at least, as one of the signatories, quite agree that the Statutory Railway Authority is beneficial for the purpose of India's progress. It is certainly not very pleasant to me or to many Honourable Members on this side of the House that we should part with our powers which we have got as legislators. Certainly the delegation of the powers of the Assembly to the Federal Railway Authority may not be pleasant at all to any of us. I can quite understand that. But the principle is that you have to run the railways on business lines. You have to leave the Railways to be managed by men who know business lines properly and who can be trusted to run the railways on sound financial and business lines. Having accepted the principle that a small body of businessmen should be put in charge of Railways, it does not matter even if we circulate the Bill.

My Honourable friend, Mr. Aney, said that we could not accept even the principle, and he was of opinion that if we agreed to the motion for circulation, it would amount indirectly to our accepting the Federation Scheme, because the Federal Railway Authority is based on one scheme which puts up the Federation. That may be an objectionable point of view. But leaving aside that point of view, I think the Bill is so simple that it does not need any circulation If the views of the public are required on the question whether Federation is wanted or not, those views are already known to us. Those views have already been given out by the Congress, by the different Associations and by so many other bodies. They all unanimously say they do not accept the Federation as embodied in the Government of India Act at all. So to get the same views again by circulating this Bill, is unnecessary. But if the House thinks that this Bill should be circulated to get only that opinion, I for one will have no objection to it.

The Honourable Sir Thomas Stewart: Sir, I must confess that this debate has developed along somewhat different lines from what I had anticipated. I believed that the issue that I was presenting to the House was a fairly simple one. I had come forward with no such Machiavellian designs as the Honourable the Leader of the Opposition would lead the House to think. To me it appeared that there was no new principle involved in this Bill at all. There was to be no fresh recognition of the Federal Railway Authortiy because the Indian Railways Act already confers a very large number of powers on that body. Nor did I think that

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there was any new principle involved in the process of fixing the maximum and minimum rates. Nor did I attempt to demonstrate that in the present circumstances there was an inherent defect in the Indian Railways Act. I said quite frankly that we were legislating for a future contingency, though I am not in a position to say when that contingency is likely to arise. But, as I say, the debate has developed along different lines, and I do not propose to follow the previous speakers in their defence or attack on the constitution of the Federal Railway Authority. But I do realise, Sir, that there is a strength of feeling in the House to which I am willing to defer, and I am prepared to accept the motion for circulation.

12 NOON.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, I should like to hear a little more from Government as to why this Bill is introduced and its real need. I am not in favour of a motion for circulation but on the contrary am entirely opposed to the Bill; and therefore, unless Government really wish to place their case fully before us, I shall be obliged to oppose both the motion for consideration of the Bill as well as the motion for circulation. I am really surprised that Government should take the matter so lightly, and I also regret that the Congress Party should have moved only for circulation.

Sir, there is a definite principle involved in this matter. My Honourable friend, Sir Yamin Khan, said that this House has accepted the principle of a Statutory Railway Authority. (*Voices of,* "Never.") What has this House accepted? The last expression of opinion that was given by this House was that the entire Federal scheme is not acceptable to the House; and now this House cannot say that the Bill before us whose main purpose is to give statutory recognition to the Federal Railway Authority should be circulated for public opinion. What is there to get public opinion about? Here is a Bill which seeks to give power to the Federal Railway Authority to fix maximum and minimum rates. I do not see what useful purpose will be served by having this Bill circulated for opinion. It is quite obvious that in the ordinary normal course the Railway Authority have and should have the power to fix the rates. We are not opposed to that; and to that purpose whose opinion do you want? But the question is, are we going to be a party, directly or indirectly, to the enactment of this part VIII in the Government of India Act? I refuse to be a party to it and so long as we can help in this House we should not accept that position. Government have forced this whole Federal scheme upon us; we are opposed to it and it will be most inconsistent for us to quietly allow Government bit by bit and step by step to bring into force, directly or indirectly, this scheme to which we are so deadly opposed. Therefore, I cannot be a party to it on principle, so far as I am concerned; and although I have not had an opportunity of consulting the members of my Party, as I was away from Delhi for the last few days, I hope they will agree with me. So far as we are concerned, we are opposed to this Bill and we will, therefore, oppose also the motion for circulation.

Mr. M. Asaf Ali (Delhi: General): Sir, I welcome the expression of opinion which has proceeded from the Leader of the Independent Party

and also the expression of opinion from the Leader of the Congress Nationalist Party. I think now I should explain the position of my Party. Unfortunately, it is not always possible for us to ascertain the views of different Parties beforehand. I may say that if other parties are left out we are certainly in a minority although we may be the largest single group in the House. If only the Independent Party had met and come to this decision and if only the Congress Nationalist Party had met and come to this decision, we would have been the first to oppose not merely the consideration of this Bill but every stage of it; and we would be prepared to do so now if we are assured by the other Parties that they are behind us or with us. That is the position. We accept neither the principle of this Bill nor its provisions. We simply wanted a dilatory motion because we were not quite certain where the House stood. That is the only reason and that has been our difficulty all along. We would have taken up as strong an attitude as is possible against this Bill from the very start, but time and again our difficulty has been. . . . .

Mr. M. A. Jinnah: Sir, I may point out to the Honourable Member that the less he talks about it the better, because there is no co-operation and cohesion among the various Parties, and it is not possible. If the Congress Party will in future observe a little more of that I think we might agree beforehand.

Mr. M. Asaf Ali: I welcome this expression of opinion from the Leader of the Independent Party, and I can assure him that so far as we are concerned we are prepared to lend every possible co-operation to any other Party.

Mr. M. A. Jinnah: Do not say it, but do it.

Mr. M. Asaf Ali: We have been doing it all along. The only difficulty is that the Independent Party do not often meet. However, Sir, that is not the point. I am only trying to stress the fact that we are definitely opposed to the whole of this Bill,—to the principle as well as the contents of this Bill. And I am absolutely certain that the Mover of the motion from my Party will be only too ready to ask the leave of the House to withdraw the motion straightaway and allow us to kill the Bill outright.

Mr. N. M. Joshi (Nominated Non-Official): Sir, the Bill which we are discussing this morning is of serious importance from the constitutional point of view. My Honourable friend, Sir Yamin Khan, said that those who met at London had agreed to the establishment of some organisation for controlling the Indian railways. So far he is right. Those of us who had met in London and considered the question of the constitution of the Statutory Railway Authority had agreed that there should be some organisation for the control of the Indian railways. But most of us at that time thought, and even think now, that any organisation that is to be established for controlling the Indian railways should be established by legislation in India. Sir, we wanted the Railway Authority to be established by legislation passed by the Indian Legislature and not by Parliament. Unfortunately the British Parliament in its wisdom has incorporated certain sections in the Act dealing with the Federal Railway Authority which cannot be amended by this Legisalture. It has incorporated in the Government of India Act certain other sections which

[Mr. N. M. Joshi.]

it can amend only with the previous sanction of the Governor General. The British Parliament has shown want of confidence in the Indian Legislature in this matter. I would, therefore, like that the Indian Legislature should not approve of any legislation which will give recognition to the Statutory Railway Authority established by the British Parliament.

Moreover, Sir, coming to the Bill itself, if the object of the Government of India is to take power to themselves to fix maximum and minimum rates, that is not what the Bill has done. In the Statement of Objects and Reasons it is stated that they want to give statutory recognition to the power which the Government of India is now exercising for fixing maximum and minimum rates, but the Bill does not give the power to the Government of India, it gives the power to the Statutory Railway Authority. When the Federation comes into existence, I hope it will not, but if it comes into existence it is not the Federal Government of India which will have the power of fixing maximum and minimum rates: that power will be taken away from the Federal Government and given to the Federal Railway Authority. If, Sir, the Government of India wanted the Central Government to possess the power, they should have introduced a section here that the Federal Government of India shall possess the power and not the Federal Railway Authority. The counterpart of the present Government of India is not the Federal Railway Authority, but the Federal Government of India, and if we pass this measure the Federal Government of India will lose its power to control the maximum and minimum rates.

The Honourable Sir Thomas Stewart stated that this legislation is necessary on account of the fact that the fixing of maximum and minimum rates is a Federal subject. Simply because a subject is given in the Federal List it does not mean that the Federal Legislature will have full control over that subject: Ecclesiastical matters, Army, External Affairs are all in the Federal List, but that does not mean that the Federal Legislature is going to get control over these subjects. The subject of fixing maximum and minimum rates on railways may be a Federal subject, but the Federal Legislature may not have power—I am not suggesting whether it will or will not have—of fixing rates. But if we once give this power to the Federal Railway Authority, it is quite possible that the Federal Railway Authority may say that the Federal Legislature does not possess the power now to take away those powers from them because it is not a matter of policy, and that the Federal Legislature and the Federal Government have only control over the policy of the Indian Federal Railway Authority. If that Authority take the view that the fixing of maximum and minimum rates is not a question of policy, and if the Governor General agrees with that view, neither the Federal, Legislature nor the Federal Government will possess any power to control the maximum and minimum rates. I hope, Sir, that this Legislature will not pass this Bill. I am in favour of the suggestion put forward by the Honourable Mr. Jinnah that we should oppose the motion for the consideration of this Bill.

Mr. B. Das (Orissa Division: Non-Muhammadan): In opposing the motion before the House . . . .

The Honourable Sir Nripendra Sircar (Law Member): Which one are you opposing?

Mr. B. Das: The one which has been moved by the Honourable Member for Communications.

Mr. President (The Honourable Sir Abdur Rahim): You should speak on the amendment that has been moved.

Mr. B. Das: In opposing the motion for consideration I regret that the Honourable the Member for Communications has not been kept booked by his department . . . . .

Mr. President (The Honourable Sir Abdur Rahim): The amendment before the House is the amendment for circulation.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muahmmadan Rural): Cannot a Member speak both on the Bill and on the amendment?

Mr. President (The Honourable Sir Abdur Rahim): First the debate will be on circulation and then the debate will go on to the other amendments. You had better speak on the motion of Mr. Santhanam.

Mr. M. Ananthasayanam Ayyangar: So far as we are concerned certainly we are opposed to the principle of the Bill and the motion for its consideration, but after hearing a number of friends speak, it is not possible to say whether they are supporting one side or the other, and as Members, contrary to their speeches, get into a different lobby, it is not possible to determine even today what the support is so far as any particular motion is concerned.

Mr. M. A. Jinnah: I have made it clear that I am opposed to the motion for circulation.

Mr. M. Ananthasayanam Ayyangar: We have heard speeches and speeches; at the start it appeared that we were receiving support, but at the end it was a different matter. May I speak on the Bill or on the amendment?

Mr. President (The Honourable Sir Abdur Rahim): Mr. Santhanam's amendment is the motion before the House.

Mr. M. Ananthasayanam Ayyangar: I am a party to it. Under the Government of India Act, 1935, the Central Legislature has the power to fix rates and regulate them. That matter is a very important one for the future of India and its trade. The Central Legislature cannot abrogate all these powers by signing it away to some other authority, the Federal Railway Authority. I most certainly think that this Bill is *ultra vires* in this sense. Under section 192 it is obligatory for the Federal Legislature to set out the principles on which the rates may be fixed. Even if a Committee be appointed or the Federal Railway Authority clothed

[Mr. M. Ananthasayanam Ayyangar.]

with powers to fix the actual rates to be adopted, the principles on which those rates will have to be fixed will have to be laid down by the Federal Legislature. I would request a perusal of section 192:

"A Bill or amendment making provision for regulating the rates or fares to be charged on any Railway shall not be introduced or moved in either Chamber of the Federal Legislature except on the recommendation of the Governor General."

I believe the intention in making a separate provision under section 192 is that the principles regulating the fares and rates have to be generally indicated by an Act of the Central Legislature, though the principles may be worked out in practice and schedules prepared by another authority. The Central Legislature cannot give a *carte blanche* to any other authority. Mr. Srinivasan in his book "Railway Freight Rates" says on 117 page in para. 20:

"The Tribunal should be directed by Act of Parliament so to fix in the first instance the standard rates as to provide that each of the Railway Companies or groups of Railway Companies shall with good management be enabled by charging such rates to earn sufficient revenue to pay all their costs, charges and expenses and to receive a fair rate of profit. The Act should indicate what in present circumstances is to be deemed to be a fair rate of profit."

The Federal Legislature should be clothed with the power to say: this is a fair rate of profit, and nothing more than that ought to be taken by so fixing rates and fares. Recently, unfortunately for the industrial development of the country, a new principle of administration has been introduced in this country, that is the principle that the railways should be worked on business principles which means that profit is the only concern. I say that it must be subject to the other principle, that it must cater to the improvement of trade and industry in this country. Even if in some cases the railways do not actually give any profit that they might be expected to give if it is purely done on business principles, I would say that the dominant and chief purpose for which the railways should be run and should continue to be run is that the trade and industry of this country ought to be pulled up so that we may become one of the most important trading nations of the world. Unfortunately, that consideration has receded into the background after the enunciation of this principle that the railways should be run as a purely business concern. To avoid all this and lest more emphasis should be laid on the profit basis than upon . . . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is really going beyond the motion: he must confine himself to the amendment.

Mr. M. Ananthasayanam Ayyangar: I would like that all the trades and interests should be given an opportunity to express their opinion as to whether it is desirable that the authority vested in the Federal Legislature to fix these rates or the principles on which these rates should be fixed, ought to be signed away to the Railway Authority. It is for that reason that it is necessary that the trades and interests all over the country should be consulted. That is an essential argument to support the motion for circulation. I was referring to a similar provision in the same book where the Minister for Transport appoints a panel of tradesmen and even of workers in the railways from time to time regarding

these rates and fares. I say that the Federal Railway Authority is not competent to go into this question. The question might arise whether the Federal Railway Authority, which is clothed with such large powers of working the railway administration, should also be worried with the business of fixing rates and fares. There may be a separate rates and fares committee as in England; for that purpose it is necessary that the Bill should be circulated so that the views of various organisations may be obtained. I support the motion for circulation.

Honourable Members: The question may now be put.

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

"That the question be now put."

The motion was adopted.

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

"That the Bill further to amend the Indian Railways Act, 1890, for a certain purpose (*Insertion of new section 42B*), be circulated for the purpose of eliciting opinions thereon by 1st January, 1939."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock, on Thursday the 10th February, 1938.

LEGISLATIVE ASSEMBLY.

Thursday, 10th February, 1938.

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

MEMBER SWORN.

Lieut.-Colonel Harry Cyril Smith (Bombay: European).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

FINANCIAL EFFECT OF MECHANISATION OF THE INDIAN ARMY.

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

(a) what will be the financial effect of mechanisation;

(b) whether it will result in the reduction of men;

(c) whether there will be a reduction in personal charges;

(d) whether the cost of remount charges will be saved;

(e) whether the cost of the maintenance of the army on the North-West Frontier will be reduced; and

(f) if so, to what extent?

Mr. C. M. G. Ogilvie: (a) I refer the Honourable Member to my speech on his adjournment motion of the 31st January, 1938.

(b), (c) and (d). Yes.

(e) The saving will be in the Defence estimates as a whole and cannot be allocated to any geographical area.

(f) Does not arise.

Mr. T. S. Avinashilingam Chettiar: May I know, Sir, how many men will have to go out of service as a result of this mechanisation?

Mr. C. M. G. Ogilvie: I am afraid I can't tell you the exact details.

PENSIONARY AND OTHER CHARGES FOR LENDING INDIAN TROOPS TO BURMA.

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

(a) what are the amounts of pensionary and other charges which Burma is paying India for the loan of her troops to Burma; and

(b) besides these payments, whether any other conditions have been imposed in the matter of lending Indian troops to Burma?

Mr. C. M. G. Ogilvie: (a) As far as can be estimated, approximately eleven lakhs in 1937-38.

(b) The further conditions regulating the loan of Indian troops to the Burma Government are still under discussion, and it is hoped to reach a conclusion in the next three or four months.

Mr. T. S. Avinashilingam Chettiar: May I know, Sir, whether any amount will be paid by the Government of Burma to the Indian Government?

Mr. C. M. G. Ogilvie: The Government of Burma are bound to pay exactly the same rates as are payable by any one who borrows troops from us, and the amount is approximately that which I have given.

Mr. T. S. Avinashilingam Chettiar: May I take it that the Indian Government do not pay any part of the expenses of those troops either pensionary or any other charges?

Mr. C. M. G. Ogilvie: The leave contribution amounts to four lakhs, the pension contribution amounts to six lakhs, and the passage contribution amounts to about one lakh.

Mr. T. S. Avinashilingam Chettiar: May I know whether no amount is paid out of the Indian revenues for troops stationed in Burma under this agreement?

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

ACTION ON THE RECOMMENDATIONS OF THE INCOME-TAX EXPERTS.

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

(a) whether Government have received replies from commercial bodies regarding the recommendations of the income-tax experts;

(b) whether they propose taking administrative action on the proposals not involving legislation;

(c) if so, on what matters; and

(d) what increase of revenue they expect from these changes?

The Honourable Sir James Grigg: (a) Yes.

(b) Yes, on such proposals as are approved.

(c) Generally speaking administrative action is being taken and will be taken, where necessary, on matters pertaining to efficient administration, prompt assessment, collection and refund of income-tax and the removal of the legitimate grievances of assessees.

(d) I would refer the Honourable Member to my reply to part (c) of Mr. Satyamurti's question No. 836 which was answered on the 28th September, 1937.

Mr. Lalchand Navalrai: May I know, Sir, if any measures have been taken up to now, and what are those measures?

The Honourable Sir James Grigg: Certainly, yes.

Mr. Lalchand Navalrai: What are they?

The Honourable Sir James Grigg: That is too long a story to deal with by way of question and answer.

Mr. Lalchand Navalrai: Can't you tell us a few of them?

The Honourable Sir James Grigg: They are mostly measures in the administrative sphere.

Mr. Lalchand Navalrai: But what are they?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member said it will be too long a story.

Mr. Lalchand Navalrai: I want him to tell me only a few of the most important.

The Honourable Sir James Grigg: Matters pertaining to efficient administration, prompt assessment, collection and refund of income-tax and the removal of the legitimate grievances of assessees.

Mr. T. S. Avinashilingam Chettiar: May I know, Sir, if all these measures have been taken with the consent of the commercial community?

The Honourable Sir James Grigg: I don't think that that arises.

Mr. T. S. Avinashilingam Chettiar: It does arise out of (a).

The Honourable Sir James Grigg: I don't think it is incumbent upon Government to ask the permission of the commercial community before taking any administrative measures.

Mr. T. S. Avinashilingam Chettiar: It is not incumbent, but as it happened to coincide with the others, I am asking this.

The Honourable Sir James Grigg: All the measures which have been taken have been taken after consideration of their views.

STATES LEVYING DUTIES ON BRITISH INDIAN GOODS.

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

(a) which of the States levy duties on the entry of British Indian goods into their territories;

(b) whether corresponding duties are levied on the entry of their goods in the British Indian territories; and

(c) if not, on what basis this arrangement is allowed?

The Honourable Sir James Grigg: (a) Practically all States.

(b) Generally speaking, no.

(c) The desirability of doing what is in the Government's power to maintain free trade within the continent of India.

Mr. T. S. Avinashilingam Chettiar: How can it be considered free trade when one party taxes and the other does not?

The Honourable Sir James Grigg: I said the desirability of doing what was in the Government's power.

Mr. Abdul Qaiyum: Will Government levy protective duties on Afghan goods?

The Honourable Sir James Grigg: That does not arise.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member wants information upon any specific matter, he must put down a separate question.

Mr. T. S. Avinashilingam Chettiar: May I know, Sir, whether this system has adversely affected the industries established in British India?

The Honourable Sir James Grigg: I cannot say that. I have no doubt that internal tariff barriers are a restraint upon trade and the development of industries.

Mr. T. S. Avinashilingam Chettiar: Have Government received any representations from any of the industries established in British India about their hardships?

The Honourable Sir James Grigg: I cannot remember any specific representation. There has been a good deal of general talk on the subject.

BAD CONDITION OF THE MOTOR ROAD BETWEEN LANSDOWNE AND FATEHPUR.

196. ***Mr. Badri Dutt Pande:** (a) Will the Defence Secretary be pleased to state whether the motor road between Lansdowne and Fatehpur is a military road? If so, is it a fact that the road is in a condition which is far from satisfactory?

(b) Do Government propose to repair it early?

Mr. C. M. G. Ogilvie: (a) The motor road between Lansdowne and Fatehpur is not a military road.

(b) Does not arise.

LEGISLATION TO END *PHOOKA*.

197. ***Mr. Govind V. Deshmukh:** Will the Honourable the Home Member please state if it is a fact that the Government of India have addressed the Provincial Governments on the subject of legislation to end

phooka practised on milch cattle? If so, when, and what are their opinions?

The Honourable Sir Henry Craik: The performance of the operation of *Phooka* on cows is already punishable under section 4 of the Prevention of Cruelty to Animals Act, 1890, but the Government of India addressed the Provincial Governments on the 2nd December, 1937, on the subject of legislation to make the provisions of the Act more effective. The majority of the Provincial Governments from whom replies have been received are in favour of legislation with this object. I may add that I hope to introduce later on this Session a Bill on the subject.

Mr. Govind V. Deshmukh: What were the particular points on which opinions were invited from the Provincial Governments?

The Honourable Sir Henry Craik: I cannot detail all the points, but generally the object of the reference was whether they thought it desirable to make the Act more effective, and whether they thought it should be done by Provincial or Central Legislature.

Mr. Govind V. Deshmukh: May I take it then that the opinion sought was whether *Phooka* should be stopped or not? Was this the only point on which their opinion was sought?

The Honourable Sir Henry Craik: No, Sir, there are several other points.

Mr. Govind V. Deshmukh: May I know what are those other points?

The Honourable Sir Henry Craik: I cannot recollect at the moment. They were generally consulted, as far as I remember, on what amendments were desirable to make the administration of the Act more effective.

Mr. Govind V. Deshmukh: Will their opinions be placed on the table?

The Honourable Sir Henry Craik: I will consider that.

Mr. Govind V. Deshmukh: May I know what is the specific object in addressing the Provincial Governments?

The Honourable Sir Henry Craik: To ascertain their opinions.

Mr. Govind V. Deshmukh: Do the Government propose to introduce any measure, and, if so, when?

The Honourable Sir Henry Craik: I hope to introduce a Bill later on during the Session.

ESTABLISHMENT OF AN ORDNANCE FACTORY AT JUBBULPORE.

198. ***Mr. Badri Dutt Pande:** (a) Will the Defence Secretary be pleased to state if a big Ordnance Factory is to be started at Jubbulpore?

(b) How much land has already been acquired and is proposed to be acquired in the villages of Mebgawan, Karoundi (including Benda tola), Ranjhi and Chandli?

(c) What would be the approximate cost of the whole concern?

(d) What are the materials that it is proposed to manufacture in this factory?

(e) What time will this factory take before it is ready to begin work?

Mr. C. M. G. Ogilvie: (a) The question is still under consideration.

(b) No land has yet been acquired but under the provisions of the Land Acquisition Act, a plot of land is being surveyed.

(c) Until all investigations are completed, it will not be possible to give an estimate of the cost.

(d) Explosives.

(e) It is yet too early to make a forecast even assuming that it is decided to carry out the project.

Seth Govind Das: May I know when the investigation will be over?

Mr. C. M. G. Ogilvie: I am not able to inform the Honourable Member.

EXPENDITURE AND CASUALTIES IN THE OPERATIONS IN WAZIRISTAN AND THE KHAISORA VALLEY.

199. ***Mr. Badri Dutt Pande:** (a) Will the Defence Secretary be pleased to state the total amount of money spent in the operations in Waziristan and the Khaisora Valley and the total number of casualties that had occurred?

(b) With reference to starred question No. 153 of the 27th August, 1937, will he be pleased to give us a sample of the notices that were dropped in the valleys before bombing operations began, as promised in his answer *vide* page 666 of the last Simla proceedings?

Mr. C. M. G. Ogilvie: (a) Up to the end of 1937, an additional expenditure of Rs. 194 lakhs has been incurred.

Up to the 15th December, 1937, the casualties to Government forces amount to 245 killed and 681 wounded.

(b) I lay on the table samples of warning notices† that were dropped before bombing operations were begun.

To the Macha Section of the Madda Khel.

Whereas contrary to the orders of Government you have continued to give shelter to the murderers of Lieutenant Beatty, of one Madda Khel khassadar and of one Daur khassadar, Government have decided to punish your section by destroying the village of Raghzai Kalai through air action.

2. You are therefore warned that with effect from first light on Tuesday 23rd March, 1937 (9th Muharram 1356 Hijri) bombs will fall on and near that village. In order to safeguard your lives and those of your women and children, you are ordered to leave this village, and its neighbourhood and not to return until Government has warned you that it is safe to do so. Until you receive such notice it will be unsafe for you to remain in any place within two miles of this village.

3. You are further warned not to touch any unexploded bombs. These may go off if handled and they are highly dangerous.

By Order of Government.

20th March, 1937.

†Pushtu and Urdu notices not printed in these Debates; copies thereof have been placed in the Library of the House.

Proclamation to the Tori Khel Tribe.

1. The Tori Khel of the Spinwam area have assured Government that they will commit no further offences against Government. If this promise is fulfilled there will be no further necessity to punish the Tori Khel of the Spinwam area by air action and that area will be safe for all Tori Khel who want peace.

2. Information has been received that some of the Tori Khel now occupying the area between the Tochi and Khaisora Valleys are not at enmity with Government. If this be the case, then those Tori Khel now living in the abovementioned area who are not at enmity with Government should move to the Spinwam area before first light on Wednesday 21st April, 1937, corresponding 9th Safar 1356-H.

3. This is necessary because with effect from first light on Thursday 22nd April, 1937, corresponding 10th Safar 1356-H., Government has decided to take offensive action by means of aeroplanes against all persons remaining in the area mentioned below. This offensive action by aeroplanes will be continued by day and by night until further notice.

4. This area in which it will be unsafe to remain is bounded on the East by the Kharadhera Range, on the South by the Khaisora River, on the West by the main road from Asad Khel to Thal and on the North by the Tochi River (but an area one mile to the South of the Tochi River will be exempt). But take notice that the other areas at present under blockade will still remain under blockade.

5. You are therefore, warned to evacuate this area completely and in particular to remove from it all women and children. You are not to return to it until notice is given you that it is safe to return. In your own interests and the safety of your women and children you are advised to obey these instructions immediately.

6. You are particularly warned not to touch any unexploded bombs. These are dangerous and may explode at any time whether handled or not.

7. To enable the Tori Khel to remove their families and flocks to the Spinwam area it is hereby notified that with effect from the publication of this order until first light on the 21st April, 1937, no Tori Khel moving to the Spinwam area from the South will be molested whether moving on Government roads or otherwise. Such movement however must be confined to night time, *i.e.*, between sunset and sunrise, and military Posts must be avoided.

By Order of Government.

19th April, 1937.

Notice.

Whereas the Faqir of Ipi is still hostile to Government and has established a base for hostile activity in the region of Prekarai Sar, and

Whereas this activity is liable to affect the peace of the Bannu District and the tribal territory.

Government has decided to order the area described below to be cleared of all inhabitants with effect from first light on 1st August (23rd Jamadiul Awal 1356 Hijri).

Any persons remaining in the area described will do so at their own risk, and if they or their cattle or other belongings suffer injury from aeroplanes they will only have themselves to blame.

(a) The Kareshti Algad and all country to the East and West of it which drains into the said Algad.

(b) All country within one mile to the South and East of the watershed between Gazhghane Narai and Ziarat Ghar.

(c) All country which is drained by the Tabai and Zarai Algads.

You are warned therefore, that with effect from first light on August 1st (23rd Jamadiul Awal 1356 Hijri) offensive action by aeroplanes will be taken against any person remaining in the said area. This will be continued by day and night until further notice.

In order that you may safeguard your lives and those of your women and children and those of your cattle, you are warned to evacuate the said area immediately.

You should not re-occupy the said area until Government inform you that it is safe to do so.

You are particularly warned not to touch any unexploded bombs. These are dangerous and may explode at any time whether handled or not.

Warning Notice.

Whereas tribesmen of the Baddar Valley and of the Maintoi Valley have joined Mullah Sher Ali in engaging in hostile activities such as attacking Khassadar posts and raiding into the Dera Ismail Khan District, it is hereby ordered by Government that the undermentioned areas be cleared of all persons and animals from midday Saturday, September 11th (corresponding to 4th Rajab 1356 Hijri) and kept cleared until further notice :

All country drained by the Baddar Algad and its tributaries down to but exclusive of Sinetizha.

All country drained by the Maintoi Algad down to but exclusive of Daud.

2. When the jirgas of the abovementioned areas present themselves to the General Officer Commanding the Troops at the Asman Manza to explain their conduct and to give some satisfaction, for their future behaviour, the matter will be further considered.

3. You are therefore warned that with effect from mid-day Saturday, September 11th (corresponding to 4th Rajab 1356 Hijri) offensive action by aeroplanes will be taken against any persons or animals remaining in the above areas.

4. This action will be continued by day and night until further notice and you should not re-occupy the said areas until Government inform you that it is safe to do so.

5. In order that you may safeguard your lives and those of your women and children and those of your cattle, you are warned to evacuate the said areas immediately.

6. You are particularly warned not to touch any unexploded bombs. These are dangerous and may explode at any time whether handlet or not.

By Order of Government.

Seth Govind Das: For killing so few people, this expenditure was rather huge.

(No answer.)

POLITICAL STATUS OF AJMER-MERWARA.

200. ***Mr. Badri Dutt Pande:** (a) Will the Honourable the Home Member be pleased to state if any decision has been arrived at regarding the political status of the Province of Ajmer-Merwara?

(b) Are Government aware that the people of Ajmer-Merwara have expressed their opinion that the only way in which their Province can benefit politically is by a merger with the United Provinces?

The Honourable Sir Henry Craik: (a) The status of Ajmer-Merwara is as defined in section 94 of the Government of India Act, 1935.

(b) Government understand that some of the inhabitants have expressed a desire that the Province should be merged in the United Provinces.

Mr. Badri Dutt Pande: What action have Government taken on the desire of the people?

The Honourable Sir Henry Craik: I don't see how one can take action on a desire.

Mr. K. Santhanam: Do Government propose to consult the wishes of the people of Ajmer-Merwara in this connection?

The Honourable Sir Henry Craik: I expect there will be some consultation. Steps will certainly be taken to ascertain the general desire.

Mr. K. Santhanam: Will they let the Assembly know the result of their consideration?

The Honourable Sir Henry Craik: I think it would be premature to give any undertaking to that effect.

Mr. Badri Dutt Pande: Have any villages, now administered by the Central Government, been transferred to the Jodhpur and Marwar Durbars?

The Honourable Sir Henry Craik: That does not arise out of the answer given.

Mr. Lalchand Navalrai: May I know if any of the associations in Ajmer-Merwara have addressed the Government on this point?

The Honourable Sir Henry Craik: I have received an advance copy of one representation.

DISCUSSION *RE* CONTRIBUTION TO PROVINCES UNDER THE NIEMEYER AWARD AT THE CONFERENCE OF FINANCE MINISTERS HELD AT NEW DELHI.

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

(a) whether the amount which each Province is likely to get under Niemeyer award was discussed in the recent Finance Members' Conference held at New Delhi;

(b) whether any figures were placed at the Conference; and

(c) whether he will state the approximate sum which each Province is expected to get this year?

The Honourable Sir James Grigg: (a) and (b). The proceedings of the conference must be regarded as confidential.

(c) I am afraid the Honourable Member must wait and see.

Mr. Manu Subedar: May I know what are the estimates of yield of income-tax and railways, which were used for the purpose of arriving at the figures of the contribution?

The Honourable Sir James Grigg: That is a question I have already answered under (c).

Mr. B. Das: May I know if the Government will take into consideration the needs of the needy provinces and give them more than the richer provinces?

The Honourable Sir James Grigg: Yes, subject to taking into account the prior needs of the Centre.

SIMILARITY BETWEEN FIVE-RUPEE CURRENCY NOTES IN BURMA AND INDIA.

202. ***Bhai Parma Nand:** (a) Will the Honourable the Finance Member be pleased to state whether Government are aware that five-rupee notes current in Burma are quite of the same shape as five-rupee notes used in India, with only an addition of the words "Legal tender in Burma only"?

(b) Are Government also aware that some people coming from Burma, bring such notes from there and put them in circulation, thus causing a loss to the person who fails to notice the words?

(c) If the answer to parts (a) and (b) be in the affirmative, do Government propose to make such a change in the shape of the notes that one could easily be distinguished from the other?

The Honourable Sir James Grigg: I would refer the Honourable Member to the statement made on this subject in the annual report of the Reserve Bank which was published in the Gazette of India, dated the 5th of February, 1938.

REFUSAL OF PAYMENT OF MUTILATED CURRENCY NOTES.

203. ***Bhai Parma Nand:** Is the Honourable the Finance Member aware that in case of five and ten rupee notes, if the number on the note somehow or other gets mutilated, its payment is refused by the Currency Office and if the small number on the hundred rupee note is in any way cut, the value of this note is reduced to half and the holders of these notes have to suffer a great loss? If so, do Government propose to remove this grievance of the public?

The Honourable Sir James Grigg: I would refer the Honourable Member to the reply given to question No. 238 asked by Mr. Sri Prakasa on the 9th September, 1936.

Mr. Lalchand Navalrai: May I know the position particularly in regard to the question of the notes having been somewhat mutilated in the number only?

The Honourable Sir James Grigg: Since my answer to the last question on the subject, I have had occasion to revise my views in certain respects. This question refers to the proceedings of currency officers, and there I am fairly satisfied that there is nothing much in the way of action called for. One Honourable Member opposite called my attention to a note which was refused by a sub-treasury officer in which it was clear on the face of it that the action of the sub-treasury officer was not right but sub-treasury officers are under the control of Provincial Governments, and, therefore, I have to consider rather carefully what if any remedial action is possible.

Mr. Lalchand Navalrai: Will the Honourable Member ask the Provincial Governments to be wide awake about this?

The Honourable Sir James Grigg: The possibility of action in connection with officers of Provincial Governments is being considered, and it will be required to be considered fairly carefully.

INCREASE IN THE CIRCULATION OF COUNTERFEIT RUPEES.

204. ***Bhai Parma Nand:** Is the Honourable the Finance Member aware that the number of counterfeit rupees is increasing and getting wide circulation on account of which a good many people are put to loss? Do Government propose to make an enquiry and find out some remedy to check this evil?

The Honourable Sir James Grigg: I would refer the Honourable Member to the reply given to parts (a) and (b) of question No. 54 asked by the Honourable Haji Syed Mohamed Husain in the Council of State on the 4th of March, 1937.

An Honourable Member: Since then, have they increased?

The Honourable Sir James Grigg: I cannot answer that off-hand.

SHORT NOTICE QUESTION AND ANSWER.

SHOOTING AT PEOPLE BY A SOLDIER FROM A MILITARY LORRY BETWEEN DELHI AND MEERUT.

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

(a) whether he is aware of the news on page 3 of the *Hindustan Times*, dated the 2nd February, 1938, that a soldier had been shooting at random at people from a military lorry and that one Abhey Singh was shot in the thigh;

(b) whether he has enquired into the matter; and

(c) whether Government have taken any action against the miscreant?

Mr. C. M. G. Ogilvie: Certain soldiers are alleged to have been shooting with an air gun when travelling in a lorry from Delhi to Meerut. It has been established that three villagers were struck by pellets.

It is not desired to add further to this statement at present as the matter is under investigation by the Police authorities concerned who have yet to decide what action shall be taken in the matter.

Mr. T. S. Avinashilingam Chettiar: May I know whether after getting the police information, Government will place the matter before this House?

Mr. C. M. G. Ogilvie: Certainly.

Mr. Manu Subedar: Will there be a military inquiry also?

Mr. C. M. G. Ogilvie: No one, I think, has ever been tried twice for the same offence.

Maulvi Abdur Rasheed Chaudhury: May I know whether it is the practice to supply soldiers with air guns?

Mr. C. M. G. Ogilvie: Soldiers are not supplied with air guns, but occasionally it seems they supply themselves.

Mr. Badri Dutt Pande: Have the soldiers been located?

Mr. C. M. G. Ogilvie: Yes.

Mr. Sri Prakasa: Are they permitted to have with them more arms than are prescribed? How do they get these air guns?

Mr. C. M. G. Ogilvie: Nobody is prohibited from having air guns, as far as I know.

Mr. M. Asaf Ali: Having regard to the extreme undesirability of these occurrences, will Government take steps to see that they do not recur?

Mr. C. M. G. Ogilvie: I do not think the Honourable Member quite followed the answer to my question, which was that the matter is still under investigation, and while it is under investigation and may easily lead to a trial before the courts, I naturally cannot here give any fuller information; but I agree entirely with the Honourable Member that any such occurrences are most deplorable.

Mr. Sri Prakasa: In view of the fact that Government are assured that the soldiers had air guns and practised with them, will the Government pass orders that soldiers must not use air guns so recklessly?

Mr. C. M. G. Ogilvie: I do not think I can possibly answer that.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to unstarred question No. 28 asked by Dr. Sir Ziauddin Ahmad on the 27th August, 1937.

GAZETTED OFFICERS GRANTED EXTENSIONS.

Ten officers were granted extensions of service during the calendar years 1935 and 1936. In two of these cases, leave under Fundamental Rule 86 (*a*) was refused and for this reason an extension of service was given.

Information promised in reply to question No. 859, asked by Maulana Shaukat Ali on the 28th September, 1937, and question No. 1025 asked by Mr. S. K. Hosmani on the 6th October, 1937.

LEVY OF MINIMUM CHARGE ON ELECTRICITY IN NEW DELHI.

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

Mr. President (The Honourable Sir Abdur Rahim): Legislative Business. The House will now resume further consideration of the motion* moved by Qazi Muhammad Ahmad Kazmi.

Mr. Abdul Qaiyum (North-West Frontier Province: General): Sir, the Bill before the House is a very important measure, and if there is any measure the need of which has been so very strongly felt by the Muslim community in India, it is this measure, which aims at regulating and clarifying laws dealing with the dissolution of marriage where Muslim women are concerned and the effect of apostasy on marriage. Sir, it is a quite well-known fact that under Islamic law under certain circumstances a Muslim woman can approach a Qazi and secure the dissolution of her marital tie, but the dead hand of custom and the opposition of males and their aggressive attitude, and also the fact that the law on this point has not been properly appreciated by the Courts in British India have resulted in very great hardships in the case of Muslim women. The result is that while a Muslim male can dissolve the marriage tie at will, the woman is practically tied to her husband, and even if she has got grounds which are considered valid under Muhammadan law for a dissolution of marriage, she is absolutely helpless in the matter. Sir, it is a very good thing that my Honourable friend, Mr. Kazmi, has brought out all those points—under which a Muslim woman can secure the dissolution of her marriage and these have been inserted in clause 3 of the Bill. Sir, when this Bill becomes law, a long-felt need of the Muslim community will have been met and Muslim women will be able to get a dissolution of marriage in accordance with the Muhammadan law. There is one very important point raised in this Bill and it is incorporated in clause 5 of the Bill. It reads thus:

"The conversion of a married Muslim woman to a faith other than Islam shall not by itself operate to dissolve her marriage."

On this point it is a well-known fact that owing to the attitude of Courts in British India and also owing to the hostile attitude of males, Muslim women have not been able to obtain a dissolution of marriage as easily as was desirable. The result was that with a view to escape from this marriage tie and with a view to put an end to a marriage which could easily have been put an end to under the Muhammadan law, women have been driven to change their religion much against their own will, much against their own inclination and the call of their conscience, with a view to secure the dissolution of the marriage. It has been decreed by certain High Courts in India that a change of religion or apostasy from the Muslim faith on the part of a Muslim woman constitutes a breaking of the marital tie. Now it is quite clear that the law on this point is not properly appreciated by the Courts in British India and there is a very large volume of opinion in favour of the proposition that a change of religion on the part of a Muslim woman does not entail the breaking of the marital tie. In this connection I may only quote one or two passages from a

* "That the Bill to consolidate the provisions of Muslim Law relating to suits by married Muslim women for dissolution of marriage and to remove doubts as to the effect of apostasy of a married Muslim woman on her marriage tie be circulated for the purpose of eliciting opinion thereon by the 31st July, 1938."

[Mr. Abdul Qaiyum.]

well-known book on Muhammadan law written by Syed Amir Ali. From this, it will be obvious that there are two schools of thought and the more modern school of thought is in favour of the proposition that a change of religion on the part of a Muslim woman does not entail the dissolution of marriage. It is a well-known fact that under Islamic law a Muslim is allowed to marry a *Kitabia* or from among the people of the book. If the marriage of a Muslim to a Jew or a Christian woman is valid, there is absolutely no reason why a change of religion on the part of a Muslim woman should result in a dissolution of marriage. It has been remarked by Syed Amir Ali:

"As regards the effect of the wife's abjuration of Islam on the *status* of marriage, there is the same divergence of opinion between the ancient and the modern jurists. The lawyers of Bokhara, who adhere to the doctrines of the ancients (*mutakkadamin*) hold that whatever the religion she adopts, she would be imprisoned until she returns to the Faith, when she should be constrained to re-marry her former husband on a very small dower. The object of the doctrine they propounded as they declared was to prevent women from trying to escape from the bonds of matrimony by the abandonment of Islam."

Now, there is another view also:

"The jurists of Balkh and Samarkand, on the other hand, have laid down that when a woman abjures Islam for a scriptural or revealed religion like Judaism or Christianity, *her renunciation of the Faith does not dissolve the marriage.*"

So it is obvious that there are two schools of thought and the more modern school of thought believes in the doctrine that a change of religion on the part of a Muslim woman does not constitute a breaking of the marital tie. Then on page 392 we find another passage:

"Although the Indian Courts have preferred to follow the extreme Bokhariot view, I submit the more reasonable enunciation of the jurists of Balkh and Samarkand furnish the guiding principle for tribunals who have by their constitution to act according to 'justice, equity, and good conscience'."

Then the attitude of the British Indian Courts is commented upon by this well-known expert on Muhammadan law, who says:

"The British Indian Courts in their adherence to the strict letter of the ancient doctrine have, it is submitted, missed the spirit of the enunciation; and have, accordingly, treated in the case of a wife as a privilege what was intended to be a punishment. By the interpretation put on the rule, a Mussalman woman is thus enabled to obtain by a simple abjuration of Islam a dissolution of the marriage tie which had become irksome. The enforcement of the Mussalman law in its entirety regarding apostates has become impossible under existing conditions in most countries inhabited by Moslems . . . . . It is absurd and contrary to the principles of justice that one part of the rule should be enforced whilst the other should be ignored."

Finally, there is one other passage:

"Suppose, then, a Mussalman wife abandons Islam and embraces Judaism or Christianity, there is no inherent vice in the continuance of the contract as a valid contract. It is only as a State offence that the ecclesiastical law pronounces against her a forfeiture of civil rights. But when that law is unenforceable, the union remains as valid as it would be were the wife a Jew or a Christian at the time of marriage."

Now from this it is quite obvious that a greater amount of authority, therefore, leans in favour of the view that a change of religion on the part of a Muslim woman does not result in the breaking of the marital tie; and there is all the more reason in support of this contention in the fact that the Muslim law in the matter of apostasy of males and females is not being enforced in British Indian Courts. So there is no reason why a part of this should be enforced, upon which there is a very great divergence

of opinion, and the other part should not be enforced at all. I for one do not object to a Muslim male or a Muslim female changing his or her religion of his or her own free will provided they do so desire to change their religion. But what we would like to prevent is this that a woman should not be forced, on account of the wrong attitude of the Courts or the aggressive attitude of the males, to seek relief from an irksome marital tie by changing her religion. There have been numerous cases in this country where the Muslim women have changed their religion not out of the dictates of their conscience, but in order to escape from an unpleasant marital connection. The attitude of the Courts on this point has been far from satisfactory. They have not appreciated the true principles of the Muslim law on the point and they have not given the due weight and attention which should have been given to it. So, this Bill of my Honourable friend, Mr. Kazmi, will remove a long-felt demand in the Muslim community inasmuch as it defines clearly and unequivocally the law relating to the apostasy of a married Muslim woman, and also inasmuch as it clearly brings out in clause 3 of the Bill the grounds on which a Muslim woman can approach a Court of law and can seek dissolution of her marriage.

Having said this much, there is, of course, one clause in the Bill, namely, clause 6, on which, I am afraid, I do not see eye to eye with my Honourable friend, Mr. Kazmi. Mr. Kazmi has inserted a clause that a suit arising out of marital disputes between a Muslim male and Muslim female should be decided by a Muslim Judge if one is available in the district, and, if one is not available in the district, then the nearest Muslim Judge in the neighbouring district, and he has also in sub-clause (*e*) of clause 6 of the Bill made a provision that appeals from the decision of the lower Court shall lie to the High Court and shall be heard and decided by a Muslim Judge of that Court. I, for one, do not subscribe and cannot subscribe to this doctrine. I think that the time has come when we should place implicit faith in our Judges to interpret the law if the law is clear and unequivocal. The trouble has arisen not on account of the attitude of any non-Muslim Judges but on account of the defective appreciation of the Muslim law on the point. I think it would be a dangerous precedent to lay down in a Bill or an Act that certain suits should be heard by a Muslim or a Hindu Judge and by no other Judge. What is required in this connection is a clarification of the law and once that is done there is absolutely no risk in leaving the question of interpretation to a Hindu, Christian or any other Judge. I hope that this particular clause will undergo a considerable change before the Bill becomes law. With these remarks, Sir, I support the motion.

The Honourable Sir Nripendra Sircar (Law Member): Sir, I am not opposing the motion nor do I desire to deal with the various clauses which are to be found in the draft Bill, but there is one aspect of the matter which this House has got to consider and I am just now placing it before the House. I believe most Members of this House are aware of certain decisions of at least the Calcutta High Court, a Court with which I am familiar. Those are the cases in which a Hindu wife on account of her conversion becomes a Muslim and then it is said that the Muslim law will apply. In a reported case—I believe the Judge was Mr. Justice Panckridge—and also in another reported case and in two unreported cases the procedure which has been followed and accepted by the Judges at least of the Calcutta High Court—I do not pretend to have made an

[Sir Nripendra Sircar.]

extensive study of the subject—was this. It has been laid down that if a Hindu wife becomes a Muslim, adopts the Muslim religion, then she is entitled to call upon the Hindu husband giving him the option either of embracing Islam or, failing to do that, the marriage stands dissolved. Now, that has been accepted by the Courts.

We had another development in a case which was tried by the Subordinate Judge, I believe, of Jessore last year and it is pending still in the High Court. It is a case of double conversion. The Jessore wife was displeased with the husband and on the merits of the case I wish to say nothing. She then became a Muslim and the procedure laid down by the Calcutta High Court was followed. The wife sent a letter through a pleader calling upon the husband to become a Muslim or to take the risk of the marriage being dissolved. I believe the husband, instead of considering that a risk, was extremely pleased and he said: 'No, I am not going to become a Muslim', and the marriage stood dissolved. Then, later on, this Muslim wife, or rather the wife who had become Muslim, gets herself re-converted into Hinduism and then marries not under Act III of 1872 but according to alleged Hindu rites. It was obvious that both conversions were stratagems to dissolve, to get rid of, the marital tie. But the courts have laid down that that does not matter. The Court has not got any power or any business to inquire as to whether the conversions are genuine or the conversions are merely devices for getting rid of marriages. The Jessore Court said that the last marriage is valid.

The point which I want the House to consider is this. Assuming that the Muslim law is going to apply to the Muslim wife after this Bill is passed—I am assuming for sake of argument that the Bill will be passed—in that case if the Muslim wife changes her religion, the marriage tie is not dissolved. But what will happen to the Hindu wife, who becomes a Muslim? Will the Muslim law then apply to her? That is what is being done in the Courts. So, it is a case of Muslims having it both ways. So far as the Muslim wives are concerned, it does not matter whether the conversion was genuine or merely strategic, the marriage remains good. But when the Hindu wife becomes a Muslim, then the Muslim law applies. And if this procedure is followed, she will send a pleader's letter and the charge will probably be one rupee. If she sends a letter, then the marriage can be dissolved. So, I think my friends, the Muslims, may have it both ways. That, however, is a matter about which I wish to say nothing at the present moment beyond pointing out that this is a serious aspect which has got to be considered. I do not oppose either the circulation or the whole principle of the Bill, but I thought it my duty to place before the House a very serious situation which may arise so far as the Hindus are concerned if this Bill is passed unless it is properly amended when it goes to the next stage, namely, the Select Committee. I support the motion for circulation.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir*, today, as on the last occasion, clause (6) of the Bill has been objected to on the ground that according to this clause, only Muslim judges will decide cases of dissolution of marriage, and that from Government point of view this would involve administrative difficulties. My Honourable friend, Mr. Abdul Qaiyum, is inclined to this view. My Honourable

*Translation of the speech delivered in the vernacular.

friend, Sardar Sant Singh, has said that it would not be desirable to introduce communal considerations into the law. It is indeed true that one won't see the beam in one's own eye but would readily detect the straw in the eyes of others. My Honourable friend, Sardar Sant Singh, should know that a special Gurdwara Act is there for his own community, and that under the provisions of that Act there is the Gurdwara Tribunal. There is also a tribunal under the provisions of the Madras Hindu Endowments Act, who is paid from the taxes collected from all the other communities.

Sir, it is never the intention of either the Mover or the supporters of the Bill to see that room should be made for the appointment of Muslim judges, but it is equally a fact that a non-Muslim judge may not be so thoroughly conversant with the Islamic Law as a Muslim judge. Nevertheless, the clauses of the Bill are so very clear that if there is no Muslim judge in any particular place, any other judicial officer of any grade may hear a case of dissolution of marriage. That being so, the plea of difficulties does not arise. As the Bill is being referred for public opinion, I see no point for objection at this stage. I, therefore, support that the Bill be circulated for public opinion.

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

"That the Bill to consolidate the provisions of Muslim Law relating to suits by married Muslim women for dissolution of marriage and to remove doubts as to the effect of apostasy of a married Muslim woman on her marriage tie be circulated for the purpose of eliciting opinion thereon by the 31st July, 1938."

The motion was adopted.

THE CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, I beg to move:

"That the Bill to amend the Child Marriage Restraint Act, 1929, be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable Sir Henry Craik, Mr. J. A. Thorne, Mr. E. Conran-Smith, Mr. N. M. Joshi, Mr. F. E. James, Mr. Lalchand Navalrai, Sardar Sant Singh, Sir Abdul Halim Ghuznavi, Mr. M. Ghiasuddin, Mr. Abdul Qaiyum, Mr. Sri Prakasa, Mr. N. V. Gadgil, Mr. M. Asaf Ali, Mr. Govind V. Deshmukh, Seth Govind Das, 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, the applause that greeted the introduction of this motion which I have just read shows that the mere man is apologetic and wants to undo the wrong that he has so far done to the women in this earth. Sir, so far, every country and India particularly is ruled by man, and man-made laws have all along governed the conditions of women and as woman, she has all along suffered. Adam sinned and Eve had to atone for that sin. The accounts of modern Adams show that they have all along sinned and the women—the modern Eves—suffer hereby.

Sir, it was in 1926 that Mahatma Gandhi wrote in *Young India*:

"Where are the number of men who will work among the girl-wives and girl-widows and who will take no rest and will leave none for men at all till girl marriage became an impossibility."

[Mr. B. Das.]

Sir, the women of India by their hard work and by their arduous work have justified their position. They have carried their agitation from towns to hamlets and every village is today ringing with the agitation that women-workers have created and today almost the whole of India is trying to undo the wrongs which man has perpetrated by his selfishness. The women all over India were not satisfied with the Sarda Act which was passed in 1929. The women were not satisfied with the way in which that Act was administered by the magistracy all over India. They, therefore, went on agitating and the result of that agitation is the Bill which I have just moved for reference to a Select Committee.

Here I must pay a word of tribute to one of our old colleagues in this House, I mean Diwan Bahadur Harbilas Sarda, who though not present here is resting at Ajmer, and here I should remind the House of the indefatigable services which he rendered for the emancipation of women by placing the Child Marriage Restraint Act on the Statute-book. Sir, the Diwan Bahadur has blessed my Bill and Honourable Members will read his opinion in the List of Opinions circulated to the House. He says:

"I wholeheartedly support the Bill and I appeal to the Government to make a genuine effort to stop this corroding evil and protect innocent girls from the oppression which kills some and desolates the lives of others."

Sir, the women of India in their sorrow and suffering received great sympathy from women all over the world. They received valuable support from men and women in England. Some of these letters are before Honourable Members and I will just refer to one or two of them. First of all I must pay a tribute to Miss Eleanor Rathbone, M.P., for the genuine work which she has done for the cause of womanhood in India. Not only did she do a lot of work for the cause of women in India but after she went back, from her Indian tour in 1932, she published a book on child marriage which has already been referred to by my Honourable friend, Mr. Gadgil, and in which she has brought out all the horrors and evils of child marriage in India. In that book she made three recommendations which ought to be embodied in the form of a Bill to implement the Sarda Act and placed on the Statute-book. In fact my Bill is based on those three recommendations which have the full support of all men and women in England who sympathise with the social reform movement in India.

From the public opinions received, we find that even so late as 1936 some of the Provincial Governments were feeling that public opinion was not behind the proposals that have been embodied in my Bill. But since then the support which the Gallant Baronet, my Honourable friend Sir Henry Craik, has given to the proposals that are embodied in my Bill while he was speaking on another occasion when the House was discussing the Bill of my Honourable friend, Mr. Lalchand Navalrai, to improve the Child Marriage Restraint Act shows that public opinion in this country has so much grown that Government are satisfied that a change is necessary. Therefore, the noble Baronet has given his full gallant support. I was absent the other day and I regret it very much, none regrets it more than myself. But I take this occasion to congratulate my Honourable friend, Mr. Lalchand Navalrai, on his being the first in this House to

embody a new section in the Sarda Act. I see that my Honourable and esteemed friend, Mr. Aney, is not present. I was very glad to read a particular passage in his speech the other day where he stated, "We should not leave any loopholes in the Act for people to take advantage of and thus defeat its provisions". I have asked privately my Honourable friend, Mr. Aney, to give his blessings to the Bill that I have tabled. My Honourable friend is a big lawyer and a great Hindu Leader. I am glad he wants that the Sarda Act should be so implemented that there may be no loopholes for anybody to get out of it,—either the Courts or the parties that perpetuate these illegal child marriages. I also here acknowledge that my Honourable friend, Syed Ghulam Bhik Nairang, with all his ideas about the *Shariat*,—I do not think he knows the *Shastras*,—even blessed the Bill of my Honourable friend, Mr. Lalchand Navalrai, and in the end succumbed to it and congratulated him. I hope I too will have his blessings and congratulations by this evening.

Sir, I will now refer to the opinions. I will first refer to the opinions of some of the powerful friends that we possess abroad. The British Commonwealth League which has all along shown sympathy towards all social reform movements in India wrote a letter to the *Times* in 1936 under the signature of Nacy, Viscountess of Astor, Lord Lothian, Mrs. Elizabeth Cadbury, Miss Thelma Cazelet, Miss Eleanor Rathbone, Rev. William Paton, and other distinguished people and they requested the Government of India to accord full support to the Bill which is under consideration. That letter stated:

"It would be nothing short of a tragedy if the much-needed amending Bill introduced by Mr. B. Das, failed to become law."

Then there is another important association in England, the Indian Village Welfare Association, of which the Right Honourable Viscountess Halifax (formerly Lady Irwin), one of the *ex*-Vicerines of India, is the President; and I find many distinguished names, particularly names like Sir Abdul Kadir, Major-General Nawab Sir Umar Hayat Khan, well known to my Muslim friends and to myself. And they appealed to the Members of this Legislature and to the Government of India that the Bill we are considering now should be placed on the Statute-book.

I will now come to the Indian opinions that have supported me. Foremost stands the opinion of the All-India Women's Conference of which Rajkumari Amrit Kaur is the President, and the National Council of Women of India of which Her Highness the Maharani of Baroda is the President. They have not only supported all along that the Sarda Act should be implemented and that the Bill which I have introduced should be passed into law, but they have further suggested that the suggested section 13 of my Bill should be so strengthened that, when the adult husband is separated from the child wife and consummation of marriage cannot take place until the girl attains the marital age, and the husband or the husband's guardians are to support the girl wife during that period, the statute should so provide that the adult husband should not marry again. In India it is the Hindu custom, and also the Muslim custom that a man can take many wives, the Muslims being allowed four and the Hindus an unlimited number of wives. And if a man, bigoted as he always is, takes it into his head that he cannot have his child wife as his

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bed companion, he may marry another wife and kick out his girl wife. Unfortunately the Muslim and Hindu laws and other laws in this country are such that there is no chance for a woman. The law permits a man to marry again and again as many wives as he likes but the wife cannot marry again. That is misery because all laws are man-made laws and woman never had a hand in it.

Sir, I then come to some of the opinions which are more of a provincial and sectional nature. The National Christian Council of India, Burma and Ceylon strongly supports the Bill as also the various Indian Christian Associations; and the National Christian Council of India, Burma and Ceylon says that child marriage is still only too common among village Christians. I hope my Honourable friend, Dr. DeSouza, will take note of this and see that no child marriage takes place hereafter among the Christian community. Sir, I was particularly pleased to get a letter from the All-India Women's Conference, Calcutta section, which is signed by Mrs. M. A. Momen who is the President of the Calcutta constituency. Khan Bahadur Momen was an old Member of this House and I am glad that a Muslim lady presides there and has given full support to the Bill which we are now considering.

Sir, I am glad my Honourable friend, Sir Muhammad Yakub, is here. Nobody deplores as I do his banishment from this side of the House to the Treasury Bench. And now that he is a member of that Bench and knowing that the views of the Honourable the Home Member are the views of the Government of India, my Honourable friend cannot raise his voice of dissent as I was apprehending. Sir, Moradabad is a town which produces Knights,—it has given two Knights to the Treasury Benches,—and it also produces very fine brassware and art works. When I encountered objections from my Honourable friend, Sir Muhammad Yakub, I was somewhat disconcerted, but the very next morning I got a letter from the Moradabad Women's Conference signed by 187 ladies of Moradabad. I then counted the number of Muslim ladies in it and I found that 28 of them had signed this note that has been circulated to the Members of this House. Of these 28, there are ten who are maiden ladies because I find the prefix 'Miss'. That shows that there are ten maiden ladies who must be above 18 and who do not obey the mandates of my Honourable friend, Sir Muhammad Yakub, and who are still unmarried and who want that child marriage should be prohibited for ever. It seems the Knight of Moradabad does not shed any light in his own town. However, I welcome his presence here and I shall be glad if he will give me his whole-hearted support from the Government side. I am anticipating severe criticism from another quarter, I mean my Honourable friend,

12 NOON. Mr. Baijnath Bajoria, one of the prominent members of the Agarwal community in Calcutta, who is now present here. One day last year at Simla he threatened me saying, do you know that Sarda is no more a Member of the Assembly because he moved the Bill known by his name and therefore we—we means what, infinitesimal microscopic minority of orthodox people—defeated him; you will not be a Member of this House if you do likewise. I said to him I was moving this Bill not only on my behalf but on behalf of half the people of India as well, that is, the women of India and also on behalf of the Congress

India, and if I am defeated I do not mind, but my Bill will be on the Statute-book. I have got a letter from the President of the All-India Agarwal Mahasabha and also one from the President of the Marwari Women's Association. It is very interesting to read the resolutions of the All-India Agarwal Mahasabha and the Marwari Women's Conference. They support my Bill and also the Bill of Mr. Lalchand Navalrai. Both have separate resolutions condemning Mr. Baijnath Bajoria for having tabled a Bill to repeal the Sarda Act. My friend has grown wiser, and he has not brought forward his Bill—I do not find it in the list. The Marwari Women's Conference says:

"This Conference of Marwari Women considers the amendment introduced by Mr. 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."

There is a particular passage in the letter from Mr. Krishna Gopal Garg, General Secretary to the All-India Agarwal Mahasabha, which is very interesting from the point of view of Mr. Baijnath Bajoria:

"Before concluding I would like to say a word about the amendment to the Sarda Act introduced by Mr. 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."

I do not know who these five gentlemen are, but I hope Mr. Baijnath Bajoria will name them and will say what support he has here:

"Moreover the resolution opposing the said amendment was moved by Shrimati Kunti Devi, a young lady, and seconded by Mrs. Ranglal Jogodia, an elderly lady, both belonging to the community of Mr. Bajoria in the Women's Conference. Thus, these measures of social reform have more support from our womenfolk and that because they are the worst victims of social evils."

I have been threatened, and the House will soon hear from Mr. Bajoria a long speech. I hope he will meet this point and will refute that women are not the "worst victims of social evils" in India.

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): I will reply to all that, to all that nonsense.

Mr. B. Das: I do not know if my friend is using parliamentary language, I am not going to question it, but I welcome the heat in him because in the All-India Agarwal Mahasabha and Marwari Conference he must be in the infinitesimal microscopic minority of orthodox fellows and it is well known how some people are exploiting the opportunity of making money by these child marriages. I refer to priests and go-betweens.

The other day Mr. Gadgil gave copious references to show that child marriages are on the increase, and although my friend, Mr. Ananthasayanam Ayyangar, who belongs to that benighted part of India, Madras, from where there is one-way traffic to Delhi, said that this was not the case, he stood refuted by his own colleagues from Madras, by my Honourable friends, Messrs. Gupta and Thirumala Rao. I was searching my papers, and I find a very interesting letter from the Honorary Secretary of the Standing Committee, Andhra Conference, Hyderabad, Deccan. That letter says that people always go to Nizam's Dominions to perform child marriages. That gentleman has collected statistics for one village adjacent to the Andhra province and these show that in two and a half years,

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1933-34, 1934-35, and 1935 to 15th May, 1936, 418 marriages were celebrated. Of these 418; 283 were of Brahmins, 189 Vaishyas, 25 Kammas, 88 goldsmiths, 8 Telagas, 3 Satanis, 1 Reddi and 1 Shepherd. The letter adds that there are many villages where such marriages are taking place. The House can judge that Mr. Ananthasayanam is ill-informed about Brahmins crossing the border and marrying baby girls in Indian States. I have a very interesting photograph of a three year child, married at the age of three and widowed at the age of three. Her name is Manamma and she is residing in the village, Jangam, near Narayanpoor, Nalgonda District (Nizam's Dominions). I think I ought to make a present of this photograph to the House so that it may appear in the proceedings, but if this cannot be done I make a present of it to Mr. Baijnath Bajoria, the protagonist of orthodoxy here. There are lakhs of widows at the ages 3, 5, 10 and 15 and if Mr. Bajoria collects statistics he will know how many lakhs there are.

Why is it that man has always been cruel, so heartless, to half the creation of God in this earth? And why should women suffer in this cruel man-governed man-ridden country? The women have no representative here and will the Home Member sitting on the floor of the House refute the arguments of orthodox men, like Mr. Baijnath Bajoria? The time has come when men governing this country should give an equal status to women and an equal place. We cannot go on keeping down half the people of India, the half who are angels, who are mothers to us, who are sisters to us, who are ministering angels to us, always helping men through their toils and troubles. I have learnt from our ancient culture and our ancient literature that there was no child marriage before: it has come recently, very recently: and men in the name of Shastras and *Shariat* and religion have laid down that child marriage must continue and girl widows must be there. I hope the time is coming—and I find the Government is so very sympathetic—when this House will be half women and half men. Not even my friend, Mr. James, can understand the problems of women and children. The agonies of women cry through all these laws and enactments that we men pass on the floor of the House. I take this opportunity to apologise to the women of India for the mere man that I am. By our selfishness, not only today or yesterday, but for ages and ages, some apology is necessary from this forum and I think every man here present, barring perhaps my friend, Mr. Bajoria, will join with me and will apologise for the wrongs, conscious and unconscious, that we have done to womanhood. The sympathy that I have received on the floor of the House will show to the women of India that we men, however, misguided, however, mistaken we may be at times, we are now bent on doing our best by the womanhood of India. I will appeal to the Honourable the Law Member and the Honourable the Home Member that when this Bill is taken into consideration and is to be passed into law, they should nominate a representative woman on the floor of this House. Today, the women of India are ministers, parliamentary secretaries and members of Provincial Legislatures. Let one woman represent them on the floor of this House and speak out how women in India have suffered and what they want to be done in future. My Honourable friend, Mr. Asaf Ali, says "Why not do away

with half a dozen of the nominated Members behind the Treasury Benches and nominate half a dozen women?" I would welcome it if half a dozen or a dozen women Members are nominated—that will be the day when men will listen silently with prayer in their hearts to the wrongs done to the womanhood of India. With these few observations, I commend my motion to the House.

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

"That the Bill to amend the Child Marriage Restraint Act, 1929, be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable Sir Henry Craik, Mr. J. A. Thorne, Mr. E. Conran-Smith, Mr. N. M. Joshi, Mr. F. E. James, Mr. Lalchand Navalrai, Sardar Sant Singh, Sir Abdul Halim Ghuznavi, Mr. M. Ghiasuddin Mr. Abdul Qaiyum, Mr. Sri Prakasa, Mr. N. V. Gadgil, Mr. M. Asaf Ali, Mr. Govind V. Deshmukh, Seth Govind Das, 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 (Law Member): Sir, I am not opposing the motion which has been moved by my Honourable friend, Mr. B. Das. We are supporting this motion and before I come to make certain observations about two of the provisions in the contemplated legislation, may I dispose of some very important points raised by my Honourable friend, Mr. B. Das? For instance, I cannot let go unchallenged the statement that Mr. Baijnath Bajoria is microscopic. At any rate, I can assure the House that the Bajorias pay fees to worthy people which by no means are microscopic. Then my Honourable friend said that he would like this House to consist of certain individuals, *viz.*, half man half woman. That will be an ideal state of things and possibly many marriages will become unnecessary; but so far as my knowledge of the census reports goes their number is not sufficiently large to enable us to select all our Members from that particular kind; and Government has no power to make any local inquiry in respect of any particular Member. My Honourable friend said that this Bill ought to receive our support. So it does. But in order that we may not be absolutely carried away by our enthusiasm, I simply want to place certain points before the House as regards the drafting of the Bill. I quite realise that that can be done at a later stage when the Bill goes before the Select Committee.

The three objects of the Bill are given in the Statement of Objects and Reasons. The first is the power of injunction. I am saying nothing about it, beyond pointing out that as it has been drafted it will mean that injunctions can be issued by Magistrates *ex-parte*, without hearing the person against whom the complaint is made. We know that injunctions issued *ex-parte* by civil Courts after proper consideration very often turn out as having done incalculable mischief; but in the case of a contemplated marriage, will the House really desire that a Magistrate should have the power without hearing the other side to issue an injunction to commit irreparable and incalculable mischief, loss of prestige and what not? I do not think that the power should be given to issue an injunction in that very wide form. That is a point which I beg respectfully to place before this House for their consideration.

About the second object I have nothing to say now.

The third object is for enabling the Court to require the husband of a child wife or if he is a minor, his guardian, to make provision for the

[Sir N. N. Sircar.]

separate custody and maintenance of the child wife and to refrain from consummating the marriage until she reaches the legal age for marriage or until a later date if it thinks necessary. Sir, I don't think that the language used is happily worded. Now, what is going to happen if that wretched guardian has not got the means for keeping this minor in separate custody? Supposing there is nobody who can be requisitioned other than the father-in-law's family to maintain her? Of course, if the State will make allowance for this and give a maintenance to the father for keeping the child separately and placing her in a nice little home, that is another matter, otherwise this will operate as a very great hardship, and it will be impossible in many cases. That cannot be done.

Then, Sir, it is said that the minor should be segregated until she reaches the legal age of marriage. That I can quite understand. But it goes on to say "until a later date if it thinks necessary", that is to say, the Magistrate will take evidence to decide what is the exact age and hour on which marriage can be consummated, whether it should be 15, 17, 18 or 20 years. I submit this requires attention in the matter of drafting. And the other matter which equally requires our attention is we should not enact a law which it will be impossible to enforce. Sir, as we are supporting the Bill and as we are accepting the principle of the Bill, I don't wish to make any further statement now. Sir, I support the Bill.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I am glad that the attitude of the Government on this matter has been very sympathetic, and now that the matter is going to the Select Committee, I do not wish to go into the pros and cons of the whole question, but I shall place certain points before the House for the consideration of the Select Committee. Sir, this mischief of early marriages was remedied to some extent in 1929. Since then there have been so many evasions and so many infringements of the provisions of the Sarda Act that it has become very necessary to amend the Sarda Act itself so that it may be obeyed properly and it may create a certain amount of fear in the minds of the public. With that object my friend, Mr. B. Das, has brought forward this Bill, and now that the Bill is going to the Select Committee, I hope no time will be lost in submitting the Report so that more infringements may not happen. Sir, I will illustrate the point by an incident which happened this morning. A man entered my room and asked me if my Bill had been passed. I said yes. Then he asked me when it will come into force. I asked him why he asks me that question, and when I took him into my confidence, he said that he has arranged two marriages of minor children and he wanted to know on what date this measure will come into force. Then I told him he could not expect me to tell him the date, and I advised him that he should not do any such thing, and I also explained to him that the attitude of the Government was far stronger than my own attitude in this matter. I further told him that my Bill would have come into force on the day on which the Governor General would have given his sanction, but the Government have amended the Bill and said that it would come into force as soon as it is passed. I warned him that he should not do any such unwise thing, but he seemed to be well posted and said he knew that the Bill would go to the Council of State, and in the meantime he would finish those

two marriages. Therefore, I say, Sir, if you do not make this Bill more severe and return it soon from the Select Committee, many such infringements will take place.

Sir, although I am going to be in Select Committee, still I wish to place certain points before the House for their consideration. There are many obstructions which are not in the way of ordinary offences under the Penal Code but only under the Sarda Act. To begin with, lawyers know that anyone can file a complaint of an offence, except in a few cases which have been provided for by the Criminal Procedure Code. In those cases only the aggrieved person goes in, otherwise in every criminal offence anybody can go and move the Court by a complaint. That is not the case here. Why should it not be the privilege of anybody and everybody, just as in other offences, to get into the Court and put in a complaint? And it is for the Select Committee to remove this obstruction.

Then the second point is with regard to deposit. When this Sarda Act was passed there were several people who could not appreciate the necessity of this measure, and, therefore, certain impediments were put in, but now that the public have come to know the exact utility of this measure, I think that this obstruction should be removed.

Next, if a man goes to a Magistrate to file a complaint, he will be asked to bind himself in the sum of Rs. 100 to be paid as compensation to the accused if the offence is not proved or if it is a frivolous complaint, but really there should be no such advance measure since the Criminal Procedure Code already provides for it. Section 250 says that if there is any vexatious or frivolous complaint, the Magistrate can fine him to the extent provided therefor, and it is for the Select Committee to consider why this impediment should not also be removed in this case.

Then the third thing is with regard to the preliminary inquiry. What is done now is, if a man goes to the Magistrate under the Sarda Act, the Magistrate finds that he has perforce to make a preliminary inquiry first. I don't suggest that there should be no preliminary inquiry in every case. At present, the criminal law is that a Magistrate has power to make a preliminary inquiry if he has any doubts about the truth of the complaint. Why should there be compulsorily a preliminary enquiry held? This is also a point for the Select Committee to consider.

According to the Act, a complaint can be filed only before a District Magistrate. Why should it be so? The District Magistrate has first class powers, similarly every first class Magistrate has equal powers. Why should such matters go only to 1st class Magistrates? The District Magistrate may be on tour, he may be absent from the station, and in such cases no complaint can be filed until he returns to the station. That obstruction also should be removed.

Then, Sir, I find that the punishment now provided for is not being cared for by anybody. It requires a severer punishment. What it should be is, of course, for the Select Committee to consider.

With regard to the *ex-parte* injunction, my Honourable friend, the Law Member, said an injunction is absolutely necessary but whether it should be issued *ex-parte* is a question. There are complications in this. If a marriage takes place and it is not prevented in time before it takes place, then it becomes *factum valet* according to the Hindu law and that marriage cannot be annulled. This injunction provision is a very

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sound one but whether it should be *ex-parte* or not should be considered by the Select Committee. If it is proved to the hilt before the Magistrate that the marriage cannot be avoided except by an injunction, then in that case he can do it. Whether or not it should be *ex parte* and whether it should be at the discretion of the Magistrate are questions to be considered.

As regards the custody of the girl so married, I have received certain representations from people that a marriage, if it takes place in spite of the provisions of the Sarda Act, should be considered void. That is a very serious question. If it is going to be declared void, then the parents of the girl would feel it very much and, therefore, it would not be right to hold it void but in this case it is very necessary that this provision of separation should be there. What it should be ultimately is for the Select Committee. I must say this that separation is made necessary, because unless you separate them you cannot possibly avoid consummation at any time. Therefore, the provision has been made that this separation is with the object of having consummation only after they become mature.

One word more about my friend on the other side, Mr. Bajoria. It has been said that he is a die-hard. I may tell him that he should not be a die-hard. In my opinion personally he is not a die-hard. There are a few Marwaris who go round and tell him to oppose this Bill. If that is why he is opposing, then I have nothing to say against him. (Interruption by Mr. Bajoria). You are so sincere and so lovely. I must inform the House that after my Bill was passed I have received several letters (*Mr. M. Asaf Ali*: "Of congratulations?")—no I will not say out of modesty but of admiration for the House for having passed this Bill. They are from Agarwal Marwaris of Ajmer. Other Marwaris should take a leaf out of their book. I hope my friend will not be in opposition. If his opposition is only for namesake, then I do not object. With these words, I support the motion.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): I was a Member of this House and also of the Select Committee when Mr. Har Bilas Sarda's Bill was passed. I know that it took about three years to come to a definite decision, not because the Bill, as such, was a bad Bill but because there was not a majority in the country for the Bill as it was drafted. It was finally decided that the Act should only indicate a social outlook and be framed in such a way as to prevent any social persecution if a man marries his boy or girl young. Practically that was done in the Act, and now after about nine years there comes this Bill to improve that Act. Some measures in the Bill are very stringent but I am very glad to learn from the Government reply that they are against many undesirable provisions of the Bill. First, the Government are practically against the injunction proposed in it.

The Honourable Sir Nripendra Sircar: No, no. I said that the question to be considered is whether notice should be given to the other party.

Pandit Nilakantha Das: I personally think that such an injunction will create difficulty. The second thing is the separation. There, too, comes the economic consideration involved in such a measure, and it is quite

reasonable that if the Government is not prepared to provide for the maintenance of the girl, under the present circumstances, I agree that such a provision should not become law, even apart from other consideration.

Mr. N. M. Joshi (Nominated Non-Official): It is 'may require'; not 'shall require'. The Court has discretion.

Pandit Nilakantha Das: Even that discretion may not be given at the present stage. Then the question is whether the complaint will be made by a person, or the Court will take cognizance otherwise. The Court may take cognisance. It is a very small improvement and practically if there are some safeguards, then the present Act will remain practically as good or as bad as the Sarda Act.

Mr. N. M. Joshi: You want a stronger Bill?

Pandit Nilakantha Das: I do not want exactly a stronger Bill but what I want is that at this stage we should not be cultural fanatics. I am rather the other way. In my opinion we shall do the best thing under the circumstances, if, in our over-zealousness, we do not change the existing Act out of recognition. We shall keep it practically the same. So, with that object in view I support the motion for a Select Committee.

But many things have unnecessarily been said about statistics of young wives and the health of the nation. They are not only controversial but rather irrelevant in this Bill. If this is conducive to the health of the nation, then there are many other things which are also conducive to the health of the nation. They are not surely to be all regulated by statutory provisions. Here again particularly the doctors do not agree. I have read of eminent medical opinions in favour of child marriages, upon the point at what age a girl should be allowed to bear children. Now it has been brought out in agricultural science . . . .

The Honourable Sir Nripendra Sircar: You are thinking of bulls. We are thinking of men.

Pandit Nilakantha Das: But it is animal science all the same, to which men also are subject. Now, it is established that even a plant has the best chance of its existence if it bears fruit the earliest, and that plant lives the longest which bears fruit the earliest, as agricultural science will tell you. So, let us not here go into these matters which are highly controversial. Now, Sir, I have seen in my own Province that in Sambalpur even expectant mothers contract marriages for their children that are still in their wombs. This was till very recently the general custom in that district. But nevertheless the progeny of these child marriages are generally the strongest and the longest lived, very robust and very handsome. (Interruptions.) My friend, Mr. B. Das, will bear me out when I say that the children of such parents in Sambalpur are much better in every respect that the children of people in any other part of India. In the coastal districts of Orissa, on the contrary, where the marriage age is generally post-puberty, the health is not so good and the progeny are not so strong and virile. Sir, I have seen this. But admitting that late marriage is conducive to the health of our villagers, should we enforce it among them by statutory compulsion? The health of the nation will be

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improved by the administration of quinine and by vaccination and so forth; but should we, therefore, enforce it by law that a man who does not take quinine in a malaria-stricken area should be imprisoned for four months? (*An Honourable Member*: "Why not?") This will be legislative fanaticism. In such things the legislator should give a lead and nothing else.

Sir, many things again have been said even on Mr. Lalchand Navalrai's Bill which were not directly relevant. Perhaps, speeches were prepared for other things and were delivered even on that occasion.

Mr. Lalchand Navalrai: I hope you are now satisfied with my Bill.

Pandit Nilakantha Das: That was a good Bill on the existing Sarda Act and a simpler affair after all. Sir, even today many irrelevant things have been said perhaps not for this House, but for the outer world—not on the Bill but for the Gallery. What is it to say here that Man is always cruel to woman—throughout history, in culture, and perhaps since the days of creation! (Interruption.) On that basis surely, we should not contemplate enactments like this. Let us for a moment examine, who is cruel to whom? Man to woman, or woman to man? As in all other human institutions, so even in respect of the institution of marriage, the progress has been from 'status to contract'. What was the original status? How has the contract of marriage developed? We must remember that there was a time—and many eminent anthropologists are of this opinion—when neither the man nor the woman knew that conception was the result of their coming together, *i.e.*, of sexual act. Their sexual act was to them a mere functional action just like answering the call of nature or any other like operation. For long ages such sexual act was not known to have any connection with the child-birth of the woman or her conception—they did not know this. Then gradually the concomittance of the sexual act and the conception revealed itself to them as a result of long practice and observation. Then, after that,—and these are the stages through which early human society passed and many anthropologists are of this opinion—the woman sat down with the child but the man responsible for the child was not there to take care of it. He was not even known or spotted. The home was matriarchial and so came to be the society. There are such homes and such societies in the world even today. Then after a time contract, called our marriage, came to take its place. The woman said, as it were, "you are responsible for this child of mine, where are you going? You must come and marry me and you should take charge of my children". Then the man said, "what is this? Why should I take charge of these children? How do I know that the children are mine? You must give me the guarantee that your children are mine." So, that is the substance of the contract, out of which came the marriage institution. Sir, a man must breed, he is to distribute seed like any other male creature in nature. He is by nature free, as free as the bird of the air. For woman it is that he is bound down to a marriage and a home. In this contract he has given up his freedom for woman. So, these very controversial questions have no place in the discussion on this Bill. So also is the point of equal status of man and woman. Equality does not mean uniformity. Want of functional uniformity in the very arrangement of nature precludes

that equality of which many of our woman-minded men make so much of. But why should we bring in these things into the discussion of a Bill of this nature?

So, I suggest that these extraneous matters should not be discussed in connection with a simple Bill like this. Some women have given opinions; whether they are representative women or not we do not know. We should dispassionately consider whether this measure will be good. We are the representatives of the people, and we should see whether it will be convenient to the majority of our people; that is the only consideration by which we should be guided. But we should always remember that we should not be fired by cultural fanaticism—we should not assert that such and such a measure will give salvation to our race, to our nation; it may be that most of us may be fired with such a belief, verging on a faith; but should we on the point of the bayonet enforce it on the country at large? The tendency seems to be, in all our speeches, in all our conversations, that we feel somehow or other by our cultural eminence, or because we believe we have gone to a very high stage of culture, that such and such a thing will give salvation to our race. Then, we must come out like a band of fanatics and enforce it on the nation. But we must realise that we are representatives. The Select Committee ought to remember that there should be no such measure which should be enforced with a proselytizing culture, a culture which wants to proselytize others without educating or leading with reason. That they should not do; for a culture which proselytizes is rather crude. Besides, a proselytized culture is also slavery and under that culture man does not grow. With this psychological background they must approach measures like these even in the Select Committee and in this House. In this Bill, after the Government speech, I am quite hopeful that this measure will be a necessary corollary to the existing Act and I support it.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, I rise to support the motion of my friend, Mr. Das, who, because of the eternal lisp in his voice, may almost be called the eternal child of this House. I should have preferred that the Bill might have been passed into law straight off instead of going through the agony of a Select Committee. The Bill, I think, is beautiful in its drafting and complete in itself, and meets most, if not all, the defects of the existing Act on the subject. But, as objections have been raised by various Members of the House to many of the provisions of the Bill, I think it is but right that it might go through detailed discussions in a Select Committee and come before the House again for final passage.

In the meantime, with your permission, I shall deal with some of the provisions of the Bill. Marriage is always a delicate subject of discussion or even of conversation; and therefore it is always particularly difficult for a modest man like myself to talk about it, especially when questions of half-man and half-woman and even of local inspections have been mooted before the House. But before I say anything further, I want to make it quite clear that I am supporting the Bill on behalf of men. I do not want to pretend to be a champion of women and to seek cheap notoriety by pretending that I stand for them. It is best that women may stand for women and men for men; and I think that when the problem of marriage inevitably involves both man and woman, in the very nature of things, it is best that each sex should stand for itself. I think that early marriages are worse for men than even for women; and therefore

[Mr. Sri Prakasa.]

in the interests of the manhood of my country, I must oppose all attempts at early marriages. When one talks of marriage one is inclined to take into consideration only the physical aspect of it. My friend, Mr. Nilakantha Das, with his vast knowledge of anthropology, has proved conclusively to the House that children born of mothers who are still themselves in the wombs, are the healthiest in the world. I am willing to agree to what he says. I may agree with him also when he says that no physical harm is done to parents or children when there is early marriage. But the trouble is—and that concerns men particularly—the early responsibility that early marriages entail. The result is that in our country there is practically no youth. Youth is just the time when the latent energies and ambitions of man have a chance of evolving; and when, by early marriages we are all deprived of the very possibility of youth in its fullest and freest sense, then there is serious set back to the growth and progress of society. Mr. Das has also talked about widows. After all, when you come to think of it, widows are more dangerous to men than to women. Therefore, it is in the interests of men themselves that we must save ourselves from early marriage.

If we look at the provisions of the Bill, we shall find that there is a wholesome provision, which is not in the existing law, of stopping the performance of marriage in time. The existing law only deals with marriages actually performed. But, here, Mr. Das very rightly lays stress on the point that when an early marriage is going to be performed, there should be some provision of the law by which it could be stopped. Therefore, that particular provision is to be welcomed. I should have preferred a provision making early marriages a cognizable offence, because in that case there would be neither any danger of harassment on the part of men having a grudge against their neighbours, nor any possibility of people hesitating to prosecute when a wrong is being committed for fear of earning the displeasure of their relatives. But I can realise that feelings being what they are, it is possible that the time has not yet come to make an offence like that cognizable, and that it is best that private parties, as a rule, should take the initiative in this matter. I am glad that Mr. Das is doing the second best and is making a provision that a Court can initiate proceedings on its own motion if it is convinced that an early marriage is being performed or has been performed. Mr. Lalchand Navalrai was doubting the desirability or the necessity of requiring the deposit of securities, etc. I am one with him. But I can also realise that there is a possibility of unnecessary vaxation and harassment of individuals. Therefore, if there is a provision requiring a Court to take security if it so likes in particular cases, I think the objection can be safely met.

The Law Member very rightly pointed out the many difficulties that may arise regarding the ensuring of early married pairs living apart. The points that he made are worthy of consideration. But what has one to do when the social conditions of our country are what they are. In the United Provinces, for instance, every marriage of the orthodox type goes through three stages. The first is the betrothal where parents agree to marry their children. Then, Sir, there is a formal ceremony of marriage when the mirriage is legally and religiously solemnised. Lastly, Sir, there is the third stage of consummation. Now, as parents

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are anxious to marry their children, especially their girls, and feel very anxious if girls attain a particular age without being married, they go to the parents of all eligible bridegrooms and ask them to fix up the marriage saying that it would be only in the nature of a betrothal and that the actual marriage may be performed later. As soon as the betrothal is finished, there are pourparlers and interested go-betweens get busy; and it is agreed: "Well, let us have the marriage, the consummation can wait". Then the marriage is solemnised and the paernts think that no harm has been done and that actual consummation will come in its own good time. But, Sir, there is a very convenient and almost unavoidable factor in the Hindu, and I am sure in all other Indian, communities, namely, the sister-in-law; and when a bridegroom is on a visit to his father-in-law's house—and in the early days such visits are not at all rare—the obliging sister-in-law comes on the scene and, before anybody knows what is going on, the bride and the bridegroom have met. Now, Sir, that you cannot avoid. Thanks to the sister-in-law to whose lures these brides and bridegrooms fall as willing victims, we have to have some arrangement by which the pair, if they happen to have been married earlier than they ought to have been, should be kept apart. I am not quite sure what practical arrangements will be possible and what suggestions will be made by the Honourable the Law Member himself in the Select Committee, in order to make the Bill practicable. To my mind, there is no doubt that some provision has got to be made so that the two are not to come together if they have married before they ought to have done, because of the folly of their parents.

Sir, I shall end with a few words of appeal to my Honourable friend, Babu Baijnath Bajoria. I think he does represent a school of thought that has got to be taken into consideration. I am not one of those who would laugh at the existing feelings of any class of my people. After all, as Bernard Shaw has said, we regard all those beliefs to be superstitious which have ceased to be our own: and when a large number of Members of this House have ceased to believe in early marriages, they can lightly make fun of those who still adhere to the older beliefs. My Honourable friend, Babu Baijnath Bajoria, is one of the old guard; and, instead of laughing at his faith, I would like to persuade him to give up his opinion and come in line with the current thought of the world. Sir, it is within his own knowledge as one who is greatly interested in the social well-being of his own community, that a great deal of harm is being done to men and women of that community by their persistence in early marriage. He knows how the throwing of responsibility on young and immature shoulders does result in harm to the physical and moral well-being of the race. I should beg of him not to oppose this measure on the ground of religion being in danger. No religion can ever be in danger when a right thing is being done. After all religion stands for the well-being of society. Religion has been invented by man in order that society may be held together and may evolve and prosper from age to age. To say that something that was done thousands of years ago is good even to-day is not to follow religion but to ridicule it. I beg him not to quote copiously from the *Shastras* because that might bring upon his head copious quotations opposing his point of view from others. I do not pretend to be very learned in the *Shastras* but I do know from some such study as I was able to make of them that in them you can find support for practically anything you like.

Babu Baijnath Bajoria: Why don't you quote some of them?

Mr. Sri Prakasa: It would be difficult for me to quote the original verse of Manu because I have not brought it with me. I have forgotten the original words. I recollect that it clearly says—I can bring the book later on if he so desires—that no girl should be married till three years after she has attained her puberty; and as the age of puberty in our country is 13 or 14 for girls, I think the age limit fixed in the Bill of my Honourable friend, Mr. Das, is within the mark and not beyond what Manu has prescribed. If you come from Manu to Parashara, he will find many other things that would give him the shock of his life. Therefore, it is no use throwing treatises and text-books about in a wanton manner. The best thing is to depend upon one's own reason and intellect. After all those who are responsible for the writing of these *Shastras* were men just as we are; and that they wrote what they did because they thought that was good for the times in which they lived. They depended upon their knowledge and their reason; upon their experience and their intellect, to write them; and if today the times have changed, and if today the needs of society require other laws and other ways, then it is time that we also wrote a new Parashara and a new Manu in conformity with the requirements of the time. In the time of Manu surely there was not British Government in the land and I ask my Honourable friend, Babu Baijnath Bajoria, what he and his community have done in order to get the country free from the clutches of the foreigner. In fact, if I am not mistaken, that community has been in the forefront in consolidating that rule in Calcutta and elsewhere. Where in our *Shastras* is there any laudation of foreign rule, of tamely submitting to the rule of a person from outside the land? As regards those things that require grit and courage, that require fight and sacrifice, we tamely surrender regardless of the tenets of our faith. But when it comes to torturing young girls, of loading young boys with responsibility which they are unable to bear, we call to aid our *Shastras*.

If that is my religion, I do not belong to it. But I am sure that the Hindu religion and every other religion that has been produced by man in the past, or may be produced in the future, can only depend upon reason, and knowledge, upon intellect and experience; and if our reason and knowledge, our intellect and experience today say that we should go along certain paths for the behoof of our children and our children's children, we must tread that path and not the path that we suppose our ancients laid down long ages ago. Let it not be forgotten that as time lays its dust on many things it also lays its dust on the texts of religions; and it is possible that interested priests and vested interests are interpreting the tenets of one's faith in a very different way to what they were originally meant to convey. I have no doubt, Sir, that the Hindu religion like other religions has suffered at the hands of priests, and potentates, of vested interests, and selfish men. And today many things are being interpreted in a manner in which the founders never meant them to be taken. Therefore, Sir, I hope that my Honourable friend, Mr. Bajoria, and all those who may think with him, will not only depend on what Manu or Parashara or other great givers of laws of the past have said, but will use their own reason and knowledge, their own experience and wisdom, in order to evolve a new *Smriti*, a new *Sruti*, a new *Shastra*, a new *Shariat*, a new something,

suitable to the needs of the time, so that human beings may prosper and may grow higher and higher in stature and greatness from century to century.

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 Abdul Halim Ghuznavi (Dacca *cum* Mymensingh: Muhammadan Rural): When my Honourable friend, Mr. B. Das, asked my permission to put me on the Select Committee I readily accepted the position. The object of that was that I wanted to move certain amendments in the Select Committee; although I am sure that I shall be in a minority and shall be defeated. I wish to make my stand on the Select Committee and put in my amendment irrespective of whether it is lost or whether it fails. Many of the Honourable Members here are not aware of the object Mr. Sarda had in view when he brought in his Bill. With crocodile tears he came to this Honourable House and, when he asked for the Select Committee of his Bill, what did he say?—

"Sir, the primary object of the Bill is to put a stop to child widowhood: (*That was the primary object*). No country in the world except this unhappy land presents the sorry spectacle of having in its population child-widows who according to the customs of the country cannot re-marry."

Sir, that contingency does not exist amongst the Mussalmans. Therefore, this Bill should not apply to the Mussalmans at all. The object was, as was pointed out by the Honourable the Mover, to prevent child widowhood because there was no re-marriage of widows. I would have welcomed a Bill today by Mr. B. Das to make widow marriages legal and not a Bill . . . . .

An Honourable Member: It is already legal.

Sir Abdul Halim Ghuznavi: If there is a statute I would welcome Mr. B. Das going into the country and preaching widow marriage instead of coming in with this Bill to enforce it. What did he further say?—

"Enforced widowhood is a feature peculiar to Hindu society, and when we consider that some of the victims of this pernicious—I had almost said inhuman—custom are babies eight or ten months old, Honourable Members will realise how urgent and imperative is the call for legislation in the matter."

When Mr. Sarda introduced his Bill, he introduced it only for the Hindu community . . . . .

Mr. M. Asaf Ali (Delhi: General): On a point of order, I wonder if all this is really relevant to the discussion of the Bill. Here we are concerned with a *fait accompli*: this Bill only extends the scope of the punishment and does nothing more. The principle and the provisions of the Sarda Act are on the Statute-Book. This Bill does not seek to extend the scope of the Act at all in any manner in respect to its principle, but only seeks to make it effective. That is all. I do not know how the discussion of the principles of that Act is relevant to this Bill.

Mr. Deputy President (Mr. Akhil Chandra Datta): I hope the Honourable Member will try to make it more relevant.

Sir Abdul Halim Ghuznavi: I want to make it perfectly clear to this House that the House should be aware of what was the original Bill for, which we are now coming to amend.

An Honourable Member: Everybody knows it.

Sir Abdul Halim Ghuznavi: My Honourable friend was not here: everybody does not know it.

An Honourable Member: I do not know.

Mr. M. Asaf Ali: You had better read the proceedings.

Sir Abdul Halim Ghuznavi: Now, Sir, mark this, the second paragraph of his speech:

"The Bill before the House does not attempt to lay down the ages at which boys and girls should marry" . . . . .

If you interrupt me you will hear more from me, but if you will not interrupt me I will finish as soon as possible. He says that for Hindus that was done by their law-giver Manu, who laid down that a girl may marry three years after she attains puberty, and that Doctor Dhanwantri, a great Hindu authority on the subject, says that ordinarily girls attain puberty at the age of 16:

"The social and domestic environment of the present day and the other things have perhaps slightly lowered the age in India, yet as according to Manu marriage is three years after puberty, even at the present day the marriageable girl cannot be below sixteen."

Now, Sir, this is the Bill that he introduced first, and to our surprise what did come out from the Select Committee later on? It was a Bill purely to restrict Hindu marriages, and the reason was there was no re-marriage of widows. That was the original idea of the author of this Bill:

"Whereas it is necessary to regulate the marriages of children among the Hindus."

why then do you include us? That evil does not exist amongst us, Mussalmans.

An Honourable Member: It does exist.

Mr. Sri Prakasa: In Benares Mussalman widows are not re-married, owing to social convention.

Mr. M. Asaf Ali: Once again I must rise to a point of order: all this discussion is not relevant to this Bill.

Mr. Deputy President (Mr. Akhil Chandra Datta): The principle of the old Bill is not before us now. The Bill that is now before us is only intended to facilitate the more effective enforcement of the Act, that is the whole question now before the House. I do not think we should go behind this Bill and start a fresh discussion of the principle of the old Bill.

Babu Baijnath Bajoria: Even Mr. B. Das today mentioned about these widows!

Sir Abdul Halim Ghuznavi: I think I am entitled to move an amendment that this particular Bill should not apply to Muslims. Therefore, I want to adduce arguments that it should not apply to Muslims. My Honourable friend has just now pointed out that the evil does exist among the Muslims. His colossal ignorance of the Holy Koran has made him say so . . . .

Mr. M. Ghiasuddin (Punjab: Landholders): I never said anything about the Holy Koran. I said that the evil does exist by social custom.

Mr. Sri Prakasa: It is the colossal ignorance of my friend of social customs in India, that is so pitiable.

Sir Abdul Halim Ghuznavi: The Koran enjoins that widows should be re-married. . . . .

Mr. M. S. Aney (Berar: Non-Muhammadan): If they like.

Sir Abdul Halim Ghuznavi: There is no question of any compulsion; it is the law. If they do not follow it, it is their fault . . . .

Mr. Sri Prakasa: But if no men are forthcoming to marry them, what will you do?

(Interruptions.)

Sir Abdul Halim Ghuznavi The Honourable the Leader of the Opposition wants to close the debate soon—you are only preventing me from doing it. As I was pointing out, that was the Bill that Mr. Sarda the Great had introduced in the Assembly. It was only intended for the Hindus because there was no widow re-marriage among them . . . .

Mr. Sri Prakasa: May I inform the Honourable Member that amongst the humbler castes of the Hindus where they marry early, there is also the custom of widow marriage. Let not my Honourable friend labour that point too much.

Mr. Deputy President (Mr. Akhil Chandra Datta): Order, order. The question of widow marriage does not arise in this Bill.

Sir Abdul Halim Ghuznavi: Very well, Sir. You will give me an opportunity to continue my speech on the very Bill that is going to the Select Committee.

An Honourable Member: What about your own Bill?

Sir Abdul Halim Ghuznavi: Throw it out if you like . . . . .

Babu Baijnath Bajoria: On a point of order, Sir. Is bargaining like this, that if you oppose this Bill we will not support your Bill, allowed on the floor of the House? That was the implied bargain.

Mr. Deputy President (Mr. Akhil Chandra Datta): I have not heard of any bargaining in this House.

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): You cannot take any objection, being a merchant.

Sir Abdul Halim Ghuznavi: Perhaps, Sir, you are also aware how the present Act is enforced. It is done in this way, at any rate in Calcutta, to my own personal experience. There are about half a dozen goondas who find out . . . .

The Honourable Sir Nripendra Sircar: How do you know them?

Sir Abdul Halim Ghuznavi: I know because there is a list of goondas kept by the police.

The Honourable Sir Nripendra Sircar: They only keep a list of externed goondas.

Sir Abdul Halim Ghuznavi: Also a list of the goondas who are allowed to stay on the ground of being so dangerous as those who are externed.

An Honourable Member: And you keep yourself in their good books!

Sir Abdul Halim Ghuznavi: They are not so dangerous as those who have been externed. I will not say goondas if it does not suit the House: I will say half a dozen people: they keep a watch on these marriages in rich families: and although they are past the Sarda age . . .

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): Sarda's age is about 70!

Sir Abdul Halim Ghuznavi: I mean the Sarda Act age. They immediately go and deposit one hundred rupees and a summons is issued to show cause why they should not be prosecuted, and a couple of thousand rupees settles the whole business. This is going on. You cannot stop that evil. Social evils can only be stopped by appealing to the good sense of the people and not by legislation. Nowhere has legislation succeeded. I would be at one with my Honourable friend, Mr. B. Das, in going from village to village and seeing that they observed these conditions that there shall be no such marriages, but this cannot be effected by legislation. There is a feeling among the Muslims that it affects their religion . . . . .

An Honourable Member: Oh.

Sir Abdul Halim Ghuznavi: As if you know what the Muslim religion is. My Honourable friend over there (Syed Ghulam Bhik Nairang) will tell you what Muslim religion is . . . . (Interruptions.)

Mr. Deputy President (Mr. Akhil Chandra Datta): I do expect a little more of order.

Sir Abdul Halim Ghuznavi: I will deal with the Bill, Sir. Section 3 says that for section 9 of the said Act the following shall be substituted: Now, let us see what section 9 of the said Act says . . . . .

Mr. Lalchand Navalrai: I rise to a point of order, Sir. Can the whole Bill be read in order to waste the time of the House?

Mr. Deputy President (Mr. Akhil Chandra Datta): He has not yet read the whole of it.

Sir Abdul Halim Ghuznavi: Sir, section 9 of the Sarda Act says:

"No Court shall take cognisance of any offence under this Act save upon a complaint made within one year after the solemnisation of the marriage in respect of which the marriage . . . . .".

Now, what does this Bill want? This is what it wants. For section 9 of the said Act, the following shall be substituted, namely:

"9(*1*). The Court may, if it is satisfied on information laid before it through a complaint or otherwise, that an offence under this Act has been or is about to be committed, upon its own motion issue process against any person suspected of having committed or being about to commit such offence."

Now, Sir, hundreds and hundreds of applications will pour in. Any man who wants to blackmail a party will give information to the Magistrate, that an offence like this is about to be committed, and the Magistrate will take cognisance of it immediately. Therefore, this is no improvement on the existing Bill at all.

Then, Sir, it provides that no Court shall take cognisance of any offence under this Act after the expiry of one year from the date on which the offence is alleged to have been committed. Thanks to the Mover of this Bill. If they can escape one calender year, then they are out of the trouble. Why fix one year?

The Honourable Sir Nripendra Sircar: Make it two years then.

Sir Abdul Halim Ghuznavi: For one year the fellow has to hide himself somewhere outside British India and escape from the punishment—that is what my friend wants to provide. In section 11 of the said Act,—(i) for sub-section (*1*) the following shall be substituted, namely: And what is that sub-section?

(Here the Honourable Member stood for a few seconds without continuing his speech.)

Mr. Sri Prakasa: On a point of order, Sir. For how many minutes can a Member keep standing without speaking.

Sir Abdul Halim Ghuznavi:

"When the Court takes cognisance of any offence under this Act upon a complaint made to it, it may, at any time after examining the complaint and before issuing process for compelling the attendance of the accused, require the complainant to execute a bond, with or without sureties, for a sum not exceeding one hundred rupees, as security for the payment of any compensation which the complainant may be directed to pay under section 250 of the Code of Criminal Procedure, 1898, and if such security is not furnished within such reasonable time as the Court may fix the complaint shall be dismissed."

Sir, this is wonderful indeed. A man goes and complains, and immediately a summons is issued or is being issued. The Magistrate asks him to deposit the money, 100 rupees for compensation, otherwise he will not proceed with the case. Information is sent to the party. When the blackmail is paid, the complainant does not deposit the compensation money and the case drops. Then, Sir, clause 5 says this:

[Sir Abdul Halim Ghuznavi.]

"The following sections shall be added as sections 12, 13 and 14 of the said Act, namely :

'12(*1*). Notwithstanding anything to the contrary contained in this Act, the Court may, if satisfied from information laid before it through a complaint or otherwise, that a child marriage in contravention of this Act has been arranged or is about to be solemnised, issue an injunction against any of the persons mentioned in sections 3, 4, 5 and 6 of this Act prohibiting such marriage" . . . . .

Mr. Deputy President (Mr. Akhil Chandra Datta): Instead of reading the whole section, the Honourable Member may just refer to it or give a summary of it.

Sir Abdul Halim Ghuznavi: One more section, Sir, and I have exhausted the Bill.

Some Honourable Members: We are also exhausted.

Sir Abdul Halim Ghuznavi: Very well then. Sir, this is very dangerous; this is unworkable. On the complaint of an informant who wants to levy blackmail on another, the Magistrate without further inquiry or investigation immediately issues an injunction that the marriage which is to take place, say this evening, shall not be proceeded with. That will mean a very great hardship if this section remains as it is drafted in this Bill.

Then further on it says:

"Whoever knowing that an injunction has been issued against him under sub-section (*1*) of this section disobeys such injunction shall be punished with imprisonment of either description for a term which may extend to three months or with a fine which may extend to one thousand rupees or with both".

Sir, this is also equally dangerous, because the man who is interested in the affair will somehow or other see that the peon does not serve the injunction on the proper person. So after the period is over the poor man will be hauled up for disobeying the order which had not been actualy served on him. Then section 13 is equally funny. It says:

"Upon conviction" . . . . .

Mr. Sri Prakasa: Are you speaking from conviction?

Sir Abdul Halim Ghuznavi:

"Upon conviction under this Act and in addition to the penalties provided therein, the Court may require the husband of a female child (or, if he be a minor, the person having charge of him in any capacity whatsoever) to furnish a bond with or without sureties, for the separate living, custody and maintenance of the wife and for preventing the consummation of the marriage until she ceases to be a child or until such later date as the Court may appoint"—

And in addition to penalties provided therein, the Court may require a bond—

"A Bond taken under section 11 or section 13 of this Act shall be deemed to be a bond taken under the Code of Criminal Procedure, 1898, and the provisions of Chapter XLII of that Code shall apply accordingly".

It is impossible to give effect to it. You can put things in black and white, but they will remain a dead letter. Therefore, my submission is that while we have full sympathy with the object which my friend, Mr. B. Das, has in view, there is no justification for the provisions of the

Bill and in particular making them applicable to the Muslim community. The Bill has not been restricted to Hindus only but Muslim community is included also within its purview.

Mr. M. Asaf Ali: It is included actually.

Sir Abdul Halim Ghuznavi: It is wrong.

Mr. M. Asaf Ali: You cannot alter it here and now.

Sir Abdul Halim Ghuznavi: I am not saying that we could alter it here and now.

Mr. M. Asaf Ali: We can't alter it in the Select Committee either.

Sir Abdul Halim Ghuznavi: But there can be an amendment to that effect.

Sir, there is another point which has to be considered very seriously. As regards my Sanatanist friend. . . . (*An Honourable Member*: "Are you a Sanatanist?") I am a Muslim Sanatanist. You are a Hindu Sanatanist. The Hindu Sanatanist point of view is that according to their Shastras there can be no marriage till three years after puberty. If they feel that the Bill encroaches on their religious susceptibilities the House should consider seriously whether they ought to encourage a Bill like this. I do hope that when we meet in the Select Committee we shall be able to evolve a Bill which will take into consideration the points that have been raised here this afternoon.

Babu Baijnath Bajoria: Sir, needless to say I rise to oppose this motion. I do so on religious, social, political and moral grounds (*An Honourable Member*: "On medical grounds?") and also on medical grounds. In my humble opinion this Bill as well as the existing Sarda Act which this Bill wants to strengthen or to tighten are both totally opposed to our religious and social customs. This Bill, if enacted into law, will lead to political disorders. I will illustrate each and every word of what I say. It will lead to family feuds and frictions between different sections of the people and disturbance of peace and order. It will create a spirit of lawlessness and place the peace loving people in the hands of unscrupulous and evil designing persons. (*An Honourable Member*: "It has not done up to now.") Yes, it has. You have no knowledge of the working of this Act. I know that. My task has been rendered most difficult by the unholy alliance between the Government and the Congress Party.

The Honourable Sir Nripendra Sircar: That alliance is not prohibited by the Sarda Act.

Babu Baijnath Bajoria: It is an unholy alliance for an unholy act. Following the directions of Lord Krishna who says in the Gita:

"*Karmanyevadhikaraste ma phaleshu Kadachana.*"

Mr. Umar Aly Shah (North Madras, Muhammadan): Gita is not a marriage law. It is a philosophical book.

Babu Baijnath Bajoria: I am not saying it is a law. I am saying, following the directions of Lord Krishna, we should do our duty and we should not think of the consequences or of the results.

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Mr. Sri Prakasa: At what age did Krishna marry?

Babu Baijnath Bajoria: I think, Sir, it is my bounden duty that I should place before this Honourable House my views and the views of millions of the orthodox section of the Hindu Community, I mean the Sanatanists. (*An Honourable Member*: "Oh, oh.") You cannot deny that there are millions of Sanatanists. Rather I will say that the bulk of the population of the Hindu community are Sanatanists. (*An Honourable Member*: "Question.") Mahatma Gandhi has himself stated that he is a Sanatanist. (*An Honourable Member*: "Not your type.") Sir, You are no doubt aware of the opposition to the original Sarda Bill. There was opposition to that Bill from every nook and corner of the country and the Bill was passed in the teeth of strong opposition both inside and outside this Honourable House. I will give you the names of a few of those who opposed the passing of this Bill. I will first give the name of Pandit Madan Mohan Malaviya, the venerable Hindu leader. I am under the impression and that impression is also shared by lakhs and lakhs of people that the Government lent their support to the original measure for the sake of political expediency.

Mr. Bhulabhai J. Desai: On a point of order. I submit that this is only an amending Bill, trying to improve certain defects which have been found in what is now the law, and I do ask that the Honourable Member should confine himself entirely to the Bill before the House and not go into the origin and history and the purpose of the original Bill.

Mr. Deputy President (Mr. Akhil Chandra Datta): I have already ruled that the principle and history of the original Bill cannot be discussed. But the trouble is it is having no effect.

Babu Baijnath Bajoria: This Bill is inseparably connected with the original Bill. I obey your ruling. I am not discussing the original Bill but what I am saying is that if I have to develop my arguments and to speak against the Bill, I have to refer to some extent to the past history of this Bill. Otherwise, it is impossible for me to develop my arguments against this Bill.

Mr. Deputy President (Mr. Akhil Chandra Datta): Order, order. I should like to make the position clear with regard to this point. If the point sought to be made is that the original Act is already too rigid, and it should not be made more rigid by the provisions proposed to be enacted in the Bill of Mr. B. Das, then to that extent discussion of the original Bill is certainly relevant, but one should not go further than that. You cannot now question the very underlying principle of the old Bill.

Babu Baijnath Bajoria: I am not questioning the principle of the old Bill, but what I am at the present moment contending is that I must say something about the old Bill so that I may come to the present Bill. Even the Mover of the motion today made a reference to the old

Bill to show how it was enacted, why it was enacted, and so on and I think I have got a right of replying to what he said.

An Honourable Member: You can reply in two minutes.

Babu Baijnath Bajoria: I can take my own time,—not two minutes but two hours and if necessary two days. Sir, I am under the impression—an impression that is shared by lakhs of people—that the Government lent their support to the original measure for the sake of political expediency, (Interruptions), in order to pacify certain clamouring reformists which included prominent Congress personalities so that they would keep quiet and give the Government some rest from political upheavals. But the results have been just the opposite. Instead of satisfying the reformists or the political leaders, it put the Government into greater and greater difficulties. The reformists, encouraged by their success, began to demand further and further revolutionary changes in the laws and customs of society, including those affecting the religious beliefs of the people, as is evident from the numerous Bills of such a nature introduced and discussed in this House ever since the passing of the Sarda Act. It also, Sir, enraged the orthodox section of the community against the Government, as they thought and truly thought that Government had violated the fundamental principles of religious neutrality and wounded their religious feelings which were so long protected under the Queen's Proclamation and repeated by later Sovereigns.

Sir, we Sanatanists have always persisted in demanding religious safeguards and it was a very great disappointment to us that this demand of ours was rejected and that religious safeguards were not incorporated in the Government of India Act. Sir, now that we have got no religious safeguards in that Act, it is for those reasons that such measures, which are entirely against the Hindu religion and Hindu culture and interfere with religious beliefs, have been introduced in this Legislature. (*Voices*: "Question, question.") Sir, these anti-religious Bills have become the order of the day and God knows where the present tirade of the Congress Leaders against our religious beliefs and customs will lead the country. (Question.) You may question, but I will give you an example of what is being done in the Provinces against our religion. (Interruptions.) Sir, what do we find in the United Provinces? There is a Bill . . .

Mr. Bhulabhai J. Desai: Sir, I do object, on a point of order. What has the United Provinces Bill got to do with this?

Babu Baijnath Bajoria: Something is being done to wound our religious feelings, and this is only part of that scheme.

Mr. Bhulabhai J. Desai: It has nothing to do with that.

Babu Baijnath Bajoria: Of course they are all connected. Sir, in the United Provinces they have got a Bill which aims at taking away the Badrinath Temple . . . .

Mr. Sami Vencatachelam Chetty (Madras: Indian Commerce): On a point of order, Sir, it is reviewing the proceedings of another House with which we have no concern. I can understand his criticism if it were an

[Mr. Sami Venkatachelam Chetty.]

Act. It is in the stage of a Bill and certainly the Honourable Member has no right to speak anything about that Bill and the proceedings of that House in this House.

Mr. Deputy President (Mr. Akhil Chandra Datta): I think the Honourable Member must try to keep himself more within the limits of the Bill now before us. It is no doubt sometimes very difficult to draw a line of demarcation between what is relevant and what is not relevant, but after all there are certain limits beyond which we should not proceed.

Babu Baijnath Bajoria: Sir, there has been an enunciation of the Shastras by my friend, Mr. Sri Prakasa.

An Honurable Member: Be done with your manuscript eloquence.

Babu Baijnath Bajoria: Then there is the Temple Entry Bill in Bombay, a Harijan Worship Bill, in Bombay.

Mr. Sri Prakasa: Are not Harijans Hindus?

Babu Baijnath Bajoria: I do not deny that, but they have got their rights and limitations prescribed by the Shastras. They are Hindus and they are certainly a part and parcel of our community, but you can have separate temple for them. Why should you try to ruin our existing temples? (Interruptions.) Sir, the same thing is also being tried in Orissa; there is the Jagannath Temple Bill. Sir, the Congress want to capture all these temples and they are trying to ruin them. (Interruptions.) Sir, even in Madras that is what they are doing. Sir, I would not like to go further in this matter as it will create much unpleasantness between me and my friends on the right.

Mr. Sri Prakasa: Go on, we are broad-minded.

Babu Baijnath Bajoria: Sir, I may refer to only one more instance. In Madras the Premier, Mr. Rajagopalachariar, has said:

"I will not die if I can before the temples are opened up to the Harijans . . ."

Mr. Deputy President (Mr. Akhil Chandra Datta): I do not think this is relevant.

Babu Baijnath Bajoria: Very well, I will not go further. Sir, ever since the Sarda Act has been on the Statute-book, there have been numerous amendments to have it either repealed or amended from the Sanatanists' point of view. Sir, I will give you a list of those Bills; I have got this reference because you will be able to know which way the wind was blowing. There was a Bill to repeal the Child Marriage Restraint Act moved in 1932 by Khan Bahadur Haji Wajihuddin and Raja Bahadur Krishnamachariar. They could only be introduced because there was no time afterwards. Then again there was a Bill to amend the Child Marriage Restraint Act moved in 1932, by Khan Bahadur Haji Wajihuddin and Mr. Bhuput Sing and Raja Bahadur Krishnamachariar. Even now there is a Bill pending before this House—that of my friend, Mr. Kazmi.

That Bill seeks to exclude the Muhammadans altogether from the operation of the Sarda Act. Then, there is another Bill by my humble self which aims that this Act should not apply to those who have got religious objection to this Bill. (*Mr. B. Das*: "Your community has repudiated it.") My community has never repudiated it; I can challenge that statement. There are bound to be a few dissenters in every community and the number of reformers is microscopic in our society. I know more about my society than the learned Mover of this Bill does. Again, Sir, I find that a petition signed by 3,928 persons has been presented to this Legislative Assembly opposing this measure. With your permission, I will read that petition. It is to be found in Paper No. VI, page 73. It reads thus:

"Whereas the Bill entitled a Bill to amend the Child Marriage Restraint Act, 1929, by Mr. B. Das, is now under the consideration of the Indian Legislature, the humble petition of the undersigned people sheweth that the Bill is subversive of Hindu religion and society and accordingly the petitioners pray that the Bill be not proceeded with and your petitioners as in duty bound will ever pray."

Then, I will read out the statement showing the number of signatories from different districts of my province, Bengal—

Serampur, Hooghly, Calcutta, etc., ...	162
Burdwan, Hooghly, etc.	135
Calcutta, Hooghly, Burdwan, etc.	96
Midnapur	132
Burdwan, Dacca, etc.	1,273
Howrah, Hooghly, etc.	715
Howrah, Hooghly, etc.	773
Howrah, Hoogly, etc.	642
Total .	3,928

I may say that these signatories, barring a few Marwaris, are all Bengalis and belong to all classes of Bengal.

As regards the present Bill itself, the Honourable the Mover himself was wavering and faltering all the time. He had not the courage to proceed with this Bill and I will give you a specific instance of that. The Mover was called to move this motion four times on each non-official day last year. He was asked to move it on the 3rd February, 10th February, 17th February, and the 1st of April, of last year, but he was to be found nowhere. He was loitering in the lobbies all the time.

Mr. B. Das. I was not in the lobbies at that time.

Babu Baijnath Bajoria: Then you must be loitering in the streets of Delhi.

Mr. B. Das: I was not in Delhi in those days: I was in Orissa.

Babu Baijnath Bajoria: On the 1st April, you were here because you had drawn your daily allowance for that day.

Mr. B. Das: The reason why I absented myself on the 1st of April, last year was that it was due to the Congress command and I obeyed it.

Babu Baijnath Bajoria: This House is not yet being governed by the Congress rules. There, again, I say that it is not a fact. The Honourable Member has not put the facts correctly before the House. The Congress gave special mandates . . .

Mr. Deputy President (Mr. Akhil Chandra Datta): We are not concerned with all that.

Babu Baijnath Bajoria: There is a point behind this. The point is this that this Bill would have lapsed and, as a matter of fact, did lapse. It was only on a continuation motion in September last at the Simla Session that this Bill was revived. I was just a fraction of a second too late to oppose that motion. I did stand up but unfortunately I could not catch the eye of the President. Again, the Honourable Member had not the moral courage to go forward with this Bill and even on the 3rd February, that is to say, last week, he was not present. It was only the last week, when the Government gave him the indication that they are going to support him and support his Bill, that he had the courage to come up and make this motion before the House today.

I would like now to deal with the Bill clause by clause.

Mr. Deputy President (Mr. Akhil Chandra Datta): I would like to remind the Honourable Member that at this stage one cannot go into the Bill clause by clause: the Honourable Member can discuss the principle of the Bill and its general provisions.

Mr. M. S. Aney: May I submit that this is a stage where the Bill is being referred to the Select Committee. It is a stage when the principles can be discussed by the Members and also the clauses of the Bill if they involve certain principles. Memebers are entitled to discuss them.

Mr. Deputy President (Mr. Akhil Chandra Datta): I have already said that the general principles can certainly be discussed, but not individual clauses except in so far as they are necessary to explain the principle. That is my ruling.

Babu Baijnath Bajoria: I would like to place my humble views about the clauses of the Bill so that my views may also be considered, however unpalatable or undesirable they may be to the Members who do not share my views. Still, I hope they will give them some consideration. (Interruptions.) I know that no consideration will be given to them because I know that the Congress does not want to hear the viewpoint of others.

What they said, I quite remember. In the last Simla Session, my Honourable friend, Sri Prakasa, claimed for his Party infallibility. He said they could not do any wrong.

Now, Sir, clause 2 of the Bill says:

"In clause (*c*) of section 2 of the Child Marriage Restraint Act, 1929, (hereinafter referred to as the said Act) between the words 'is' and 'thereby' the words 'or is about to be' shall be inserted."

The object of this clause is that even would-be marriages, marriages which have not yet been performed and which are about to be performed or which, in the opinion of the informer whoever he may be, is about to

be performed, these proposed marriages also are sought to be roped in under the mischief of this Act. I think this is a very harmful provision. How can you penalise a thing which has not yet been performed?

An Honourable Member: You can prevent it.

Babu Baijnath Bajoria: Yes, you can prevent it. That is entirely different. But how can you penalise it?

An Honourable Member: What about an injunction?

Babu Baijnath Bajoria: I will come to that later on. Now, clause 3 of the Bill seeks to substitute a new section in place of section 9 of the original Act. Clause 3 reads:

"The Court may, if it is satisfied on information laid before it through a complaint or otherwise,—

—mark the words 'or otherwise'—the clause goes on:

"that an offence under this Act has been or is about to be committed, upon its own motion,"—

I repeat it again,—

"upon its own motion, issue process against any person suspected of having committed or of being about to commit such offence."

The idea behind this is that a complainant has to go to a Magistrate or he may even go to a police officer and the police officer may go to the Magistrate and then just give him that information—it may be true or it may not be true, there is nothing to verify that—and upon that information, they can just move the Court and the Court upon its own motion can issue process against the contracting parties. The complainant is behind the scene all the time. He has not got the audacity, he has not got the courage, he has not the conviction of coming in the lime light. He only does the mischief, he only sets fire to a pile of wood and then disappears. He is nowhere to be found at all. If in a matter like this, if the complainant has not the moral courage to come forward and substantiate the case against any person, then I think such information deserves to be treated with contempt and it should be thrown into the waste paper basket. The point is how the Court can of its motion issue process. The police officer will go to the Court and ask the Court to issue process. I submit a provision like this will give a greater handle to the extortioners and to those who want to feed fat the grudge which they bear against other parties. I am aware of the cases which come to Court in Calcutta. Most of them have been either for the purpose of extorting money or for harassing parties. I think the Honourable the Law Member will bear me out in this. He also knows about these things and I hope in the Select Committee he will consider these points. Such a clause in the Bill will be taken full advantage of by personal enemies. Now, Sir, I will read some of the opinions received on this clause. I will read, to begin with, the opinion of my Association which I have the honour to represent in this House. My Association consists of the leading Marwaris in Calcutta.

Mr. B. Das: It is a commercial body.

Babu Baijnath Bajoria: But they can also deal with religious topics, just as you see I am doing here now. They have been invited by the Government to offer their opinions. I am reading from the opinion:

"At the outset, I am to say that my Committee consider it a matter of the deepest regret and surprise that the introduction in the Legislative Assembly of this Bill which proposes to rigourously enforce that extremely obnoxious and irreligious Act, namely, the Sarda Act and thereby to compel the orthodox Hindu community to adopt un-Hindu system of marriage against the doctrines of Hindu religion should have at all been permitted. None knows better than the Government of India that from one end of the country to another the orthodox Hindu community expressed itself with one voice against the Sarda Bill. In common with all sections and classes of the orthodox Hindu community my Association too condemned the Bill in no uncertain terms, and requested the Government not to create discontent in the orthodox Hindu community by allowing the Bill to become law of the land at the behest of a few Hindu Members of the Assembly whose position in the orthodox Hindu society is that of politicians only, which does not entitle them to speak with authority much less to legislate on social and religious questions affecting the orthodox Hindu community. Government have no doubt watched the working of the Sarda Act since it was placed on the Statute-book in 1929 and have seen that prosecutions and convictions have failed to shake the faith of the orthodox Hindu community in their religion which lays down that girls must be given away in marriage before the age of puberty. Even among the educated classes, to say nothing of the masses, pre-puberty marriage of girls is still therefore the rule. The orthodox Hindus firmly believe that the mandate of the Hindu religion in this respect is based on reasons of unquestionable soundness. They believe that post-puberty marriage of girls is fraught with possibilities of the gravest danger to the peace and purity of home and family life, and that it is entirely wrong to lay the blame for the degeneracy that is overtaking Hindu society, namely, the alarming prevalence of mortality among children and for the growth of wasting diseases and premature death among young men and women at the door of the Hindu system of marriage."

Sir H. P. Mody (Bombay Millowners' Association: Indian Commerce): Then you prefer two girls of 9 to one of 18?

Babu Baijnath Bajoria:

"The fact that the existing system of marriage has been in vogue in the Hindu society from time immemorial"—*mark these words*,—"and yet the Hindus were a sturdy and long-lived race of people shows unmistakably that the degeneracy must be due to a cause or causes other than the Hindu marriage system. My committee have always held the view that it is the growing poverty of the people that is responsible for the present deplorable state of things."

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): For that also you are responsible.

Babu Baijnath Bajoria: Yes; and we have seen what the Kisan Sabhas are doing at the present moment and we know how labour unrest is growing in all parts of the country. I think Sir Homi Mody will bear me out.

Mr. Badri Dutt Pande (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, on a point of order, can an Honourable Member read a whole book here?

Babu Baijnath Bajoria: Yes, I am within my rights in reading a whole book:

"The fact that even the communities in which the system of early marriage is unknown suffer equally with the Hindu community from diseases brought about by lack of resisting power confirms them in that view and proves beyond doubt that that cannot be put off by merely raising the marriageable age of girls. For these reasons my committee in all their several representations to Government opposing the

Sarda Bill expressed the apprehension that the Bill if passed into law would fail to serve any useful purpose and do more harm than good to the Hindu society. The Act has proved a total failure and has given a handle to blackmailers for extorting money and for harassing people against whom they bear personal grudge. My committee therefore expected that Government with their experience of the working of that obnoxious Act would take steps to repeal it and set their face definitely against any measure that might be brought forward by the reformists for further strengthening it. The introduction of the Bill under notice which proposes to force that Act down the throat of the unwilling Hindu community has therefore caused great disappointment to my committee."

Sir, I am very sorry that Government have not listened to our advice and have accepted the principle of this Bill. I think after they hear me and also the view point of the oppositionists to this Bill they will reconsider their decision and will not be a party to any Bill which the public does not want.

Dealing with clause 3 of the Bill, this opinion says:

"Clause 3 proposes to substitute a new section for section 9 of the Act, and the new section 9, sub-section (*1*) authorises the Court to issue process upon its own motion against any person if it is satisfied on information laid before it through complaint or otherwise that the person has committed or is about to commit an offence under the Act. My committee apprehend that it will result only in the harrassment of innocent people on flimsy grounds. Designing persons out to give trouble may with the purchased help of the police set in motion the machinery of the law without themselves incurring the risk and trouble of prosecution. It is curious that of all persons a Congressman should have thought fit to provide for placing such matters in the hands of the police; in other words, for inviting police interference in a social matter, although it professes want of confidence in the police in all matters."

Mr. B. Das: The Congress Ministry controls this police in several provinces.

Babu Baijnath Bajoria: Yes. I am coming to that. Sir, the Congress people in season and out of season, inside this House and outside this House and everywhere, have never been tired of abusing the police. They have no confidence whatsoever in the police; and now in a matter like this where family honour is at stake they want to place the honour of respectable people and of everybody else in the hands of the same police. My Honourable friend, Mr. B. Das, says that now that seven of the provinces are being controlled by the Congress people, they have now got confidence in the police. As if by a magic wand only the Congress Ministries have changed the attitude of the whole Police administration, of the personnel of the Police force—is it possible, Sir—but if they have done it I congratulate them, but they have done nothing of the kind. Only when it suits them they want to place these things in the hands of the police. Are you even now, I will ask them, when the Congress Ministries are in power in seven provinces, prepared to accept the Criminal Law Amendment Act which gives power to the police and to the magistrates?

Mr. Lalchand Navalrai: Where do you find this power in the Act?

Babu Baijnath Bajoria: Here it is. Your complaint is not to be made before the police, but the police themselves can take cognisance. "The Court may, if satisfied from information laid before it through a complaint or otherwise," what does it mean?

Mr. M. Asaf Ali: It means "information received".

Babu Baijnath Bajoria: A police officer can go before a magistrate—the Court need not take a formal complaint,—and can take out a process. That is what I say. They want to throw dust in my eyes. I would also like to quote, Sir, what the Anjuman-i-Islamia of Kohat, that is a Mussalman organisation, says of clause 3. I think my friend from the frontier, Mr. Abdul Qaiyum, will hear this.

Mr. Abdul Qaiyum: I know something about them: they do not represent anybody except themselves.

Babu Baijnath Bajoria: This is what they say:

"In the first place I beg to bring to your Honour's notice" . . .

Mr. Sami Venkatachelam Chetty: On a point of order, even with the unrestricted permission an Honourable Member has to speak on the Bill, I do not think he is entitled or has the right to read *in extenso* all the opinions. If an Honourable Member takes into his head to read all the opinions which have been received on a circulation motion, I am sure, Sir, the whole tenure of three years of the Assembly will not suffice for the purpose. I should think, Sir, prudence and regulation of orderly conduct of debate requires that in spite of the limitless time an Honourable Member may take to speak upon the motion, he ought not to repeat arguments, he should not read book after book and volume after volume.

Babu Baijnath Bajoria: Is it a long speech or a point of order.

Mr. Deputy President (Mr. Akhil Chandra Datta): Members should not read *in extenso* all the opinions. But if a certain opinion is important, a material portion of it can be read, but it is not necessary that the entire volume of opinion should be quoted before the House.

Babu Baijnath Bajoria: I am not reading the entire opinion.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member will excuse me. He read the entire opinion of his own Association covering about 2/3 pages.

Babu Baijnath Bajoria: It was only one full page. Here we are today to accept the principle of a Bill which most vitally affects the Hindu community, especially the Sanatani community. Sir, this Bill was circulated for public opinion, and we have received copies of these opinions. These are here to guide us in our deliberations today and to enable us to form an opinion on the subject under discussion. If it is not the purpose that we should follow these opinions or take note of them, then it would have been much better that the Bill should not have been circulated and these opinions should not have been distributed to the Members of the House.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable member has misunderstood the position: I do not stand in the way of any Member having his full say, but at the same time it is not permissible to take the time of the House by going through voluminous opinions.

Babu Baijnath Bajoria: I bow to your ruling and I will try to follow it. But I must give you, Sir, the views of Sanatanists and the views of persons and institutions who are of my view.

Mr. Deputy President (Mr. Akhil Chandra Datta): Certainly, you can do so.

Babu Baijnath Bajoria: That is what I am doing and nothing more. I will read only those portions which suit me. Anjuman-i-Islamia, Kohat, says:

"I beg to bring to Your Honour's notice that the Sarda Act from the very start is in direct conflict with the personal law of the Mussalmans. It clearly interferes with the rights and obligations social as well as religious of Muhammadans. Any way as it has become law . . ."

Mr. B. Das: We are . . . . .

Mr. Deputy President (Mr. Akhil Chandra Datta): Order, order.

Babu Baijnath Bajoria:

"The report of the Committee concerning the existing section is as follows :

'In order to avoid the risk of frivolous prosecution and harassment provision has to be made that cognisance can be taken only upon a complaint accepted.'

In the new section the words are :

'If the Court is satisfied that a complaint as defined by section 4 of the Criminal Procedure Code is not necessary'."

Now do you think, Sir, the risk of frivolous prosecution has disappeared? An irresponsible person can go to a court and give information against a very respectable person and harass him by putting on him the burden of proving that his daughter is of the legal age. Why not leave the original section as it is. Moreover section 11 will be rendered useless. When a man can reach his object by satisfying the Court privately why should he make a complaint. It is said in the Statement of Objects and Reasons that one of the principal impediments to the enforcement of Sarda Act lies in the obligation placed on the complainant to incur publicity of a formal complaint and, if required by the Court to execute a bond, to incur also the risk of losing the sum mentioned in the bond. Do our learned legislators propose to remove the machinery of law for protecting respectable citizens? This Bill, I am afraid, will be the cause of countless feuds in the provinces. Sir, the Honourable Members here may consider the two opinions which I have read.

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

I believe I am right in saying this: it may be said that the two opinions I have read out are from laymen who do not know the law.

4 P.M.

Now, I propose to give some extracts from the opinion of the Government Pleader of this very city, Delhi. He says:

"Another thing desired that the Court may take action on its own motion once that information has been laid before the Court more or less means that offences of this kind are to be regarded as cognisable offences. In my opinion it puts a great burden upon the Courts. The Courts are not likely to know the parties; once the Court takes cognisance and proceeds on its own motion, then it will be for the Court to arrange the evidence for its production before the Court. It would be an extremely difficult thing for the Court to collect evidence regarding the age. It is the function of the party to collect its evidence and produce it in Court. In criminal cases it is the function of the police department to do that. I am of the opinion that it would

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be extremely difficult for the Court to arrange for the evidence. The complainant after filing the complaint will never come to Court at all and may not give any assistance to the Court at all" . . . . .

Mr. M. Asaf Ali: On a point of order, Sir: I am bound to draw your attention to paragraph 57 (6) of the Manual. I have urged the point about relevancy already and the Deputy President ruled that most of the discussion here was wholly irrelevant to this Bill. What I am now drawing your attention to is para. 57(6) where it is laid down that a Member shall not "use his right of speech for the purpose of wilfully and persistently obstructing the business of the Assembly". I am afraid the long quotations which the Honourable Member has been resorting to are known to everybody here and they are being made only for the purpose of obstructing the business of the Assembly.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must confine himself to the question of principle now involved.

Babu Baijnath Bajoria: I am doing that, Sir. I am just opposing the principle of this Bill and its provisions . . . . .

Mr. President (The Honourable Sir Abdur Rahim): The detailed provisions are not under discussion now. You can point out the general feature which you consider objectionable. But detailed discussion of clauses is not relevant now.

Babu Baijnath Bajoria: I have made general observations on the Bill.

Mr. President (The Honourable Sir Abdur Rahim): You cannot discuss the provisions of the Bill in detail at present.

Babu Baijnath Bajoria: I will not do it in detail but I have to refer to the clauses.

Mr. President (The Honourable Sir Abdur Rahim): Then the Honourable Member must not make lengthy quotations from other people's opinions. I quite realise that the Honourable Member has a headway to make against difficulties; but at the same time the business of the House must go on according to the rules.

Babu Baijnath Bajoria: I have no intention of violating any rules.

An Honourable Member: Only the Sarda Act!

Babu Baijnath Bajoria: I was just reading what the Government Pleader of Delhi has said . . . . .

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member has quoted enough. We are concerned now with his own opinion and the opinion of the House.

Babu Baijnath Bajoria: But the opinion of the House can only be formed by . . . . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must take my ruling.

Babu Baijnath Bajoria: May I not refer to these opinions now?

Mr. President (The Honourable Sir Abdur Rahim): Not in detail certainly. The opinions are before the House and it is for every Member to read; if the Honourable Member means to read them all, it would amount to obstructing the business of the House.

Babu Baijnath Bajoria: I am reading only extracts . . . .

Mr. President (The Honourable Sir Abdur Rahim): You can refer only to such and such persons as having given opinions against the Bill.

Major Nawab Sir Ahmad Nawaz Khan (Nominated Non-Official): Mention only the names of those in favour or against.

Babu Baijnath Bajoria: The point I was referring to is about clause 3 of the Bill. It says that the Court will be given the power to issue process on its own motion and a formal complaint need not be made by any person. In my opinion this is a most objectionable clause because it will give shelter to the complainant. He will remain behind the scenes and will be doing all the mischief all the time. It will give also a long rope to extortioners and personal enemies. In a big family there will be one or two members who have a grudge against others and they may go and give information and the machinery of the law will be put in motion. This is not fair. I hope you will give me an opportunity to quote the names of the persons who are opposed to this Bill and I shall do so at the end of my speech.

Now, coming to clause 4 of the Bill it says:

"When the Court takes cognizance of any offence under this Act upon a complaint made to it, it may, at any time after examining the complainant and before issuing process for compelling the attendance of the accused, require the complainant to execute a bond, with or without sureties, for a sum not exceeding one hundred rupees, as security for the payment of any compensation which the complainant may be directed to pay under section 250 of the Code of Criminal Procedure, 1898, and if such security is not furnished within such reasonable time as the Court may fix, the complaint shall be dismissed."

The difference between the present Act and this Bill is that, whereas under the present Act the Court has to take a bond for one hundred rupees and may dispense with it if and when it thinks expedient (and then it will have to give reasons), under the present Bill it gives the option to the Court entirely not to take a bond. In my opinion this bond is a very salutary provision. I would even like that instead of one hundred rupees the bond should be for Rs. 500 or even Rs. 1,000. Look at the loss of prestige, look at the harassment and loss of money which the accused persons will have to bear in case of failure of these prosecutions. From experience of what we find in Calcutta during these last several years, most of the cases have resulted in acquittal: they were launched only for extortion or harassment. An informer need not make any complaint; he has only to give private information and keep himself aloof. He has also not to enter into a bond; he has practically got no liability or responsibility in the matter. Even if he makes a mischievous or

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frivolous complaint, he is still absolutely scot-free. (*An Honourable Member*: "No, no".) Yes, certainly. I will just pause a little while, and I should like the Honourable Member who just said 'No' to tell me what will be the effect of these clauses, how the informer will suffer if the information proves to be false. Sir, I pause for an answer.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not pause for a reply.

Babu Baijnath Bajoria: He contradicted me, Sir, and so I wanted to have more light from him. As I have said, Sir, the percentage of convictions in such cases has been very very small. This Act has been the most abused Act on the Statute-book. It has never been properly used, and that shows that the people at large do not want this Bill at all. And now, what are the reasons for this Bill? Only because a few reformers are anxious to tighten up this machinery and so they have brought forward this Bill. This Bill is absolutely uncalled for, and this clause is also equally unnecessary . . . . .

Mr. President (The Honourable Sir Abdur Rahim): The discussion of the clauses need not be taken up at present. When the Bill is taken up for consideration clause by clause, that will be the proper moment for discussing all these clauses.

Babu Baijnath Bajoria: I am coming to the Statement of Objects and Reasons, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot go on discussing clause by clause as if the clauses are now under consideration.

Babu Baijnath Bajoria: I think I can discuss the object of the Bill, because here it says . . . .

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member means he wants to discuss the Statement of Objects and Reasons line by line that is not relevant.

Babu Baijnath Bajoria: Can I not speak about injunction and bonds?

Mr. President (The Honourable Sir Abdur Rahim): I thought the Honourable Member was speaking about the bond.

Babu Baijnath Bajoria: I was speaking on the bond of hundred rupees: that is another provision.

Mr. President (The Honourable Sir Abdur Rahim): You can refer to it.

Babu Baijnath Bajoria: That is what I was coming to. Now, Sir, it is proposed under this Bill to give power to the Court to grant injunction on information received through complaint or otherwise. In my opinion, this is the most unkindest cut of all. An informer need not make a

formal complaint. A police officer can get an injunction for the mere asking. The accused person need not be heard at all. It provides that an injunction may be given even without the other party being heard, even without giving a notice to the other party. No attempt is made to verify whether the information is correct or not. I will just cite one instance to show how it will prove a great hardship on the people. It is well-known, Sir, that we Hindus have auspicious days for celebrating marriages. Marriages are fixed not in a day or two, but in most cases months ahead. *(An Honourable Member*: "In Heavens.") And, Sir, supposing at an auspicious moment when invitations have been issued and arrangements have been made for celebrating the marriage, and when the feast is going on, a frivolous report is made to the Magistrate,—and even though the contracting parties may not be children under this Act the Court grants an injunction,—what will be the position of the host at that time . . . .

Mr. N. V. Gadgil: Dinner will go on all right.

Babu Baijnath Bajoria: The host will be put to great shame and humiliation. Sir, there is no provision that the injunction should be made after hearing the parties. In my opinion, there should not be any injunction against the marriage under the Sarda Act until and unless the marriage has been already performed, until and unless the crime has been committed.

Then it is provided here that any person who knows that an injunction has been issued and so on, even though the injunction is not served upon him, the mere fact that a person goes to him and conveys to him the information that an injunction is being served on the contracting party, either as a joke or seriously, that should desist them from celebrating the marriage. If some one goes and tells the father of the bride or the bridegroom that an injunction has been issued against him, and if he still celebrates the marriage after getting this information, then it will be construed as his having disobeyed the order of the Court and committed a contempt of Court, and the penalties for such marriages and offences have also been extended from one month to 3 months, and even rigorous imprisonment has been provided. Sir, I submit that this is not at all fair. Until and unless an injunction has been served upon the contracting parties to whom it relates, they cannot be said to have committed a contempt of the Court.

Then again, Sir, in clause 5 it is provided that a bond should be taken from the husband or his guardian for separate living, custody and maintenance of the wife and for prevention of consummation of marriages and I object to this. The wife will live separately, she will be under the custody of somebody else, neither the husband nor the members of his family will have anything to do with her, but still the husband or other members of his family will have to provide for maintenance. What a sense of justice! Supposing, Sir, my daughter has been married. Then there is another marriage in my family of my son or there is some other ceremonial occasion. Can I not invite my son-in-law or daughter-in-law to come to my house. Even if the consummation of marriage does not take place, can I not invite them? Sir, they must live separately and they cannot come into the same house. This I say is very very unfair. I do not think that any Hindu family will ever fail to invite the son-in-law

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or the daughter-in-law to the house on ceremonial occasions. This is most iniquitous. In the Statement of Objects and Reasons it is mentioned:

"In default of such a provision, those who have the welfare of an illegally married child wife at heart are often deterred from prosecuting the offenders by the knowledge that the prosecution, even if successful, will not rescue the child from the dangers of premature marital intercourse and may actually cause her to be maltreated by the husband or his family in revenge for the prosecution."

I do not understand a word of this. I ask how an outsider can have a greater interest in a girl than the father or the brother or the near relatives under whose custody and maintenance the girl lives and has been brought up. Is not the girl more dear to that person than to a rank outsider? (*An Honourable Member*: "Sometimes not".) There may be exceptions but it is the rule. I say, Sir, that no outsider can possibly have any interest in the girl and the only object of this provision is to harass the family of the girl, and then it is mentioned that the husband or his family will maltreat the girl in revenge for the prosecution. This is absolutely a new thing. I have never heard of this before. The prosecution is not launched by the bride's party. If the bride's party had launched a prosecution against the husband or his family then of course the husband or his family may have taken the girl to task. Because they cannot do anything to the bride's father or her guardian they might have taken revenge on the girl, but as far as my knowledge goes there is not one case in which the bride's party or any of her near relations have brought a suit against the husband or against a member of his family. This reminds me of a small proverb:

"*Man na man main tera mehaman.*"

"Whether you argee or do not agree, I am your guest."

In my opinion this is a most obnoxious measure. Each clause of the Bill vies with another in its obnoxiousness, perversity and notoriety. This Bill will only create lawlessness which is already rampant, extortion, litigation, bribery, corruption and so on. My friends call themselves champions of civil liberty and here we see that whatever liberty we have in the field of religious and social manners and customs, they want to snatch it away from us. I would never have objected to this measure if it had been restricted only to those persons who want it but to thrust this upon unwilling millions of people, both Hindus and Muslims, is an obnoxious act and cannot be too highly condemned. It is painful indeed that Government has also joined hands in such legislation which is against our Shastras, against that policy of religious neutrality which is contained in the Queen's Proclamation. I can only say this about their joining hands with the Congress:

"*Vinasha kale vipareeta buddhi.*"

"When ruin is staring them, their knowledge also disappears."

My friends, the Congressmen, proclaim that they are for the masses, that they are for the development of rural uplift. During these three years they have been in this House I have not found one measure from that side which is aimed at economic deveoplment or rural development or for the benefit of the masses. We have found on the other hand only marriage laws and social and religious interference. What do we find? We had the Arya Marriage Bill. Then we had the famous one clause Bill

of the revered father of my revered friend over there, Mr. Sri Prakasa. I am sorry the learned doctor, Dr. Bhagwan Das, is not here.

Mr. Sri Prakasa: He would have given you plenty of quotations.

Mr. N. V. Gadgil: He is repeating his arguments for the seventh time.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot discuss now a measure which has been passed by this House.

Babu Baijnath Bajoria: As regards marriage laws, am I to follow my marriage laws as prescribed in great details in our Shastras, in Manu, in Yagnawalkya, Vyasa smriti, Vashishth smriti, Narad and Parasara or are we to be dictated to by persons of the type of Mr. B. Das or Mr. Sri Prakasa. These marriage laws as prescribed in Shastras have worked most satisfactorily for ages without any intervention, without any cause for intervention and without any amendments. They have preserved Hindu culture . . . . .

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member is really wanting to obstruct the business of the House, then I will have to accept closure.

Babu Baijnath Bajoria: I am not repeating what I said.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is undoubtedly repeating himself. There is no doubt about it.

Babu Baijnath Bajoria: Sir, these laws have preserved Hindu culture and Hindu society against numerous onslaughts and foreign invasions.

Mr. Ram Narayan Singh (Chota Nagpur Division: Non-Muhammadan): Sir, we have been compelled to hear the Honourable Member for more than two hours.

Babu Baijnath Bajoria: But Mr. Satyamurti spoke for six and a quarter hours.

Mr. President (The Honourable Sir Abdur Rahim): But that is no precedent.

Babu Baijnath Bajoria: And these marriages, as propounded in our Shastras, have produced the great men of the past and also of the present (*An Honourable Member*: "They have produced a Bajoria")—and not only Bajorias but Mahatma Gandhi as well, Mr. Bhulabhai Desai as well, do you understand? They were born long before these present obnoxious laws. Sir, my Congress friends want to revolutionise the marriage laws. They pose before the public as the true friends of the teeming millions, but is there any demand from them for this change? Certainly not. On the contrary, the masses greatly resent such uncalled-for intervention and interference with hoary age-long customs and religion. Sir, marriage is not a contract among the Hindus but is a sacred religious

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act and sacrament. It is one of the sixteen *samskaras* or one of the most important *samskaras*. To flout that injunction as our friends the reformists are doing, is simply a deplorable thing and cannot be too highly condemned.

Sir, I may also remind the House that the Muhammadans do not like either the original Act or this Bill. Throughout the "Opinions" I have read through I have not come across one Muhammadan opinion in support of this Bill. (*An Honourable Member*: "Take the opinion of Mr. Justice Khwaja Noor.") There is a Bill already pending that Muhammadans want to be excluded from the operation of this Act. My friend, Sir Abdul Halim Ghuznavi, in his speech today also said that he wants that the Muhammadan community should be excluded from the operation of this Act. Now the Sanatanists are the orthodox section who form the bulk of the Hindu population and they are deadly opposed to it, and it is only a handful of reformers who are clamouring for this change. Sir, to thrust this Bill upon the unwilling masses is to cause the destruction of society. I would challenge my friends and ask them—have they brought this Bill up before the masses, and have they got their consent? I would invite them to go to the Kumbh Mela in April next when lakhs and lakhs of the Hindu people will be there and then if they preach anything like what is contained in this Bill, they will know the consequences, and they will know what reception they will get.

Mr. Sri Prakasa: The naked *nanga sannyasis* will attack them with their tongs!

Babu Baijnath Bajoria: Sir, I am not for violence. I do not want any of my friends here, whatever his views may be, to suffer violence. I do not want child marriages, but the question is—what do you call a child? I do not want a child marriage *which is not sanctioned by our Shastras*. The Shastras prescribe definitely the ages. I will give you quotations from the different authorities from which I am reading. Then there is this question. In our Shastras it is ordained that we must marry our girls before puberty, and it is prescribed that it is a great sin if this is not done.

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

(*Voices of* "Closure, closure.")

Mr. President (The Honourable Sir Abdur Rahim): Will the Honourable Member conclude his speech now. I have to ask him to discontinue his speech; I think the Honourable Member ought now to conclude his speech. He is really covering the same ground over and over again.

Babu Baijnath Bajoria: With due respect, I am not covering the same ground; about the question of "puberty" I have not referred to one word yet.

Mr. N. M. Joshi: Sir, the question of "puberty" does not arise here.

Babu Baijnath Bajoria: May I quote a Sanskrit *sloka* here now?

"Rajohi drishtim yadi kanykayah, kuladwayam durgatimeti tasyah,
Tasmannitantaneh tadukta kalam, nolanghya panigrahanam vidheyam,"
Vasistha Smriti.

"If the girl attains puberty before marriage, then both of her families, *viz.*, father's family and husband's family will suffer a great downfall. Hence this period must not be passed, and marriage must be performed before that."

This is from the Vaistha Smriti.

Mr. Umar Aly Shah: For whom is this Act intended?

Babu Baijnath Bajoria: Then, there are other *slokas*:

"Yavantah ritavastasya samteeyah pativina,
Tawantyo bhroonahatya syustasya yo na dadati tam."

This is from the Narada Purana.

Mr. Sami Vencatachelam Chetty: Sir, on a point of order, the text which my friend is referring to refers to abortions and not to puberty.

Mr. President (The Honourable Sir Abdur Rahim): If that is the fact, then it is not relevant.

Mr. M. S. Aney: May I say, Sir, that the objection which my friend has taken is only a misunderstanding of the stanza. It says that he incurs the *sin* of abortion if he does such and such a thing.

Babu Baijnath Bajoria: The *sloka* says that if a marriage is performed after puberty is attained, then he will be guilty of the sin of abortion,—as if he had committed an abortion. Sir, even according to the Ayurveda, a girl generally attains puberty after the age of twelve and this is also to be found from the following *sloka*:

"Masi masi rajah streenam, rajasam sravatiwyaham,
Vastarad dwadasa doordhavam yati panchashata kshayam."

Sir, a woman has her menses every month from her twelfth year up to the fiftieth year . . . . .

The Honourable Sir Nripendra Sircar: On a point of order, Sir. In this amending Bill there is nothing about age or the age of puberty and therefore this discussion is wholly irrelevant.

Babu Baijnath Bajoria: Very well, I shall not refer to that again. Sir, when my esteemed friend, Dr. Bhagavan Das, put in his Bill about inter-caste marriages he pleaded that that was a permissive measure . . .

Mr. Bhulabhai J. Desai: I again rise to a point of order, Sir. That Inter-caste marriage Bill had nothing to do with this Bill.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is really wasting the time of the House. I must point that out.

Babu Baijnath Bajoria: I am mentioning this that this Bill on the contrary is a most coercive measure, and I think this is relevant. We

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find, every clause and every sentence of it is greatly coercive. Then, there is the question of marriage and the consummation of marriage. I think this is relevant to this Bill.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has been talking on that subject all this time. The Honourable Member is really repeating himself. The whole Bill relates to marriage and consummation.

Babu Baijnath Bajoria: Sir, I am doing my best to conclude as early as possible.

Mr. Ram Narayan Singh: Sir, we have been tortured for the last two hours and we seek your protection.

Babu Baijnath Bajoria: Sir, I must say this that our system of marriage has proved to be the best of all other systems. We have no system of courtship or the system of consummation of marriage before the marriage itself. We have no system of 'divorce made easy' as is now the order of the day in Europe and in America, which my friends here would like to introduce. I know that what you Congressmen want is that in marriage there should be no laws and there should be absolute liberty. Any person can marry any woman and this point was also mentioned by my friend, Pandit Krishna Kant Malaviya, in another debate. Lord Krishna had said that there are two kinds of persons in this world . . . .

Mr. President (The Honourable Sir Abdur Rahim): That has nothing to do with this Bill.

Babu Baijnath Bajoria: If you think that it has nothing to do with this Bill, then I will obey you and will not speak about what Lord Krishna has said.

Now, I will refer to some of the observations which were made by the previous speakers. I think I am entitled to speak on that. My Honourable friend, Mr. B. Das, said that in a Women's Conference in Calcutta I was bitterly attacked. He also said that my Bill about the amendment of the Sarda Act found no support. He further said that none of my Marwari friends in this Assembly support me. Well, Sir, I can cite my friend who sits next to me as my supporter. Mr. Das said that the women of this country are in favour of this Bill and, therefore, he is moving this motion to oblige them. I know he is influenced by women and he cannot deny it. In Ramayana, Tulsi Das has also written a *chopai* and it has come to my mind.

"Nari virasha nara sakala gusai.

Nachahi nara markatki nai."

When translated, it means that all male persons in the *Kaljug* will be under the influence of women and they will dance just like monkeys at their beck and call. Now, he says that this Bill is also designed to reduce the number of the widows to the very minimum. Can my

Honourable friend or any other Member of this House or even the Government guarantee that if this Bill is passed there will be no widows or their number will be considerably decreased? If they can give me that guarantee, I will very gladly reconsider my attitude towards this Bill. But I am sorry to say that no guarantee is forthcoming. According to us, females become widows not for their past sins but because of the sins of their previous life.

Mr. President (The Honourable Sir Abdur Rahim): This Bill has nothing to do with widows.

Babu Baijnath Bajoria: Then, my Honourable friend said that there should be equal status for men and for women. He has also gone a step further and said that half the Members of this House should be men and half women. The Law Member went even further than this and said that each person must be half male and half female. I say this is not possible. God has created men for a definite purpose and so also the women for a definite purpose, and each one has to perform the functions allotted to them.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is really going outside the scope of the Bill altogether and I must ask the Honourable Member not to indulge in observations which are not relevant.

Babu Baijnath Bajoria: Very well, Sir, I will obey your ruling.

In the motion which my Honourable friend, Mr. B. Das, made, he did not speak one word about the provisions of this Bill and about the utility of any of its provisions because he had not the moral courage. If he had the moral courage he would have undoubtedly taken the trouble of explaining to us what these provisions really mean. He kept silent like the dumb cattle. The Honourable the Law Member said that if a State allowance is given for the maintenance of the girls, then the provision about the bond from the husband may be kept, otherwise there may be trouble. Is he going to do that? I would like to ask from my Congress friends whether the Congress Ministries propose to give such a maintenance allowance.

An Honourable Member from Congress Benches: If they violate the law?

Babu Baijnath Bajoria: Can I take it from the Honourable Member authoritatively that the Congress Ministries will provide for those girls who live separately and whose maintenance is not to be given by their husbands? Then, my Honourable friend, Mr. Sri Prakasa, said that these marriage laws were made by men who were just like ourselves. It is absolutely wrong. I think he is doing a great injustice to our Rishis who made these laws. He is insulting them. He has got no faith whatsoever in the Rishis or in our Scriptures or in our Shastras. They used to live for a thousand years: some of them even lived for tens of thousands of years and they spent their days in meditation: they spent their days in thinking for the uplift of the human race. The laws which they made tens of thousands of years ago still hold good today. Now, if you want to make one law today and another law tomorrow, we do

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not know where we shall stand. I say this is not fair. I humbly request my Congress friends that they should not try to play or toy with our marriage laws. Leave us where we are. Do something more good to the country and bring out measures which will be helpful to the masses. This is not the thing which the masses want. I would like to quote . . .

Mr. President (The Honourable Sir Abdur Rahim): I cannot allow the Honourable Member to quote any further. I must really warn the Honourable Member that I will have to exercise my powers which I am very reluctant to do and to ask him to discontinue his speech, because he is repeating himself much too much, his observations are often not relevant and I am getting very suspicious that he is really trying to obstruct business. I will give the Honourable Member two minutes more to conclude his speech.

Babu Baijnath Bajoria: In that case I will not speak any further. I resume my seat.

The Honourable Sir Henry Craik (Home Member): Sir, I will not attempt to follow the previous speaker traversing the whole ground covered by this thorny social question. I only want to make it clear that Government is supporting the motion for reference to the Select Committee, and I have very little to say by way of comment or justification or explanation of Government's decision. The last speaker reproached Government for entering into what he called an unholy alliance with the Congress on this subject. Well, Sir, I do not know that in regard to this particular action, I need defend myself against such a charge. If Congress thinks its cause is right and we think that its cause is right, why should we not support it? (Hear, hear.) If there is any unholy alliance, I may remind the Honourable Member that we are in pretty good company. I would like to remind him for instance that a very well-known and very respected Indian lady has declared publicly in the *Times* newspaper that "there can be no living man or woman who knows the facts and understands the implications of child marriage in India who does not wish its cessation". That, Sir, is a sentence from a letter written by Miss Cornelia Sorabji. I may perhaps remind the Honourable Member of another letter, which he perhaps missed, in the *Times* supporting explicitly and specifically urging the Government to support this particular Bill. That letter was signed by half a dozen lady Members of Parliament including Lady Astor, Miss Cazalet, and Miss Rathbone and also by Lord Lothian. So, if there is any question of an unholy alliance between the Government and the Congress on this question, as I have said, we have some pretty good names on our side.

As a matter of fact this is a social reform which the Government have always supported. They supported the original Sarda Act and it is therefore only logical and natural, as I observed the other day in speaking on the Bill of my Honourable friend, Mr. Lalchand Navalrai, that we should support any measure which is intended to fill up what are generally acknowledged to be clear deficiencies or loopholes in the Sarda Act. Now, it is admitted that this is a measure which merely aims at strengthening and improving that Act which has now been in force for

over eight years. Although it is not a perfect Act,—nobody claims that,—it was passed with the support of the Government, and therefore it is only natural that Government should join hands with the Honourable the Mover and those who think like him, whatever their Party, who wish to improve that Act.

I think the Honourable Member who spoke last can hardly boast of accuracy when he said that "only a handful of reformers are clamouring for this measure". I have analysed fairly carefully the opinions that have been received about this Bill and that is certainly not the conclusion that I have drawn. It is clear from the opinions that have been received that the Bill has received a great deal of support throughout the country. Indeed I do not think that the Government would itself be supporting the Bill unless it was convinced that there is a clear majority unequivocally in support of this Bill among the communities affected by it. We find, Sir, that of all the Local Governments, only one out of eleven has declared itself definitely against the Bill. Some are certainly more lukewarm than others, but all of them with one exception support the Bill. As regards non-official opinion consulted, as far as we can estimate the weight of it, there is certainly a majority, as I have said, on the side of the Bill. The support is not confined to any particular community. I find Muhammadans as well as members of other communities expressing themselves in favour of the Bill, and I believe, as I said, that it is correct to say that so far as the people consulted have applied their minds to the provisions of this Bill a majority of all communities throughout India have given their support (Hear, hear), at any rate to the principle of the measure. I say the principle of the Bill, because there are parts of it which I think are susceptible of improvement and which have come in for a good deal of criticism from those who have been consulted. I have no doubt, however, that the suggestions made with regard to improvements will receive careful consideration from the Select Committee, and the Select Committee is the place in which the Bill could, and should, and I hope will, be improved.

At the same time, do not let us—when I say 'us', I mean all of us in this House who support this measure—deceive ourselves into thinking that there is no opposition to the Bill. The speech of the Honourable Member who has just sat down makes that perfectly clear that the more orthodox sections of his community do not like the Bill. Apart from the petitions presented to this House which are referred to in the printed Paper, I should mention that in my own Department I received something like 1,200 telegrams or messages of protest. Now, although those protests represent, in my opinion, or I should say in the opinion of Government, a minority, still it is a minority which counts and I do hope that in the Select Committee Members will keep that fact in mind and will not try and make the Bill—which as I have said we believe to be excellent in principle—too rigid a weapon, and so alienate the more orthodox sections of opinion from what we, who wish to see the Sadra Act improved, have as our object.

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): Sir, I have no desire to obstruct. I want to offer only a few remarks mainly by way of precaution. The Honourable the Mover of this Bill referred to me in the course of his speech today and wanted me to bless this measure. He did tell me some three days back

5 P.M.

[Syed Ghulam Bhik Nairang.]

in the lobby in his own inimitable manner that he wanted my "blessing" for what he appeared to call his "beel". I told him that he would have my blessings but that they would be qualified blessings. As I have said, Sir, I have no desire to obstruct but I must make clear what the Muslim point of view about this Bill is. As I said the other day in the course of the debate on Mr. Lalchand Navalrai's Bill which has now been passed, the Muslim community in the very course of the progress of the original Sarda Bill in this House made its attitude quite clear and left no doubt as to its being opposed to the measure, because it really had the effect of interfering with the rights which every Muslim under his personal law enjoys with regard to the discretion to marry his children or to marry himself at any age he likes. That is the position under Muslim law; and although it may be necessary at times to advise a man as to the age at which he should marry his children or as to the age at which he should himself marry, yet to exercise legal compulsion and to make the exercise by him of his own discretion under his personal law an offence under statutory law is going too far. One can, by carrying on propaganda, by trying to persuade others, ask them to marry their children as late as possible when they have sufficiently grown up and when they are not quite children. But, as I have said, it is a different thing and is taken in a different spirit when you tell a man, "You have done this, you say you are entitled to do it under your personal law but under the secular law it is an offence and therefore you are an offender and a criminal". That hurts his feelings and that he takes as an insult to his religion. Therefore, on that ground the Muslim community has all along been opposed to what is now the Sarda Act. And as the present Bill, like the Bill which the other day Mr. Lalchand Navalrai moved in this House, seeks to further consolidate the provisions of that Act and to supply its deficiencies and make it more comprehensive and more effective, we cannot afford, as representing the Muslim constituents in this House, to pass a silent vote upon it. To allow it to be referred silently to the Select Committee would be tantamount to accepting the principle of this Bill and by necessary implication to be an acquiescing party to the Sarda Act as well, while as a matter of fact even at the present moment there is a Bill pending before this House by Qazi Muhammad Ahmad Kazmi which seeks . . . .

Mr. President (The Honourable Sir Abdur Rahim): I am afraid the debate on the motion cannot be finished today. The Honourable Member can continue his speech on the next day. This will be treated as unfinished business and will have priority.

THE INDIAN TEA CONTROL BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Mr. H. Dow (Commerce Secretary): Sir, I beg to present the Report of Select Committee on the Bill to provide for the control of the export of tea from, and for the control of the extension of the cultivation of tea in, British India.

The Assembly then adjourned till Eleven of the Clock on Monday, the 14th February, 1938.

LEGISLATIVE ASSEMBLY

Monday, 14th February, 1938.

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

MEMBER SWORN.

Mr. Frank D'Souza (Government of India: Nominated Official):

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

†205*—213*

LEGISLATION AFFECTING THE SUFFERAGE OF INDIANS IN CEYLON.

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

(a) the latest position of the legislation affecting the sufferage of Indians in Ceylon; and

(b) what Government have done in the matter?

Sir Girja Shankar Bajpai: (a) The attention of the Honourable Member is invited to the reply given by me to part (a) of Mr. Badri Dutt Pande's question No. 185 on the 9th February, 1938.

(b) Pending a satisfactory settlement, the Government of India do not propose to agree to the reopening of recruitment of labour for Ceylon.

AMALGAMATION OF THE INDIAN AND LONDON STORES DEPARTMENT.

215. ***Mr. T. S. Avinashilingam Chettiar:** Will the Commerce Secretary state:

(a) whether Sir James Pitkeathly has submitted his report regarding the amalgamation of the Indian and London Stores Department,

(b) the nature of his recommendation; and

(c) whether Government have considered the report, and if so, what action they propose to take in the matter?

Mr. H. Dow: (a) to (c). Owing to his other duties making heavy calls on his time, Sir James Pitkeathly has not yet been able to submit a complete report, but it is expected very shortly.

Mr. T. S. Avinashilingam Chettiar: May I know for how many years this matter has been under reference to him.

Mr. H. Dow: I require notice of this question.

†These questions which were on the Order Paper for the 11th February 1938, have lapsed, the meeting fixed for that date having been cancelled.

Mr. T. S. Avinashilingam Chettiar: May I know the reason for this great inordinate delay in this matter.

Mr. H. Dow: I gave it in my answer to the question.

Babu Baijnath Bajoria: When was Sir James Pitkeathly deputed to study this question of amalgamation.

Mr. H. Dow: About a year ago, I believe.

Mr. T. S. Avinashilingam Chettiar: May I know what are the other duties of Sir James Pitkeathly?

Mr. H. Dow: Sir James, as the Chief Controller of Stores, has a very heavy post.

Prof. N. G. Ranga: The Honourable Member should be aware of the fact that Sir James Pitkeathly admitted before the Public Accounts Committee, whose full proceedings are published, that his report was due to be submitted to Government within a few months of his meeting us in the Public Accounts Committee.

Mr. H. Dow: I am not aware of that. The Honourable Member seems to be more anxious to impart information than to acquire it.

Mr. T. S. Avinashilingam Chettiar: When did Sir James meet the Public Accounts Committee?

An Honourable Member: Last July.

Mr. H. Dow: I am not aware of that.

Babu Baijnath Bajoria: Will the report be published and distributed to the Members of this House?

Mr. H. Dow: I shall consider that question after I get the report.

Mr. T. S. Avinashilingam Chettiar: Is the Honourable Member sure that the report will be forthcoming soon. He said in his answer that it would be submitted soon.

Mr. H. Dow: The report is promised very shortly.

Mr. T. S. Avinashilingam Chettiar: Before the end of this Session.

Mr. H. Dow: I cannot say.

Mr. Manu Subedar: Has any correspondence passed between the Government of India and the High Commissioner on the subject.

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

Mr. Manu Subedar: It is on the same subject—the subject of abolishing the London Department.

Mr. President (The Honourable Sir Abdur Rahim): That is a specific question: it does not arise out of this.

EFFECT OF THE SINO-JAPANESE WAR ON THE JAPANESE TRADE WITH INDIA.

216. *Mr. T. S. Avinashilingam Chettiar: Will the Commerce Secretary state:

(a) the effect of the Sino-Japanese war on the Japanese trade with India;

(b) whether the Japanese intake of Indian cotton and tobacco has decreased; if so, to what extent; and

(c) what will be the effect of this on the Indo-Japanese trade agreement?

Mr. H. Dow: (a) Since the outbreak of hostilities between Japan and China, there has been a marked increase in the value of Japanese imports into India and a decrease in the value of Indian exports to Japan. While it is obvious that these figures reflect war conditions, I am, of course, unable to state the precise extent to which these conditions alone are responsible for the variations.

(b) Yes. I lay on the table a statement giving the monthly exports during 1937 of raw cotton and tobacco to Japan.

(c) None.

Statement showing Exports of Cotton and Tobacco from British India to Japan.

1937.	Cotton, raw.		Tobacco unmanufactured.	
	Quantity. Tons (000)	Value. Rs. (lakhs)	Quantity. Lbs. (000)	Value. Rs. (000).
January	66	3.89	250	54
February	36	2,13	1,265	368
March	46	2,73	471	128
April	42	2,62	627	125
May	43	2,78	..	..
June	40	2,49	724	117
July	34	2,20	3	3
August	16	1,01	..	..
September	3	17	775	51
October	4	21	..	..
November	2	11	187	19
December	2	12	..	..

Mr. T. S. Avinashilingam Chettiar: In view of the fact that exports to Japan have decreased and imports from Japan have increased, have the Government of India under contemplation any amendment to the Indo-Japanese Trade Agreement?

Mr. H. Dow: The Honourable Member has not listened, I think, to the answer made to part (c) of the question.

Mr. T. S. Avinashilingam Chettiar: What is the answer?

Mr. H. Dow: "None".

Mr. K. Sathanam: With reference to paragraph (a), will the Government of India reconsider the subject of protection to cottage industries as the Japanese imports have increased?

Mr. H. Dow: No, Sir.

Mr. T. S. Avinashilingam Chettiar: With reference to Government's answer to (c)—None—what is the meaning of 'none'? Does it mean that exports promised under the agreement are going on?

Mr. H. Dow: The answer to (c) is a perfectly clear and categorical answer to the Honourable Member's question. The Honourable Member asked what would be the effect of this on the trade agreement, and the effect of this is none.

Mr. T. S. Avinashilingam Chettiar: May I know, Sir, what exports of cotton to Japan are required under the scheme laid down in the Indo-Japanese Trade Agreement?

Mr. H. Dow: I do not think that arises out of this question.

Mr. T. S. Avinashilingam Chettiar: I want a ruling.

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

Babu Baijnath Bajoria: How much has Japan taken less than her quota?

Mr. H. Dow: I am laying a statement on the table of the House—a statement of the total exports during 1937.

Babu Baijnath Bajoria: How does it compare with the previous year?

Mr. H. Dow: It is, I think, less than previous year's.

Babu Baijnath Bajoria: What percentage.

Mr. H. Dow: I am afraid I cannot answer that question without notice.

Prof. N. G. Ranga: Have Government taken any steps to see that exports of Indian cotton to Japan are increased in the near future.

Mr. H. Dow: No, Sir.

RAW PRODUCTS PURCHASED BY GERMANY AND JAPAN FROM INDIA.

217. ***Mr. Govind V. Deshmukh:** Will the Commerce Secretary please state:

(a) what were the raw products which Germany and Japan purchased from India;

(b) if Germany concluded agreements with Roumania, Yugoslavia, Argentine, Egypt and South America to purchase raw products which she used to purchase from India, if so, when these agreements were concluded and why;

(c) if Japan entered into any agreement with any country or countries to purchase raw products from them which she used to purchase from India; if so, when and why;

(d) to what extent the trade of India has been affected by the above referred to trade agreements by Germany and Japan with other countries; and

(e) what immediate and effective steps the Government of India have taken, or are going to take, to see that India is not ousted from the market of countries which used to purchase or are at present purchasing her raw materials?

Mr. H. Dow: (a) The Honourable Member is referred to Volume II of the Annual Statement of the Sea-Borne Trade of British India, copies of which are in the Library.

(b) Since 1934 Germany has concluded agreements with most of the countries named and with many others. Generally, speaking, the agreements represent attempts to overcome the lack of free exchange and to improve Germany's trade balance with the countries concerned.

(c) Government are not aware of any such agreement.

(d) The extent to which trade agreements between foreign countries affect their trade with India is not capable of precise estimation. In the case of Germany, trade with India is hampered by the positive restrictions which Germany has imposed. Indian importers of German goods have to pay in cash in full for all German goods imported into India, while Indian goods imported into Germany must be paid for in foreign currency, provided the German importer is granted the necessary permission by the German authorities.

(e) It is impossible to give a brief reply to so general a question on the floor of the House. The course of India's trade with various countries is constantly under review by the Government of India, and such measures, as are possible to extend India's trade in foreign markets, are taken as occasion arises.

Prof. N. G. Ranga: Why is it that the Government of India have not instituted a system of licensing German imports into India when Germany has insisted upon licensing Indian imports into Germany? Why is it that the same practice, as now obtains in Germany with regard to Indian imports, has not been adopted in India with regard to German imports?

Mr. H. Dow: Because the Government of India do not consider that it would be in the interests of India.

Mr. Govind V. Deshmukh: What are the grounds for considering that it is not in the interest of India.

Mr. President (The Honourable Sir Abdur Rahim): You cannot discuss a matter like that. It cannot be discussed now.

Babu Baijnath Bajoria: Have Government considered the adverse effect of the barter system obtaining in Germany so far as that affects the exports from India to Germany?

Mr. H. Dow: Sir, we are generally aware that the restrictions imposed by Germany are harmful to Indian trade.

Babu Baijnath Bajoria: What steps are taken by the Government so that these conditions may be improved?

Mr. H. Dow: The measures which restrict Indian trade are measures which have been taken by Germany. If Germany wishes to improve the position, then the latch is on her side of the door.

NEGOTIATIONS FOR TRADE AGREEMENTS DIRECT BY THE GOVERNMENT OF INDIA.

218. ***Mr. Govind V. Deshmukh:** (a) Will the Commerce Secretary please state whether a practice has been established that trade agreements shall be negotiated by the Government of India direct with other Empire countries and also foreign countries?

(b) Has such practice been ever interfered with by the Secretary of State for India? If so, when and in respect of which countries and on what grounds?

Mr. H. Dow: (a) The attention of the Honourable Member is invited to the reply given to his starred questions Nos. 397 and 398 on the 8th September, 1937. Negotiations for trade agreements between India alone on the one side and another contracting country (Empire or foreign) on the other side, have in practice been conducted direct. In regard to agreements in which both the United Kingdom and India are concerned as one party, negotiations are conducted by His Majesty's Government.

(b) No, Sir.

EMIGRATION OF INDIAN LABOUR TO CEYLON.

219. ***Mr. Govind V. Deshmukh** (on behalf of Seth Govind Das): Will the Secretary for Education, Health and Lands be pleased to state:

(a) whether the decision of Government not to renew assisted emigration of Indian labour to Ceylon as a retaliatory measure against that country's refusal to extend franchise to Indian labourers in that country on equal terms with the native population, has brought about any beneficial results;

(b) whether Government are aware of any attempts by the planters in Ceylon to decoy Indian labour to counteract Government efforts in this matter; if they have taken any precautionary measures to prevent such emigration; and

(c) if so, what those measures are?

Sir Girja Shankar Bajpai: (a) If the Honourable Member will kindly tell me what "beneficial results" he has in mind, I shall endeavour to answer his question.

(b) and (c). There has been no large-scale evasion of the Indian Emigration Act and the rules issued thereunder; but as a precautionary measure, the Protector of Emigrants has been instructed by the Madras Government to be particularly strict in his interpretation of Rule 30 (1) of the Indian Emigration Rules.

BILLS INTRODUCED IN THE BURMA LEGISLATURE AGAINST INDIAN INTERESTS IN BURMA.

220. ***Mr. Govind V. Deshmukh** (on behalf of Seth Govind Das): Will the Secretary for Education, Health and Lands please state:

(a) whether Government have examined the Bills introduced in Burma Legislature after Burma's separation from this country;

(b) whether Government have considered if some of these Bills were directed against Indian interests in Burma;

(c) whether Government's attention has been drawn to the proceedings of the Burma Indians' Conference held in Rangoon at the end of December last;

(d) whether Government's attention has been drawn to the move on the part of the Burmese Government on important matters like the employment of Indians in the public services and Public Service Commission, appointment of Indian Judges in their High Court, Education of Indian children in Burmese and the proposal of amending the Rangoon Municipal Act;

(e) whether Government have considered if the move on the part of the Burmese Government on these issues affects the Indian community in that land;

(f) whether Government are taking necessary steps to counteract the move on the part of the Burmese Government affecting the interests of the Indian community in that land; and

(g) if so, what those steps are?

Sir Girja Shankar Bajpai: (a) and (b). If the Honourable Member will kindly specify the Bills to which he refers, I shall be able to give him an answer.

(c) Yes.

(d) Government have seen a report of the resolutions passed by the Conference with regard to some of these matters.

(e) That is a matter of opinion.

(f) and (g). The recommendations are intended for the Government of Burma. The question of action by the Government of India does not arise.

PREVENTION OF THE REPATRIATION OF INDIAN EMIGRANTS FROM CERTAIN COLONIES.

221. ***Mr. Govind V. Deshmukh** (on behalf of Seth Govind Das): Will the Secretary for Education, Health and Lands please state:

(a) whether Rev. Mr. C. F. Andrews interviewed the Honourable Sir Jagadish Prasad recently on the question of returned emigrants from Fiji, British Guiana and Trinidad, etc.;

(b) whether Government's attention has been drawn to the fact that Indian labourers from different colonies, who are aged, infirm and paupers, are repatriated, adding to their miseries on arrival at Calcutta;

(c) whether Government expect further shipments of repatriated Indians from the colonies;

(d) whether Government have taken any measures on the issue to prevent or cause the prevention of such exodus in future; and

(e) if so, what those measures are and also any other action taken in the matter?

Sir Girja Shankar Bajpai: (a) No.

(b) It is true that some repatriates fall under one or other of the categories mentioned by the Honourable Member, but such repatriates have, it is understood, insisted upon exercising their right to repatriation against the advice of the Colonial Government concerned.

(c) to (e). Government understand that the Government of British Guiana propose to charter a ship for repatriates this year. Indians in the Colonies who are *ex*-indentured labourers are entitled to a free or assisted passage to return to India whenever they choose to avail themselves of it. In 1933, the Colonial Governments concerned agreed, at the instance of the Government of India, to discourage the return of destitutes to this country. The question of taking steps to make such dissuasion more effective is under examination by Government.

Mr. Lalchand Navalrai: May I know with regard to clause (e) why they are repatriated and not allowed to remain there?

Sir Girja Shankar Bajpai: Because they want to come back.

Mr. N. M. Joshi: May I ask whether the Government of India are considering the question of appointing trade agents in Fiji, British Guiana and Trinidad?

Sir Girja Shankar Bajpai: I submit that that question does not arise out of this. There is a separate question on that later on, and if the Honourable Member wants to ask a supplementary question, he can do so then.

Mr. K. Santhanam: May I know if the Government of India have any record of these people who have been repatriated?

Sir Girja Shankar Bajpai: No. The Government of India do not maintain any record of that kind, as the number involved will be over one hundred thousand.

Mr. K. Santhanam: Will it not be desirable to keep such a record?

Mr. President (The Honourable Sir Abdur Rahim): That is a matter of argument.

MEASURES FOR EXPORT SUBSIDY AND PROHIBITION OF THE IMPORT OF COTTON.

222. ***Mr. Govind V. Deshmukh:** Will the Secretary for Education, Health and Lands please state whether measures will be adopted for (i) an export subsidy and (ii) a total prohibition of the import of cotton of 1 staple and below in India from any country; if so, when; if not, why not?

Sir Girja Shankar Bajpai: I would refer the Honourable Member to the answers to previous questions asked on the subject during the present Session.

RESEARCH FOR UTILISATION OF COTTON IN OTHER THAN THE TEXTILE INDUSTRY.

223. ***Mr. Govind V. Deshmukh:** Will the Secretary for Education, Health and Lands please state whether any research work has been made as to the use of cotton in any industry besides textile? If so, what are these?

Sir Girja Shankar Bajpai: The possibility of using short staple cotton and cotton linters for the production of artificial silk is being investigated

by the Indian Central Cotton Committee with the co-operation of the Imperial Council of Agricultural Research and the Industrial Research Bureau.

INCREASE IN THE PRODUCTION OF SUGAR IN JAVA.

224. ***Seth Govind Das:** Will the Commerce Secretary please state:

(a) whether it has been brought to the notice of Government that Java has decided to increase its production of sugar from about five hundred thousand tons in the years 1935-36 to about fifteen hundred thousand tons during this season;

(b) whether Government have considered that this very large increase in the production of sugar can be a source of serious menace to the sugar industry in India in its present stage of development, and that Java may turn its attention to the Indian market for selling a part of this increased production by reducing its *c.i.f.* price at Indian ports during next year;

(c) whether Government are aware that in consequence of the serious check to exports of sugar both to China and Japan, Java has already reduced her price of sugar for effecting sales elsewhere;

(d) whether Government propose to increase immediately the amount of duty on imports of sugar; and

(e) whether Government have given due weight to the recent recommendations of the Tariff Board for the protective Tariff on sugar?

Mr. H. Dow: (a) Representations to this effect have been received from certain commercial bodies in India. Inquries made however indicate that production of sugar in Java during 1937-38 though larger than that of 1935-36 is not expected to be above that of 1936-37.

(b) In view of the answer given to part (a) above, this does not arise.

(c) The statistics available to the Government of India show that though there has been a fall in exports of sugar from Java to China there has been no fall in exports to Japan or in the total exports to all countries. At the same time the loss in exports to China is not being made up at the expense of the Indian producer. Imports into India from Java show no increase nor is there any reduction in price to India. I am not in a position to state whether Java has been reducing prices for other countries in order to maintain her total exports.

(d) It is not the practice of Government to disclose their intentions in such matters.

(e) The recommendations of the Tariff Board are at present receiving the consideration of the Government of India.

Mr. Lalchand Navalrai: May I know if the increase is not made in the sense of sending them over to India, what for is this increase being made in Java?

Mr. H. Dow: That seems to me a question that might with more propriety be addressed to the Javanese Government.

Mr. T. S. Avinashilingam Chettiar: When do Government expect to finish consideration of the report?

Mr. H. Dow: I have already dealt with that question, I think, in this House, and I have nothing more to add to the replies I gave then.

Mr. T. S. Avinashilingam Chettiar: Do they expect to finish it before the end of the Session?

Mr. H. Dow: If I said anything more I should be adding to what I said then; and, as I have said, I am not prepared to do that.

SECURING OF EQUAL PRIVILEGES FOR INDIANS IN THE KENYA HIGHLANDS.

225. ***Mr. Manu Subedar:** (a) Will the Secretary for Education, Health and Lands please state whether the attention of Government has been drawn to the remarks of Lord Francis Scott regarding the movement of Indian residents in Kenya to secure in respect of the highlands the same privileges as other subjects of His Majesty?

(b) Do Government propose to take any measures in connection herewith?

(c) Are Government prepared to assure the House that, failing a satisfactory reply from Kenya on this subject, they will take retaliatory measures?

Sir Girja Shankar Bajpai: The attention of the Honourable Member is invited to the reply given by me on the 7th February, 1937, to Mr. Abdul Qaiyum's short notice question on this subject.

Mr. Manu Subedar: Have Government been in communication with the India Office or the Colonial Office on this subject?

Sir Girja Shankar Bajpai: No, not since I answered the question.

Mr. Manu Subedar: Before you answered the question?

Sir Girja Shankar Bajpai: Yes, before I answered it.

Mr. T. S. Avinashilingam Chettiar: May I know whether the Government are aware of a statement in the House of Commons that they are trying to issue an Order-in-Council about Kenya about which the Government of India have been consulted?

Sir Girja Shankar Bajpai: I would ask my Honourable friend to read the answer which I gave the other day: I have nothing to add on that subject at the moment beyond this, that I am in touch with the delegation of the East African Indian Congress which is in Delhi now.

TRADE BETWEEN INDIA AND IRAN.

226. *Mr. Manu Subedar: (a) Will the Commerce Secretary be pleased to lay on the table figures of the trade between India and Iran for the last five years?

(b) How much of the variation in these figures is due to the exchange restrictions imposed by the Iran Government?

(c) Have Government made any representation to the Government of Iran in regard to balances belonging to Indians, which they are unable to bring over?

Mr. H. Dow: (a) The Honourable Member is referred to the Annual Statements of the Sea-borne Trade of British India, Volume II, the Monthly Accounts for March, 1937, and the issues of the *Indian Trade Journal*, dated the 24th January, 1935, and 4th March, 1937, copies of which are available in the Library.

(b) It is not possible to estimate to what extent the variations in the export figures are due to the exchange restrictions in Iran.

(c) Yes, representations have been made by His Majesty's Legation.

Mr. Manu Subedar: Has there been any reply received to such representations?

Mr. H. Dow: I shall require notice of that question.

Mr. T. S. Avinashilingam Chettiar: What is the representation made to His Majesty's Government?

Mr. H. Dow: I am not prepared to state that.

INTERFERENCE WITH TRADE BETWEEN INDIA AND CEYLON AND NEGOTIATIONS FOR A TRADE AGREEMENT WITH CEYLON.

227. *Mr. Manu Subedar: (a) Will the Commerce Secretary please state whether the attention of Government has been drawn to, or, whether Government have received any representations regarding, the interference with the trade between India and Ceylon, particularly with the exports from India to Ceylon of *ghee*?

(b) Have Government written to the Government of Ceylon, objecting to the invidious treatment meted out to imports from India?

(c) At what stage is the negotiation for a trade agreement between Ceylon and India?

Mr. H. Dow: (a) and (b). The import duties on certain foodstuffs including *ghee* were enhanced by the Government of Ceylon in 1934. It is presumed that by "invidious" the Honourable Member means "discriminatory", but the higher rates of duty are not discriminatory against India, and the Government of India understand that they are for the protection of indigenous products. The Government of India nevertheless took up the matter officially, but it has been found necessary to postpone further action pending general trade negotiations between the two countries.

(c) Negotiations are expected to begin soon after the conclusion of those now in progress with the United Kingdom.

Prof. N. G. Ranga: Why is it that the opening of negotiations with Ceylon is to be postponed until after the trade negotiations between England and India are concluded?

Mr. H. Dow: It has been arranged in agreement with the Government of Ceylon. They are prepared to take up the matter shortly after the conclusion of the trade negotiations between England and India.

Prof. N. G. Ranga: Are they unwilling to take up the matter before our trade talks with Great Britain are concluded?

Mr. H. Dow: I have already answered that it has been arranged in consultation with the Government of Ceylon that we will take up these discussions shortly after the conclusion of the trade negotiations between England and India.

Mr. M. S. Aney: At whose instance was this arrangement made?

Mr. H. Dow: That I am not prepared to say.

Mr. K. Santhanam: May I know, Sir, if the Government have prohibited the export of palmyra jaggery to Ceylon?

Mr. H. Dow: I doubt if that arises out of this question.

Mr. T. S. Avinashilingam Chettiar: May I know why the Honourable Member is not prepared to say as to who took the initiative, whether the Government of India or the Government of Ceylon?

Mr. H. Dow: Because it is not the custom of the Government of India to indicate the course of their correspondence with His Majesty's Government.

CONSUMPTION AND PRICE OF PETROL IN INDIA.

228. **Mr. Manu Subedar:** (a) Will the Commerce Secretary please state whether Government are aware that the consumption of petrol in India has been on the increase?

(b) Are Government aware that petrol is being sold cheaper in the United Kingdom than in India?

(c) Have Government any legal power to interfere with the price which is being fixed by the petrol companies in consultation with each other?

(d) If so, do Government propose to use their legal power to interfere with this monopolistic charge in exploitation of the consumer in India?

Mr. H. Dow: (a) and (b). Yes.

(c) No.

(d) Does not arise.

Mr. Lalchand Navalrai: May I know, Sir, if there are possibilities of a larger production of petrol in India, and is any research being carried on to find out whether a larger amount of petrol can be produced in the country?

Mr. H. Dow: I am afraid that does not arise out of this question, but if the Honourable Member will give me notice, I will give him such information as I can.

Mr. Manu Subedar: Do the Government of India possess the same legal powers as the Board of Trade in England possess, to interfere with action taken by business companies acting in a pool when such action is in restraint of trade?

Mr. H. Dow: The Government of India have no legal powers. I should require notice if the Honourable Member wishes to know what powers His Majesty's Government have in the matter.

Babu Baijnath Bajoria: Is the Honourable Member aware that the price of petrol has gone up by three annas in Delhi as compared to the price last year about this time, whereas the price in Calcutta has gone down by three annas?

Mr. H. Dow: I was not aware of that, but I shall expect to know it at the end of this month when my bill comes in.

DISCRIMINATION AGAINST INDIANS IN SERVICE IN FIJI.

229. ***Mr. Abdul Qaiyum:** Will the Secretary for Education, Health and Lands please state:

(a) whether it is a fact that about the end of 1937 the Governor of Fiji made a speech in the Fiji Legislative Council, in which the following passage occurs:

> "..... It certainly does not imply that every British subject is fit to rule or that every British subject must serve under identical conditions as a Government servant. The Indian in the colony has not yet contributed anything in constructive thought and organising ability. That has all been done by Europeans, official and non-official";

(b) whether it is a fact that the said Governor announced on that occasion that Indians, whether or not born there, cannot expect to obtain appointments under conditions identical with Britishers in the colony;

(c) whether it is a fact that the speech of the Governor's Secretary was couched in a similar strain;

(d) whether it is a fact that there is discrimination in Fiji against Indians in service in the matter of salary and leave;

(e) whether it is a fact that the Indian Members of the Fiji Council have protested against this discrimination;

(f) whether it is also a fact that these Indian Members of the Council have demanded that there should be equality of treatment between locally born Europeans and Indians; and

(g) whether Government made any representations to the Colonial Office or the Government of Fiji and, if so, with what effect?

Sir Girja Shankar Bajpai: (a) and (c). Government have so far seen only Press reports of the speeches referred to by the Honourable Member. The quotation from the Governor's speech is not strictly in accord with the Press report.

(b) According to the report what the Governor said was that there must be some differences between the conditions of service of Europeans and non-Europeans owing to the former's higher standard of living.

(d) and (g). The Government of India have only recently received a copy of the Report of the Fiji Public Service Reorganisation Committee which was the subject of debate and have it under examination. No representations have yet reached the Government of India from any section of the Indian community in Fiji.

(e) and (f). This would appear to be so from the report of the debate.

Mr. Abdul Qaiyum: May I know, Sir, if there is any discrimination against Indians employed in Government service in Fiji with regard to their leave, pay, etc.?

Sir Girja Shankar Bajpai: As I have already stated, the Report, to the extent that I have been able to examine it, does make some differences between the rates of pay and the terms of leave admissible to Europeans and non-Europeans. The Governor's defence of that is that this is due to the differences of domicile and differences in standards of living, but it may be that we shall make representations on the subject.

Mr. Abdul Qaiyum: May I know if such differences exist in the case of local born Europeans and Indians?

Sir Girja Shankar Bajpai: As far as I remember, there are no differences as regards leave between local born Europeans and Indians, but there are differences as regards rates of pay for the reason which I have already given.

Mr. Abdul Qaiyum: Have the Government of India made any representations to the Government of Fiji on the point?

Sir Girja Shankar Bajpai: I have already stated that the Government of India have only recently received a copy of the Report; they are examining it, and it may be that they will make representations.

AREA OF TEA EXTENSION SANCTIONED FOR ASSAM.

230. *__Maulvi Abdur Rasheed Chaudhury:__ (a) Will the Commerce Secretary please state the total area of tea extension sanctioned for the Province of Assam under clause 26, sub-clause (*3*) of the Indian Tea Control Act (XXIV of 1933)?

(b) Was the entire area, sanctioned for Assam, actually allotted to individual estates? If not, what area was allotted?

Mr. H. Dow: (a) 2,140 acres.

(b) All the area was allotted to estates in Assam except 12 acres which was the fractional residue after the division as far as practicable between applicants of the sanctioned allotment of 2,140 acres.

Mr. Kuladhar Chaliha: May I know, Sir, on what principle were these extensions allotted to estates in Assam.

Mr. H. Dow: Rules for the purpose were framed by the Licensing Committee in consultation with the Local Governments, who are concerned rather than the Central Government. These rules, I understand, were published, and copies were also sent to the various Tea Associations as well as to Local Governments, and I understand that no objections at all were received to them.

AMENDMENT OF THE GOVERNMENT OF INDIA ACT.

231. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Law Member state:

(a) whether he is aware of Lord Lothian's expression of opinion that the Government of India Act is in need of amendments;

(b) whether there are any proposals to amend the Act and, if so, in which direction; and

(c) whether there are any correspondence going on between His Majesty's Government and the Government of India with regard to possible amendments to the Act?

The Honourable Sir Nripendra Sircar: (a) I do not know to which statement of Lord Lothian the Honourable Member is referring; in any case Lord Lothian is entitled to hold his own opinion on the subject. His visit, as he himself has explained, was in nature entirely private and non-official, and he holds no official position other than that of a Member of the House of Lords, either in this country or in the United Kingdom.

(b) and (c). As I stated in the House on the 24th September, 1937, I regret I am not in a position to make any statement on the questions raised by the Honourable Member.

Mr. T. S. Avinashilingam Chettiar: May I know, Sir, if there is any correspondence passing between the Government of India and the Secretary of State in regard to the amendment of the Government of India Act?

The Honourable Sir Nripendra Sircar: It is not in the public interest to answer that question, and if I may add what Mr. Asaf Ali said the other day, it is not expedient.

Mr. Sri Prakasa: What is the exact implication of the word "regret" that the Honourable Member just expressed? Does he regret that the Government of India Act is not going to be changed?

The Honourable Sir Nripendra Sircar: Regret at not being able to quench the thirst for knowledge of my Honourable friends.

PREPARATIONS OF ELECTORAL ROLLS AND ELECTIONS OF THE CENTRAL LEGISLATIVE ASSEMBLY.

232. ***Mr. Mohan Lal Saksena:** Will the Honourable the Leader of the House be pleased to state:

(a) under what provisions of law electoral rolls are being prepared in the Provinces for the Indian Legislative Assembly;

(b) whether the Provincial or the Central Government would defray the cost of the same; and

(c) whether the Government of India have considered the question of the next elections of the Legislative Assembly; if so, whether they have fixed any provisional dates?

The Honourable Sir Nripendra Sircar: (a) Under the Legislative Assembly Electoral Rules.

(b) Under sub-paragraph (2) of paragraph 8 of the India and Burma (Transitory Provisions) Order, 1937, read with sub-rule (8) of rule 9 of the Legislative Assembly Electoral Rules, it is an obligation of the Provincial Government to discharge, and consequentially to finance, all functions in connection with the preparation of electoral rolls for the Legislative Assembly up to the 31st March, 1938. After that date it will be within the option of the Provincial Government to accept or to decline to accept an entrustment of those functions, and, if they accept an entrustment thereof, they will be entitled under sub-section (4) of section 124 of the Government of India Act, 1935, to receive payment from the Central Government in respect of any extra cost of administration involved.

(c) I am not clear regarding the precise meaning of the first part of this question. The Honourable Member is doubtless aware that the normal term of the Legislative Assembly has already expired, that it has been extended by the Governor General up to the 1st October, 1938, and that, in default of the termination of the existing transitional regime or in the alternative of a further extension of the life of the Assembly, a general election will in the ordinary course be held as soon as may be after that date. The answer to the second part is in the negative.

Mr. Mohan Lal Saksena: Am I to understand that the electoral rolls normally remain in force for a period of three years?

The Honourable Sir Nripendra Sircar: Yes.

Mr. Manu Subedar: May I know if there have been any negotiations between the Government of India and the Provincial Governments under section 124(4).

The Honourable Sir Nripendra Sircar: That does not arise from this.

Mr. Mohan Lal Saksena: Is it not a fact that in the ordinary course this should have been prepared in 1936-37.

The Honourable Sir Nripendra Sircar: No, Sir.

Mr. Sri Prakasa: May I know whether all the expenses incurred in the preparation of these rolls up to the 31st March, 1938, would be borne by the Provincial Governments?

The Honourable Sir Nripendra Sircar: I have answered that question fully.

Mr. Sri Prakasa: I am sorry I could not follow the answer. That is why I ask to make sure.

The Honourable Sir Nripendra Sircar: The answer is "Yes" to make it shorter.

Mr. Mohan Lal Saksena: May I know when these electoral rolls were prepared last?

The Honourable Sir Nripendra Sircar: I want notice.

Mr. Mohan Lal Saksena: Was it not prepared in 1924?

PROGRESS OF THE FEDERATION SCHEME.

233. *__Mr. Mohan Lal Saksena:__ Will the Honourable the Leader of the House be pleased to state:

(a) what stage the negotiations with the Rulers of the States have reached;

(b) how many instruments of accession, if any, have been signed by the States;

(c) whether the representative States have made any proposals requiring the amendment of the Government of India Act, 1935; if so, whether Government propose to publish the proposals for the information of the people of India; and

(d) whether Government have consulted the new Provincial Governments regarding the proposed scheme of Federation; if not, whether they propose to consult them in the near future?

The Honourable Sir Nripendra Sircar: (a) to (d). I have nothing to add to the replies which I gave on 1st February, 1938, to Mr. T. S. Avinashilingam Chettiar's starred question No. 40 and on 7th February, 1938, to a short notice question by Mr. K. Santhanam.

Mr. Lalchand Navalrai: May I know why the Sind Government have not sent any Member?

The Honourable Sir Nripendra Sircar: The Honourable Member is anticipating another question to which this may be a legitimate supplementary question.

Mr. Badri Dutt Pande: Is it or is it not the intention of the Government to call for a conference of the Premiers of all the provinces and other public men to solve this knotty problem of Federation?

The Honourable Sir Nripendra Sircar: I am unable to answer that question.

Mr. T. S. Avinashilingam Chettiar: May I know whether Government have issued the revised Instruments of Accession?

The Honourable Sir Nripendra Sircar: I cannot answer that question.

Mr. Mohan Lal Saksena: Do the Government propose not to consult the Provincial Governments, because they are opposed?

The Honourable Sir Nripendra Sircar: I can only deny the insinuation but subject to that I can give no information.

Mr. Badri Dutt Pande: May I know what would happen if the Provinces refuse to enter the Federation?

(No answer.)

SCHEME OF EDUCATION PREPARED BY EDUCATIONAL EXPERTS AT WARDHA.

234. ***Mr. Badri Dutt Pande:** (a) Will the Secretary for Education, Health and Lands be pleased to state if the Government of India have studied the scheme of education prepared by educational experts at Wardha at the instance of Mahatma Gandhi?

(b) Is it the intention of Government to discuss the scheme with the Education Ministers of the Provinces with a view to its adoption in rural areas?

Sir Girja Shankar Bajpai: (a) and (b). The Wardha Scheme of education is being considered by the Central Advisory Board of Education which has appointed a sub-committee for the purpose. Further action must await the recommendations of the Board.

Mr. Badri Dutt Pande: Will the proceedings of the Board be made public or will a press communiqué be issued on the subject?

Sir Girja Shankar Bajpai: It will be for the Board to decide whether it will issue a communiqué or make a report, after the report of the sub-committee has been made.

APPOINTMENT OF INDIAN AGENTS IN COLONIES.

235. ***Mr. Badri Dutt Pande:** (a) Will the Secretary for Education, Health and Lands be pleased to state if agents have been appointed all over the colonies ex-India, where Indians are domiciled, and if still there are countries where agents have not been appointed?

(b) If so, which are those colonies where there are no Indian agents to watch the interests of Indians?

Sir Girja Shankar Bajpai: (a) and (b). The attention of the Honourable Member is invited to the reply given by Mr. Hydari on the 2nd September, 1937, to parts (a) and (b) of his question No. 269.

Prof. N. G. Ranga: Has there been no progress since then?

Sir Girja Shankar Bajpai: There has been further correspondence.

Mr. N. M. Joshi: May I ask whether the Government of India have considered the question of appointing their Agents in Fiji, British Guiana and Trinidad?

Sir Girja Shankar Bajpai: Those are the territories which form part of the subject of negotiation.

Mr. Badri Dutt Pande: What is the cost of one agency?

Sir Girja Shankar Bajpai: There is no general or uniform cost of agencies.

NOMINATION OF OFFICIALS OF THE PROVINCIAL GOVERNMENTS TO THE CENTRAL LEGISLATIVE ASSEMBLY.

236. *Sardar Mangal Singh: Will the Honourable the Law Member please state:

(a) which Provincial Governments have nominated their officials to the Central Assembly and which Governments have refused to do so;

(b) what their grounds are for not nominating their officials to this House; and

(c) whether Government have reconsidered the position and propose to make it possible for them to send their officials to this Assembly?

The Honourable Sir Nripendra Sircar: (a) The Governments of Bengal, the Punjab and Assam have made officers available for nomination. The Governments of Madras, Bombay, the United Provinces, Bihar, the Central Provinces and Berar, and Sind have, in the exercise of the free option open to them, elected not to do so.

(b) Different reasons have been given by different provinces.

(c) If the Honourable Member means to inquire whether the Government of India propose to reconsider the basis on which alone they are prepared to receive officers for nomination to the Assembly, the answer is in the negative.

Mr. Lalchand Navalrai: May I know what is the ground the Sind Government have given for not sending a Member?

The Honourable Sir Nripendra Sircar: Their answer is: The usefulness of the work is not so great as it was, nor commensurate with the expenditure involved.

Mr. Lalchand Navalrai: Does the Honourable Member share that opinion?.

The Honourable Sir Nripendra Sircar: I do not venture to express an opinion on such a delicate subject.

Sardar Mangal Singh: What is the reason given by the U. P. Government?

The Honourable Sir Nripendra Sircar: The U. P. Government have decided not to make officers available. They would have less objection if these Members are allowed to speak and vote in accordance with the directions of the Provincial Government.

Mr. M. S. Aney: Will the Honourable Member read the opinions of the Madras and the Central Provinces Governments also?

The Honourable Sir Nripendra Sircar: To take them in order of importance. The view of the Madras Government is that if their officers are nominated they should be allowed to vote or speak as representing the views of the Madras Government. The Central Provinces say that such a system would be inconsistent with the spirit of the new Constitution.

Mr. Lalchand Navalrai: May I know from the Honourable Member whether the Central Government have decided that they would not allow these Members to speak or vote according to the mandates of their own Governments?

The Honourable Sir Nripendra Sircar: I have answered that question for the third time today.

Sardar Mangal Singh: May I know whether the Punjab Government have laid down any condition for nominating their officials?

The Honourable Sir Nripendra Sircar: No, Sir.

Sardar Mangal Singh: Is it not a fact that the interests of Provincial Governments here suffer on account of their officials not being nominated?

The Honourable Sir Nripendra Sircar: I can give no opinion on that point.

Mr. Ram Narayan Singh: May I know what is the opinion of the Bihar Government?

The Honourable Sir Nripendra Sircar: They say: In view of the fact that an officer nominated would be required to speak and vote under the control of the Government of India, they are no longer willing to depute officers for this purpose.

FACILITIES FOR THE PASSAGE OF THE *PHOOKA* BILL IN THE CURRENT SESSION OF THE CENTRAL LEGISLATURE.

237. ***Sardar Mangal Singh:** Will the Honourable the Leader of the House please state:

(a) whether Government are prepared to provide special facilities for the passage of the *Phooka* Bill during this Session of the Central Legislature; and

(b) if the answer to part (a) be in the affirmative when Government propose to give time for its consideration?

The Honourable Sir Nripendra Sircar: (a) and (b) Government hope to introduce in the course of the current Session a more comprehensive Bill dealing *inter alia* with the question of *phooka*. If this hope is realised, the question of providing facilities for the private Bill on the subject will not arise.

FREEDOM FOR ENGLISH-KNOWING MEMBERS TO MAKE SPEECHES IN VERNACULAR IN LEGISLATURES.

238. ***Sardar Mangal Singh:** Will the Honourable the Leader of the House please state:

(a) whether the rulings of the Speakers of the several Provincial Assemblies about the question whether an English knowing member can address the House in vernacular, have been brought to the notice of Government;

(b) whether Government have considered or propose to consider their difficulties;

(c) whether Government have already moved or propose to move the British Government to amend section 85 of the Government of India Act, 1935, to enable the English knowing members to address the House in vernacular, if and when they so desire?

The Honourable Sir Nripendra Sircar: (a) The Government have seen the reports in newspapers regarding the interpretation placed by the various Speakers on section 85 of the Government of India Act, 1935. The question has also been raised by certain Provincial Governments.

(b) and (c). The Government of India have forwarded the letters of Provincial Governments for the consideration of the Secretary of State.

Mr. Sri Prakasa: Is it a fact that the Government intend to take the case to the Federal Court to make sure whether the ruling of the United Provinces Speaker is in conformity with the provisions of the Government of India Act?

The Honourable Sir Nripendra Sircar: I am not aware of it, Sir.

Sardar Mangal Singh: May I know whether the Government of India have made any comments regarding the amendment of section 85 on the letters of the Provincial Governments forwarded to them?

The Honourable Sir Nripendra Sircar: My answer was that the Government of India had forwarded the letters of the Provincial Governments for the consideration of the Secretary of State. If my Honourable friend really wants to know what is the opinion of the Government on the construction of the section, I do not want to express any opinion on a question of law here which may be dealt with by the Federal Court, if necessary.

MEASURES FOR PROHIBITION OF SLAUGHTER OF MILCH COWS.

239. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Secretary for Education, Health and Lands be pleased to state if a petition signed by 1,000 people of Poona City has been submitted to His Excellency the Viceroy asking for immediate prohibition of cow-slaughter in India with a view to increasing the supply of milk for the children of the soil in the interest of health and child-welfare?

(b) Will the Honourable Member be pleased to state the total quantity of milk supplied in India for the consumption of Indian people, if there are any statistics kept by Government?

(c) Will the Honourable Member be pleased to state if the Government of India have in contemplation any such Bill to be introduced in this House with a view to saving milch-cows from being slaughtered for any purpose during this Session or in autumn Session?

(d) Have Government received any opinion about any such steps for saving milch-cows for being slaughtered for any purpose? If so, what opinions were received and what reply to such opinions was given by Government?

(e) Will the Honourable Member be pleased to state if Government contemplate from the health and economic points of view the stoppage by legislation of the slaughter of milch-cows?

Sir Girja Shankar Bajpai: (a) Petitions signed by a large number of persons were received from the Secretary, Shri Gowardhan Sanstha, Poona, Wai and Bombay.

(b) No statistics are maintained by Government.

(c) and (e). Such legislation can be undertaken only by Provincial Governments.

(d) Suggestions have been made for the enactment of legislation which, however, as already stated, is a matter for Provincial Governments.

MEASURES FOR PROHIBITION OF SLAUGHTER OF MILCH COWS.

240. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will the Secretary for Education, Health and Lands please state whether his attention has been drawn to the recent public utterances of His Excellency the Viceroy deprecating the indiscriminate slaughter of cows in cities and urging the desirability of stopping it even by legislative measures?

(b) Have Government formulated any legislative measures to give effect to those utterances of His Excellency the Viceroy?

(c) If so, when do Government propose to introduce the measure in the Assembly?

Sir Girja Shankar Bajpai: (a) I should be glad if the Honourable Member would specify the utterances of His Excellency the Viceroy to which he refers.

(b) and (c). Legislative measures in this connection can be undertaken only by Provincial Governments.

Babu Baijnath Bajoria: Sir, may I ask if the Government of India have no responsibility about this indiscriminate cow-slaughter in India?

Sir Girja Shankar Bajpai: Does not my Honourable friend think that the shoulders of the Provincial Governments are broad enough to carry that responsibility?

Sardar Sant Singh: May I know if the Government of India are willing to take up legislation on these lines in respect of the centrally administered areas?

Sir Girja Shankar Bajpai: The question as regards the centrally administered areas is not, from the economic point of view, of sufficient importance.

Babu Baijnath Bajoria: Are not the Government of India primarily responsible for a very great deal of this slaughter . . . .

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

PROTECTION OF THE HANDLOOM WEAVERS.

241. ***Prof. N. G. Ranga:** Will the Commerce Secretary be pleased to state:

(a) the conclusions reached by the last Industrial Conference in regard to the handloom industry?

(b) whether it is not a fact that several representatives of Provincial Governments had pressed for action to be taken by the Government of India for the protection of the handloom weavers from the competition of the Indian textile mill industry; and

(c) whether Government are prepared to examine measures to protect them from the competition of the Indian mill industry?

Mr. H. Dow: (a) I would invite the attention of the Honourable Member to the reply given by me on the 4th February, 1938, to Mr. T. S. Avinashilingam Chettiar's starred question No. 132.

(b) Yes, Sir.

(c) The views expressed at the Conference are being examined by the Government of India.

NEGOTIATIONS REGARDING THE TUNGABHADRA PROJECT.

242. ***Prof. N. G. Ranga:** Will the Honourable the Leader of the House be pleased to state:

(a) the stage at which the negotiations between the Madras Government and the Governments of Mysore and the Nizam are in regard to the Tungabhadra Project;

(b) whether it is not a fact that an agreement was reached between the Governments of Madras and Mysore;

(c) if so, what are the terms of the agreement;

(d) what are the further points of conflict which are being negotiated upon;

(e) when Government expect to reach a final stage in these negotiations;

(f) whether Government are aware that while these negotiations are pursued over so many years, two famines, one in 1935 and in 1937, have already blighted the fortunes of millions of peasants in the ceded districts; and

(g) whether the Government of India is prepared to use their good offices to bring about an agreement between the Governments of the Nizam and Madras?

Mr. A. G. Clow: (a), (b) and (c). The Honourable Member is referred to the reply given by Sir Frank Noyce to part (a) of his starred question No. 384 on 10th February, 1937. The negotiations are still in progress.

(d) The main point for decision is the respective shares of the Governments of Madras, Bombay, Hyderabad and Mysore in the water that is estimated to be available.

(e) It is hoped that the negotiations will reach a final stage during the ensuing summer.

(f) No. Famine was declared in the Bellary and Anantapur districts in 1935 and not in all the Ceded Districts. Towards the end of 1937, famine was declared in the district of Bellary only.

(g) Yes, if their further assistance is desired by the parties.

Prof. N. G. Ranga: Is it not a fact that in spite of several conferences between the representatives of the Governments of Madras and of Mysore and of the Nizam no agreement has been reached up till now?

Mr. A. G. Clow: Yes; no agreement has yet been reached.

Prof. N. G. Ranga: Is it not a fact that the Madras Government have applied for the good offices of the Government of India in bringing about an agreement between these Governments?

Mr. A. G. Clow: Not since the last discussions took place with the Government of the Nizam.

Prof. N. G. Ranga: Do the Government of India intend to wait until one of these Governments applies for their good offices, or will they take the initiative themselves?

Mr. A. G. Clow: They propose to wait, Sir.

EFFECT OF THE SINO-JAPANESE WAR ON INDIAN EXPORTS AND IMPORTS.

243. ***Prof. N. G. Ranga:** Will the Commerce Secretary be pleased to state:

(a) what has been the effect of the Sino-Japanese War on (i) Indian exports to those countries and (ii) imports from those belligerent countries;

(b) whether there has been a slump in the prices of cotton, tobacco and other Indian exports because of the fall in their exports to these belligerent countries;

(c) if so, to what extent and in what commodities; and

(d) what steps have been taken or are proposed to be taken to help Indian peasants to export their stocks of these commodities to some other countries?

Mr. H. Dow: (a) I lay on the table statements showing the monthly course of India's trade with China and Japan for the year 1937. It is not possible to state the precise extent to which these variations are due to the Sino-Japanese hostilities, though it is obvious they are affected by them.

(b) There has been a fall in the prices of cotton, tobacco and of certain other commodities, but this fall would not appear to be due entirely, or even principally, to the Sino-Japanese hostilities.

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

Statement showing India's trade with Japan.

	Imports from Japan into British India. Rs. (lakhs).	Exports to Japan from British India. Rs. (lakhs).
1937—		
January	2,02	4,25
February	1,37	2,49
March	1,49	3,01
April	1,80	2,86
May	1,78	3,03
June	1,32	2,80
July	1,75	2,51
August	1,67	1,32
September	1,71	46
October	2,79	47
November	2,97	39
December	1,73	43

Statement showing India's trade with China.

	Imports from China into British India. Rs. (lakhs).	Exports to China from British India. Rs. (lakhs).
1937—		
January	15	5
February	13	6
March	8	3
April	7	6
May	8	5
June	12	17
July	10	17
August	11	22
September	7	29
October	8	19
November	7	22
December	10	15

REPORT ON THE PROBLEM OF AGRICULTURAL RESEARCH IN INDIA.

244. *Prof. N. G. Ranga: Will the Secretary for Education, Health and Lands be pleased to state:

(a) if Government have completed their consideration of the report submitted by Sir John Russell on the problem of Agricultural Research in India;

(b) if so, what conclusions they have arrived at;

(c) if only a partial examination of the report is done till now, what are the provisional conclusions arrived at by Government;

(d) whether they have arrived at any decision regarding the recommendation in the report for establishing a crop-planning and Soils Committee; and

(e) if they have thought it advisable to establish such a Committee, when they will establish it?

Sir Girja Shankar Bajpai: (a), (b) and (c) The examination of the Report is not yet complete, and Government do not think it desirable to publish any provisional conclusions.

(d) and (e). The recommendation was made to the Imperial Council of Agricultural Research which has it under consideration.

Prof. N. G. Ranga: When their consideration is over, do Government intend to place the results of their examination on the table of the House?

Sir Girja Shankar Bajpai: If my Honourable friend refers to the suggestion for the formation of a Crop Planning and Soil Committee, I should say that the decision of the Imperial Council of Agricultural Research will be made public in due course.

Prof. N. G. Ranga: Is it not a fact that this report has been under preparation for more than one year?

Sir Girja Shankar Bajpai: Sir, the data which have to be examined are fairly voluminous and complicated, and that is why there has been a delay.

Prof. N. G. Ranga: May I ask why more than two years has been taken for the mere examination of these data, after they have been received by the Imperial Council of Agricultural Research?

Sir Garja Shankar Bajpai: I have answered that question already,—it has been due to the complexity of the data which have to be examined.

Prof. N. G. Ranga: May I ask how much longer the Imperial Council of Agricultural Research propose to take to examine these reports and make available to the Government of India their conclusions thereon.

Sir Girja Shankar Bajpai: I gather one of the reports is already in the press.

STATISTICS OF THE COST OF CULTIVATION OF CROPS.

245. ***Prof. N. G. Ranga:** Will the Secretary for Education, Health and Lands be pleased to state:

(a) for which crops the statistics of the cost of cultivation are collected by the Imperial Council of Agricultural Research;

(b) when they will be published; and

(c) whether the reports containing such statistics will be made available at reasonable prices to the public?

Sir Girja Shankar Bajpai: (a) Attention of the Honourable Member is invited to the answer given to part (b) of the starred question No. 970 asked by Mr. H. M. Abdullah during the 1936 Simla Session of the Assembly.

(b) The report is under preparation and is expected to be published this year.

(c) Yes.

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): I have received a message from His Excellency the Governor General. It is as follows:

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

NEW DELHI; (SD.) *LINLITHGOW,*

The 2nd February, 1938. *Governor General."*

THE WORKMEN'S COMPENSATION (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Mr. A. G. Clow (Labour Secretary): Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Workmen's Compensation Act, 1923, for certain purposes.

RAILWAY BUDGET FOR 1938-39.

The Honourable Sir Thomas Stewart (Member for Railways and Communications): Sir, I rise to present to the House the Railway Budget for the year 1938-39. I confess that I am more fortunate than some of my predecessors in that the picture I have to show is somewhat happier than it fell to them to exhibit, although in the light of our more recent traffic returns it would be rash to indulge in too high a degree of optimism.

[Sir Thomas Stewart.]

As a preliminary, and in conformity with practice in the past, I would draw the attention of the House to an important change which, with the approval of the Standing Finance Committee for Railways, has been made in the form of one of the Demands, *viz.*, No. 6-H, which relates to the expenditure on the Electric Service Department. This demand has hitherto related almost entirely to the expenditure on the traction services of the Great Indian Peninsula, Bombay, Baroda and Central India and South Indian Railways. In order to secure a more efficient control of all the expenditure for which the electrical departments of the railways are initially responsible, it has been decided, with effect from 1938-39, to collect in one place under this demand all electrical expenses, whether they relate to traction services, general electric services or to communications and train control. It would be no improvement, however, if the effect of this change was merely to obscure the results of our very important traction systems. We have, therefore, shown in the relevant annexure separate figures under the three main heads—traction, general services and communication services.

2. An examination of the effect of the new allocation rules introduced last year to which reference was made in my predecessor's budget speech has shown that in practice they have tended unduly to burden the Depreciation Fund with many items of expenditure which, though they may involve the renewal of a part, are more correctly debitable to repairs. It was not contemplated that minor replacements would properly be a charge upon the Depreciation Fund, and the rules have been suitably amended to make this intention clear.

3. When my predecessor presented the current year's budget to the House, he expected that the surplus for the year 1936-37 would be of the order of 15 lakhs only. His conclusions were necessarily based on the figures of receipts and expenditure for the first nine months of the year, and in the event, it proved that his estimates had been on the conservative side. The result was a surplus of about 1¼ crores. An unexpected, but none the less welcome, improvement was experienced both on the receipts and on the expenditure side, the former going up by about ¼ crore, and the latter going down by approximately the same amount. Goods earnings mainly accounted for the improvement, cotton, sugar, oil-seeds, gram, pulses and other grains, wheat, jute and rice being the principal commodities which showed increased earnings. It is unnecessary for me to make further reference to last year's results since they are set out in great detail in the Railway Board's annual report which issued a few weeks ago. Let us, therefore, turn to our revised estimates for 1937-38. Sir Muhammad Zafrullah Khan budgeted for a total income of 92 crores from all sources and a total expenditure of 62½ crores, including depreciation. The net revenue was thus expected to be 29½ crores. Interest charges were placed at a little over 29¼ crores, leaving a surplus of something under a quarter of a crore—15 lakhs to be exact. We now anticipate that our total receipts will be about 95½ crores, and the total expenditure including depreciation 63½ crores, leaving a net revenue of 32 crores. After meeting interest charges expected to be 29¼ crores, we look, therefore, for a surplus of 2¾ crores. We may be accused of having been unduly pessimistic, but it must be remembered that the real nature and extent of the improvement in our earnings was not

apparent at the time the estimates were made. My predecessor felt that it would be unsafe to assume that even that measure of prosperity which was reflected in our gross earnings last year would continue in the present year. His expectations were that there would be some improvement in passenger earnings the movements of which generally lag behind goods earnings. Not only, however, have his expectations with regard to passenger earnings been fulfilled, but the momentum of the upward movement in goods earnings was not checked until the eighth month of the year. Except in the case of oil-seeds and cotton, the figure for each of the principal commodities carried on our railways showed a large increase. The number of tons of merchandise, carried in the first seven months showed an increase of about 9 per cent. and the ton mileage—which is more important—about 14 per cent. as compared with last year. The average lead per ton was 204 miles. The improvement in passenger earnings justified our anticipations. In the first seven months of the year the number of passengers on all class I railways increased by about 9 per cent. and passenger miles increased by about 10 per cent. But, whereas the improvement in passenger earnings has been well maintained and shows little sign of falling off, there has been a marked deterioration in goods earnings since November, and this is mainly attributable to the conditions subsisting in the cotton market. We now anticipate that our total traffic receipts for the current year will be 94¼ crores against 91¾ crores in 1936-37 and against our original estimate of 90¾ crores. On the other hand, working expenses, including depreciation, are expected to show an increase as against both the actual expenditure in 1936-37 and our original estimate for the current year. They will probably be about 1½ crores more than last year and about ¾ crore in excess of our original estimate. The main portion of this increase is due to the increase in the price of coal and in the consumption of stocks necessitated by the increased traffic, and also, in part, to the reconditioning of wagons and increased repairs to rolling stock. In addition, the accounts adjustment in connection with petty renewals means an addition of 10 lakhs to our working expenses as compared with last year.

4. Looking forward to 1938-39, we again hesitate to assume that the betterment enjoyed in the first half of this year will be maintained and the experience of the past two months gives us good reasons to pause. The realisations for December and January show a deterioration of 1¼ crores in comparison with the corresponding period in the last financial year. We have endeavoured not to be too pessimistic, but our recent experiences illustrate how rapidly trading conditions may change and how difficult it is at the present time to estimate forward with any certainty. We expect that our passenger earnings will not fall below the level at which they now stand, and we also hope that a certain amount of traffic, in cotton for instance, held back this year in the absence of favourable prices, may be carried over to next year. We have, therefore, taken 94¼ crores as our traffic receipts, the same as for the current year, and, since we expect an increase of ¼ crore in miscellaneous receipts, the total will be ½ crore more than in the year now drawing to a close. An increase of about ½ crore in working expenses appears inevitable. There will be no variation in the amount under depreciation, but we shall require additional money for the rise which we anticipate in the price of coal and other materials. Taking therefore our interest charges at 29¼ crores, we look for a surplus of 2¾ crores.

[Sir Thomas Stewart.]

5. So far as our capital programme is concerned, we propose to be as modest this year as we were last. In these circumstances, a budget speech can hardly achieve the spectacular, but I would refer to the recent completion of the King George the VI Bridge on the Assam Bengal Railway which spans the Meghna river between Bhairab Bazar and Ashuganj. This bridge provides a much improved means of communication between Dacca and Mymensingh on the west, and Chittagong and South Assam on the east, and as it replaces an expensive ferry and will thus make possible more economical use of engines and rolling stock, we hope that, apart from the increased convenience to the travelling public, the bridge will justify itself financially by yielding a return on our investment. Honourable Members will, I am sure, be glad to know that the structure has been built of Indian steel, fabricated in India to standards of accuracy comparable with those in any other part of the world. The project has been completed within the estimated cost of 56 lakhs, and we are now investigating the possibilities of a similar enterprise to cross the Brahmaputra from Pandu to Amingaon. But that is not for the immediate future. In the coming year we propose to take up the two Sind projects which it had been intended to commence in the present year. These are the Sind Right Bank Feeder lines and the Pithoro-Tando-Mithakhan railway alluded to last year by my predecessor. We are also making provision for an extension to link up Khadro on the Mirpurkhas-Khadro branch of the Jodhpur Railway with Nawabshah on the main line of the North Western Railway. These schemes are urgently required to serve the new and fertile areas which have recently been developed by the Lloyd Barrage and they will provide, we trust, a welcome addition to the communication system of the province of Sind. Provision has been made under these items for an expenditure of 55 lakhs.

6. Of our proposed expenditure on open lines not chargeable to revenue, the largest item is 4½ crores for rolling stock. The rise in the price of iron and steel due largely to the demand for these materials in connection with rearmament programmes in other parts of the world has inevitably affected our outlay on this account. We have, however, kept down our proposals to the minimum consistent with the requirements of prospective traffic. It will be remembered that my predecessor mentioned last year the proposed purchase of 2,000 general service wagons in 1937-38. When the question of calling for tenders for these wagons came under consideration, market conditions were rapidly moving against us, the price of steel was rising and the prospects of early and certain delivery were deteriorating. We, therefore, decided as a measure of prudence and of economy to enter into contracts with Indian wagon building firms for the supply of 6,095 broad gauge general service wagons, delivery to be spread over three years. Of this number, 2,095 are due to be delivered in 1938-39 and will account for a sum of 104 lakhs out of the 4½ crores to which I have just made reference. For expenditure on track renewals we have provided 4 crores and for bridges and other structural works 3¾ crores. It will be seen, therefore, that our gross figure of expenditure under this head of account, after allowing for various credits, amounts to over 10½ crores. It has, however, been our experience that the gross provision has on many occasions not been utilised in full and, in view of the

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unsettled conditions of the metal market and of the uncertainty of deliveries, we propose to follow our usual procedure and to reduce the total demand to something less than 9 crores, of which sum 2¼ crores will be chargeable to capital and the balance to the Depreciation Fund.

7. I have already alluded, in connection with the revised and budget estimate of working expenses, to the increase in the price of coal. Apart from its cost, however, the question of the adequacy of the supply of that essential commodity has been a source of no small anxiety throughout the year. Before its commencement an acute shortage of labour, especially in the Raniganj and Jharia coalfields had caused a serious drop in raisings from market collieries and we experienced considerable difficulty in maintaining normal services. Consequently, railways had to face, at the beginning of 1937-38, a serious depletion of stocks, deliveries from market collieries being then three lakhs of tons in arrears. The labour problem continued to be difficult and the general position in regard to supplies threatened to be critical not only for the railways, but also for industry in general. To meet that emergency we decided substantially to increase the output from State-owned collieries with the result that for the eleven months of 1937—January to November—the total output from these collieries was almost 21 lakhs of tons against 14¾ lakhs for the previous calendar year. We were thus enabled to relieve our own embarrassments and at the same time to release sorely wanted market supplies for the industrial user. That our action was justified may be judged from the fact that at the end of November 1937 contract deliveries from market collieries were over five lakhs of tons in arrears. I understand that recently market supplies have been more satisfactory, but unfortunately this coincides with our busy season when the requirements of other traffic must necessarily restrict the supply of wagons available for the transport of locomotive coal. The difficulties which we have experienced this year in discharging our responsibility to the interests of commerce and industry and to the public generally for the maintenance of our services make it incumbent on us to endeavour to place our coal supplies on a less precarious basis. Nor can we be indifferent to the implications, administrative and financial, of violent fluctuations from year to year in the output of our own collieries. This problem is engaging our urgent attention, but it is highly probable that with due regard to the interests I have already indicated, it will be necessary to maintain the raisings of coal from State-owned collieries at least the same level as in the current year.

8. It is appropriate that in the course of this budget speech I should take an opportunity to make reference to the report of the Railway Enquiry Committee which under the Chairmanship of Sir Ralph Wedgwood carried out an examination of our Indian railways and their organisation during last cold weather. But first, I would remind Honourable Members that the appointment of this Committee did not mark the first realisation of the necessity for keeping the organisation of our railways abreast of time and at the highest possible level of efficiency. Besides action taken by railway administrations on their own initiative, the recommendations of the Pope Committee of 1933 have received the earnest consideration of the various Railway Administrations and this House has been kept informed from time to time of the progress which has been made in following out these recommendations. The establishment of organisation branches on the Railways has been a good

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investment. Against an outlay of 11½ lakhs, the savings, as a result of their investigations, has been certified as 1¾ crores up to the end of the last financial year. Amongst the lines of investigation which have proved particularly valuable are the following: the improved utilisation of rolling stock; the reconditioning and extension of life of locomotives and wagons; reduction in the number of locomotives and carriages; concentration of repairs and closing of repair shops; job analysis; and speeding up of traffic in transit. The Wedgwood Committee have reaffirmed the majority of the recommendations of the Pope Committee and have added others which appear to offer fruitful avenues of investigation. The Railway Board has, therefore, undertaken, in the light of the Report, a fresh scrutiny of the results already achieved and have embarked upon a detailed examination of the many new suggestions which have been offered. A senior Mechanical Engineer has been placed on special duty to co-ordinate the research being carried out under the various railway administrations, and already there are indications that substantial economies will result. On the commercial side, the first step had already been taken before the Wedgwood Report was received, and in July last a proposal to strengthen the commercial department of the Madras and Southern Mahratta Railway was approved in the Standing Finance Committee for Railways. The Assam Bengal Railway have now put forward a plan for the re-organisation of their commercial activities, and other railways, I understand, have similar schemes under preparation. We have accepted the recommendations of the Wedgwood Committee in regard to our publicity campaigns and we realise that there is probably more to be achieved by concentrating on internal rather than on external advertising and by making a greater and more direct appeal to the third class passenger who after all is our best customer. In pursuance of this policy we have decided to close down our American Publicity Bureau at New York. It is, of course, impossible in the time I have at my disposal to embark on any detailed consideration of this valuable report and the action which has been taken thereon, but as I have already indicated in the House, I am taking steps to place Honourable Members in possession of complete information as to the decisions and action which have so far been taken on the various recommendations of the Committee.

I would, however, make special mention of one activity upon which we have entered with a view to creating additional traffic and winning back some of the passenger traffic which in recent years has been lost by railways to the roads. After satisfying ourselves of the reasonable successes of some modest experiments with rail cars on the Great Indian Peninsula and the Madras and Southern Mahratta Railways, we have decided to give this mode of transport a fuller trial on the North Western Railway where conditions appear particularly favourable, and on a lesser scale on the Bombay, Baroda and Central India Railway. The total initial outlay involved in these two projects will be 18 lakhs. The rail car is by its nature most suitable for short fast services with small payload on branch lines or on sections where only limited traffic offers and where only infrequent steam services can be justified and is, I believe, being operated profitably in many other countries under these conditions. Its principal advantages over steam stock are lower operating cost, avoidance of halts for fuelling or watering, improved acceleration and quicker turn-round at terminal stations, thus making it

possible to provide more frequent and more rapid services. We realise, however, that motor transport has come to stay and that it can in certain circumstances offer to the travelling public facilities and amenities which the railways do not. We have, therefore, decided ourselves to make the experiment of offering road services complementary to the railway. A new road has recently been opened between the headquarter towns of the Lyallpur and Jhang districts in the Punjab. The distance between those two towns by road and by rail is 48 and 101 miles respectively, the time taken for the respective journeys being approximately 2 and 4½ hours. The advantages of travelling by road are obvious. The Provincial Government, we understand, propose to limit the number of motor buses operating on this route and the railway has been given the option of taking up half of the permissible licences. We believe that this constitutes a very favourable opportunity for carrying out an experiment in road transport and we are, therefore, making arrangements to provide the service desired. The initial outlay will be something under one lakh of rupees and we shall watch with great care the results of what I frankly admit is a purely experimental venture.

9. Parallel with the problem of attracting the public to our traffic services is that of improving the amenities for the travelling public. The budget papers contain as usual a financial statement showing the expenditure in this behalf. As Honourable Members are aware, early in 1936, the Railway Central Advisory Council inspected a specimen third class carriage of an improved design. During 1937-38, 33 broad gauge and 115 metre gauge lower class bogie carriages have either been constructed or are in course of construction embodying most of the improvements in that model. The programme for 1938-39 includes 197 broad gauge and 109 metre gauge bogie coaches on the same general lines. It may be felt that the progress indicated by these figures is slow, but it has to be remembered that the life of a coaching vehicle is 30 years, and it would be wasteful to discard existing stock before it has reached the limit of its usefulness. It may be said that the process might be accelerated by converting existing carriages; the cost of such conversion, however, is prohibitive.

Of civil engineering works providing greater amenities for the third class passenger, the most important is that recently undertaken at Hardwar. Here an entirely new station building with an approach road has been provided, platforms have been widened, a waiting shed erected and sanitary arrangements improved. The benefit of these changes will be available to the pilgrims attending the approaching Kumbh Mela. Next year, of the 21 lakhs included in the budget for general improvements of the nature I now refer to, a sum of over 10 lakhs in all is to be devoted to lower class waiting rooms and halls and to the covering and raising of platforms.

10. I believe that all Honourable Members will agree with me that in the sphere of labour the maintenance of harmonious industrial relations is of cardinal importance, and we, the largest individual employer of labour in India, have had under consideration for some time past the question of improving the machinery for the prevention and settlement of disputes on railways. This is a problem which was given prominence by the Whitley Commission, and it has been examined in the light of their views and in the light of discussions between the Railway Board

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and the All-India Railwaymen's Federation. The Government of India have now appointed, as an experimental measure, a Conciliation Officer who has been stationed at Calcutta and who will be concerned with railways having their headquarters at that place. His more important duties will be, firstly, to establish and maintain contact with the Railway Administrations and with recognised trade unions and other bodies directly concerned in the relations between the Administrations and their employees; and, secondly, in the event of any actual or threatened dispute between these parties, to endeavour to maintain or restore harmonious relations. We have secured in Colonel Wagstaff an officer with wide experience of labour questions on our railways and, as he is now attached to the Labour Department, he will be in a position to take an independent view and will act as a friend both to the employers and to the employed. It is the intention, after he has completed his organisation, to establish an Industrial Advisory Board under the Chairmanship of Sir Zahid Suhrawardy, to which the Conciliation Officer can refer important disputes which he has been unable himself to resolve and which will be charged with the duty of advising the Railway Board on the issues involved.

11. Before I conclude, I would take this opportunity to correct what I believe to be a fairly widespread popular error. There is a considerable section of the public which regards our railways as the relentless enemies of the development of other forms of transport and which condemns their claim for the establishment of equality of competitive conditions as merely blind and stubborn opposition to natural economic progress. Both the railways and the Government of India are no less alive than others to the economic advantages to themselves as to the community as a whole of a sane and orderly development of road systems and road transport. They cannot for obvious reasons stand aside and watch the destruction through uneconomic competition of a national asset valued at over 750 crores; but they are at all times ready to co-operate in any scheme for the co-ordination of transport facilities which is to the ultimate economic advantage of the community. It was with a view to promote such co-ordination that the portfolio of Railways and Communications was created and as first Member in charge of that portfolio I wish to give the assurance that the endeavours of the departments within my charge will be directed towards that end.

12. There only remains for me to express on behalf of the Government of India our appreciation of the services of those, in the Railway Board and elsewhere, who are charged with the administration of our great railway systems in India. I would have Honourable Members believe that this is no mere formal duty repeated from year to year but that we here have the liveliest sense of gratitude to these officers for their loyalty and co-operation. Theirs is so often a thankless task. Charged with the operation of a widespread public utility service, they are only too open to public criticism, while their more solid achievements pass unnoticed. They may, I venture to think, pride themselves that they have brought our Indian railways, with no small success, through a period of unexampled difficulty. For some years past retrenchment and economy,—which they have willingly and cheerfully faced,—have inevitably meant frustration. Let me wish them in the future a more ample opportunity to make their contribution to the common weal.

ELECTION OF THE STANDING COMMITTEE FOR THE DEPARTMENT OF COMMERCE.

Mr. H. Dow (Commerce Secretary): 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 in the Department of Commerce."

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 in the Department of Commerce."

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, this House will remember that the year before last, when a like motion was moved in the House, this House threw it out for the reason that the Standing Committee for Commerce never met and was there only in name. Last year we put questions, and the Honourable Sir Sultan Ahmad, who was then Commerce Member, told us that it would be utilised more. We have met, if I remember right, once, and in these days when things of great importance and magnitude are being discussed, it is rather funny that the Standing Committee of the House is not made use of to any extent which any ordinarily reasonable man will expect.

Mr. N. M. Joshi (Nominated Non-official): What did that Committee discuss at that one meeting?

Mr. T. S. Avinashilingam Chettiar: As a rather innocent member of that innocent Committee let me tell the House what we discussed at that meeting. We must be thankful to the Honourable Sir Ghuznavi for his Bill which provided the subject of discussion for the Committee.

Mr. N. M. Joshi: We could have discussed it here.

Mr. T. S. Avinashilingam Chettiar: We discussed also a few innocent resolutions of the League of Nations which will never apply to this country and some resolutions about seamen. Questions of first rate importance, like trade agreements which are being negotiated today and others of equally great importance which are engaging the attention of the Government of India today and which are engaging the attention of people outside—these were not referred to the Committee, and if this is the way in which the Committee is to do its work, I would rather think that this Committee need not exist, and I would suggest to Government, before the House decides on its attitude on the motion before it, to say how they propose to make use of this Committee.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): I wish to add that as there are ten to fifteen Members on other Committees, I would like the membership of this Committee to be enlarged to at least seven, so as to give adequate representation to all sections of the House.

Mr. H. Dow: It was two years ago that this House declined to elect Members to this Committee. The Committee was again re-elected last year. It met once during the Simla season. I am afraid I cannot agree with the Honourable Mr. Chettiar that it dealt with matters of no importance. He said, I think, that one subject of discussion was the Honourable Sir A. H. Ghuznavi's Bill. I do not think that the Honourable Sir A. H. Ghuznavi will agree that his Bill is of no importance, but the question hardly arises, because as a matter of fact the Committee did not discuss that Bill at all. The Honourable Member, Mr. Chettiar, who was present, should have known that that was not one of the matters discussed by the Committee.

Mr. T. S. Avinashilingam Chettiar: It was Mr. Sapru's Bill.

Mr. H. Dow: The Bill that was discussed was the Honourable Mr. Sapru's Bill which was introduced in the Council of State. The reason why Sir Ghuznavi's Bill was not discussed was that, owing to the refusal of this House to elect a Committee in the preceding year, that Bill had already progressed to a stage at which it was no longer necessary for the Commerce Department to take the advice of the Committee. The reason why I have brought forward this motion a little in advance of the usual time is that there may be no lacuna between the present Committee and the Committee to be elected. It is not intended that this Committee should come into operation until the present Committee has completed its year of office.

Mr. M. S. Aney (Berar: Non-Muhammadan): What use is going to be made of this Committee--that is the point.

Mr. H. Dow: One other point that I should have made is this. The most important matter with which the Commerce Department was dealing during the year was, of course, the Indo-British Trade Negotiations and for that matter, we have an *ad hoc* Advisory Committee already in existence; and I do not think that it is necessary in such a case to bring these matters up before a Committee appointed by this House.

Mr. T. S. Avinashilingam Chettiar: May I know what was the important matter, if any, which was brought up before this Standing Commerce Committee?

Mr. H. Dow: I have already referred to one such matter. There were at the same meeting three other matters brought forward. The Honourable Member was himself present and should know.

Mr. T. S. Avinashilingam Chettiar: That is why I say there was no important matter brought up before the Committee.

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.

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 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): May I, Sir, ask the Honourable Member in charge of the Department whether this Committee met at all during the course of the year and if it did meet, what subjects were considered by this committee?

Sir Girja Shankar Bajpai: Sir, the Committee did not meet during the previous or the current year, but the reason for that is that the more important questions which are dealt with in my Department really come within the purview of the other two Committees which I have mentioned.

Mr. M. S. Aney (Berar: Non-Muhammadan): Sir, I want to make one suggestion. Whenever motions of this nature are passed by this House, I think it should be the duty of the Member in charge of the Department to publish an annual report of the proceedings of the meetings of these Committees and supply copies of the report to Members of the House.

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 for the purpose of election of Members for the Standing Committees for the Department of Commerce and the Department of Education, Health and Lands, the Notice Office will be open to receive nominations upto 12 Noon on Thursday, the 17th February, 1938, and that the elections, if necessary, for both the Committees will take place, as usual, in the Assistant Secretary's Room in the Council House, New Delhi, between the hours of 10-30 A.M. and 1 P.M., on Tuesday, the 1st March, 1938. The elections will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

THE STAMP DUTIES UNIFICATION BILL.

The Honourable Sir James Grigg (Finance Member): Sir, with your permission, before, I actually move the motion, I would like to call the attention of the House to a misprint which unfortunately occurs in clause 8: and if Honourable Members will be good enough to correct that misprint now, it will be unnecessary at a later stage to move formal amendments. The Schedule attached to clause 8 has been miscopied from the Relevant Schedule in the Distribution of Revenues Order in Council: the proper percentages shown against the Central Provinces and Berar should be 5, and against Assam 2.

With that preliminary, Sir, I beg to move for leave to introduce a Bill to fix uniform rates for the levy of certain stamp duties throughout British India, to impose for a period of two years a stamp duty on cheques, and to formulate the principles in accordance with which the net proceeds of the said duties shall be distributed among the Provinces.

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

"That leave be granted to introduce a Bill to fix uniform rates for the levy of certain stamp duties throughout British India, to impose for a period of two years a stamp duty on cheques, and to formulate the principles in accordance with which the net proceeds of the said duties shall be distributed among the Provinces."

The motion was adopted.

The Honourable Sir James Grigg: Sir, I introduce the Bill.

THE INDIAN OATHS (AMENDMENT) BILL.

The Honourable Sir Henry Craik (Home Member): Sir, I move:

"That the Bill further to amend the Indian Oaths Act, 1873, for a certain purpose, be referred to a Select Committee consisting of Mr. Gauri Shankar Singh, Mr. Badri Dutt Pande, Babu Kailash Behari Lal, Mr. Lalchand Navalrai, Syed Ghulam Bhik Nairang, Mr. Ghulam Kadir Muhammad Shahban, Mr. P. J. Griffiths, Mr. J. A. Thorne, Mr. E. Conran-Smith, Mr. G. D. Walker and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

I will first remind the House briefly of the object of this Bill. The subject with which we are dealing is the tendering of oaths to young children when they appear in Courts as witnesses; and when I use the word "oath" I would like to make it clear that that includes affirmation. In fact, since Hindu and Muhammadan witnesses are required under section 6 of the Indian Oaths Act to make affirmations instead of oaths, what we are concerned with in practice is for the most part the making of affirmations by young children. I mention this because in the previous debate there was some confusion on this point. The existing law is this, that every witness is bound by section 5 of the Indian Oaths Act to make an affirmation or an oath before he gives evidence. There are children who may be quite capable of understanding the questions put to them and who are therefore "competent to testify" under section 118 of the Evidence Act. But they may at the same time be incapable of understanding the meaning of an oath or affirmation. Then it may happen that the judge or magistrate will take the evidence of the child without requiring the child to make an oath or affirmation. This does in fact happen quite often and there is considerable danger of a superior or appellate Court

holding that because the child has not taken the oath or affirmation his evidence is inadmissible. It is quite true that section 13 of the Indian Oaths Act lays down that no omission to take the oath or affirmation can invalidate any proceeding. But the superior Courts, High Courts, have expressed grave doubts whether the word "omission" in that section covers an intentional omission on the part of a magistrate or judge to tender the oath or affirmation; and in any case it is undesirable that evidence should be given in a manner which is contrary to what is required by the substantive provision of the law. The law in England recognises this possibility, namely, that a child who may be a perfectly competent witness in the sense that he understands the questions put to him but may not understand the meaning of an oath or affirmation; and so the law in England specifically provides that such child need not be sworn but that its evidence will still be admissible. The Bill now under consideration seeks to bring about the same position in India. Circulation was agreed to when this Bill came up in March, 1937, and we have now collected the opinions of all the people to whom it was circulated. The people who gave us opinions had before them the proceedings of this House of March, 1937, when there was a considerable debate on the Bill, and they therefore were able to acquaint themselves with the objections raised to the Bill by certain Members of this House. I believe that those Members on studying the opinions received will recognise that their doubts and objections were in fact baseless, and I do not think it will be disputed that the great mass of opinion is in favour of the Bill. There are certain criticisms of detail, but it is enough for my present purpose to say that the general principle has been approved, and criticisms of detail can be considered and will be considered in the Select Committee.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, I am sorry that I should intervene on a question that is one in which I may be supposed not to be very much interested, but I do think that the actual conditions in a law Court, as they affect the laymen in the town and the country, should be placed before the House before it finally decides on a measure of this nature. Personally, Sir, I am opposed to all oaths; and I do not think that the existence of a provision making the taking of an oath or the making of an affirmation obligatory, at all serves the purpose for which this provision has been made. I may say, Sir, from some considerable experience of the way witnesses are brought before law Courts, tutored and instructed, that there is more lying than the speaking of truth after an oath or an affirmation, before a law Court. Though I have had nothing to do with law Courts as such, I have had,—and I speak in all humility,—some experience of these matters. I have been called upon to decide many cases as an arbitrator, when parties thought that I might be useful to them; and it is within my knowledge that when witnesses had been put before me to give evidence, the men who put those witnesses forward said to them: "This is not a law Court, you can speak the truth". In other words, when persons are not under the obligation of taking an oath or making an affirmation as required by the law, they speak the truth; while the general feeling is that in a law Court, after taking the oath or making the affirmation, one can speak a lie and make false statements with impunity. In these circumstances, I am of the opinion that the whole provision about taking an oath or making an affirmation of this sort should be abolished; but if I were to say that, probably I would be regarded as going beyond the scope of the Bill.

[Mr. Sri Prakasa.]

In a way, I welcome the move of the Government in introducing the Bill, because I think, the move is in the right direction inasmuch as it seeks to save a small child from taking an oath to make false statements. But I do think, Sir, that the age should be increased from 12 to 16 in this provision; and it should not be necessary at all for a child like that to take an oath. The Bill says that if the Court or the person having authority to examine a witness is of opinion that a child does not understand the meaning of an oath, then alone that child is to be exempted. I cannot understand how a Court will be able to decide whether a child is or is not capable of understanding the nature of an oath. I fear it is putting too great a strain on human nature. Unless the Court knows the child beforehand, knows its character, and all about its upbringing, how can a Court decide on the spur of the moment, that a child is or is not capable of understanding an oath? Therefore, from a practical and moral standpoint, I feel that these words should be taken out of the Act, and all children up to the age of 16 should be exempted from the necessity of taking an oath at all.

After all, what is the meaning of an oath to which the provision refers. It may be taken in two aspects. One is the moral necessity of speaking the truth; and the second is that if one does not speak the truth in particular circumstances, one is liable to be punished. I do not think that there is any third aspect to the subject. Now, the necessity of speaking the truth is always there, and it is no use introducing the name of God. Truth has to be spoken whether there is or there is not a God to see that one is speaking it; and therefore it should be obligatory on man to speak the truth without putting forward before him the bugbear of some supernatural power. Then, Sir, the second aspect is about the punishment; if one does not speak the truth when on oath, one is liable to be punished. In this House, for instance, if one makes an incorrect statement, one is not liable to be punished, and if there were a provision like that, probably many Members on the Opposite side will come under it. The simple fact is that if one makes a false statement in a law Court on oath, then alone one is punishable. I say, Sir, that there can be a provision for punishment for speaking a lie in a law Court without an oath at all. Surely that can be easily managed by making the necessary changes in the law. If we have a provision that a child speaking the untruth is liable to be punished, I believe the whole purpose will be served; and therefore it is no use requiring him to take an oath at all. I, therefore, think that these words can be easily taken out, and I hope later on a day may come when without taking away the provision about punishment a man may be called upon to give evidence in a Court of law without the necessity of taking an oath.

Sir, the curious thing is this, that the law exempts all lawyers from any punishment even if they were to tutor witnesses to say what is not a fact. The law says that all communications between the lawyer and his client are privileged. So a lawyer cannot be forced to disclose the nature of the communications that have taken place between him and his clients, and clients of course, as we all know, include witnesses. Even where there are provisions that the clients are not to go directly to barristers but are to go to barristers through solicitors, I know from my own knowledge of the subject that barristers and clients do meet directly on neutral ground. Therefore, Sir, the purpose which my Honourable friend, Sir Henry Craik,

seeks to serve by bringing this Bill is not going to be fulfilled. My own feeling is clearly that the worse gift of England to my country is the present judicial system of the land and while 50 years ago . . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is launching into a very general discussion. The Honourable Member must confine himself to the provisions of the Bill. It is a very short Bill and easy of discussion.

Mr. Sri Prakasa: I was simply saying that 50 years ago it would have been difficult to find a man in the countryside who would speak a lie and today it is difficult to find a man who would speak the truth; and that is entirely due to the machinations of lawyers due particularly to the existence of the provisions about oath. I am referring to the word "oath" again and again to make my remarks relevant. The men in the countryside have been clearly taught that no harm is done by telling lies after taking the oath. They do not generally speak lies outside law Courts; and that is why they do not like to go to arbitrators. They try to take their chance in the law Courts where lies are permitted in the name of God.

I make these suggestions in all sincerity and seriousness; namely, that the age mentioned in the Bill should be raised from 12 to 16; and that all children up to that age should be exempted from the necessity of taking it at all. It should not be made compulsory for the presiding officer in a Court of law first to decide whether a child is or is not capable of understanding the nature of the oath before he exempts him. The later provisions regarding punishment should continue, namely, that if the person concerned does speak a lie he is liable to be punished as prescribed by the law. If the Honourable the Home Member and the Select Committee that is going to assist him in this work, would please keep these suggestions of mine in their mind, I think that we shall be enacting a really good law or at least making a start along right lines that would lead to a better moral and social condition in the country before very long.

Mr. M. S. Aney (Berar: Non-Muhammadan): Sir, I would never have spoken at all to this motion,—because it is a perfectly innocent motion before the House and there should be no difficulty for the House to accept it also,—but for certain observations which my Honourable friend, Mr. Sri Prakasa, has made during the course of his speech, which was somewhat unusual in my opinion. He has laid down the general proposition that people think no harm is done by telling lies in Court when on oath and that they speak the truth before arbitrators. I take it that he was trying to be humorous; and according to our canons, there are certain occasions on which falsehood is permissible and humour is one of those conditions. I, therefore, think that I should not take his observations very seriously and I have very high authority also to support me in that fact and to take a charitable view of what my Honourable friend has said. The great Kalidas has said:

"Parihasavijalpitam Sakhe Paramarthena naiva grihyatam vachas."—

which means "what has been spoken in joke or in humour or in satire ought not to be taken seriously". I want these observations of my friend not to be taken seriously, when he has in a sweeping way characterised all Indians as liars speaking falsehood in a Court of justice where they have to take the oath before making statements.

Mr. Sri Prakasa: All lies in a Court of law are not humour.

Mr. M. S. Aney: My point is this, so far as the present Bill is concerned, I think it was one of the things which was really wanted, and an amendment of the Indian Oaths Act on these lines will, in a way, remove an anomaly which has existed in the law; and I, therefore, support the motion to refer the Bill to a Select Committee.

Mr. Badri Dutt Pande (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): I support the principle of the Bill. I think it would have been better if a Bill were brought up to abolish all oaths. In our Dharma Shastras I find this:

"Satyam hanti sutam hanti, hanti punyam purakritam,
Swargastha pitaram hanti yadi satyam na bhashate."

"If I don't speak the truth, it will disgrace me, my sons and all my ancestors. It will affect their honour and mine."

God is not invoked here. Our ancestors swore on their honour. That was the form. We should also have an oath like that. When we have to take an oath here we are taunted outside . . . .

Mr. President (The Honourable Sir Abdur Rahim): That has nothing to do with this Bill.

Mr. Badri Dutt Pande: This Bill refers to oaths.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member wants all oaths to be abolished. The Bill only says that a magistrate should have the power not to administer oath in certain cases.

Mr. Badri Dutt Pande: I want that even bigger persons should be exempted from taking the oath and I support Mr. Sri Prakasa that the age of the boy be raised from 12 to 16.

Swearing in ceremony is a medieval affair and it should be stopped now. People should make an affirmation on their honour only.

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

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

"That the Bill further to amend the Indian Oaths Act, 1873, for a certain purpose, be referred to a Select Committee consisting of Mr. Gauri Shankar Singh, Mr. Badri Dutt Pande, Babu Kailash Behari Lal, Mr. Lalchand Navalrai, Syed Ghulam Bhik Nairang, Mr. Ghulam Kadir Muhammad Shahban Mr. P. J. Griffiths, Mr. J. A. Thorne, Mr. E. Conran-Smith, Mr. G. D. Walker and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 15th February, 1938.

LEGISLATIVE ASSEMBLY.

Tuesday, 15th February, 1938.

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

MEMBER SWORN.

Lieut.-Colonel Sir Henry Gidney, M.L.A. (Nominated Non-Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

RETENTION OF BRITISH TROOPS IN PROVINCES FOR INTERNAL SECURITY PURPOSES.

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

(a) whether, since the last Session, Government have addressed the Local Governments whether they insist upon having British troops for internal security purposes; and

(b) whether Government have received any replies, if so, what is the nature of their replies?

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

(b) Does not arise.

Mr. T. S. Avinashilingam Chettiar: May I know why the Government of India have consistently refused to address Local Governments in this matter?

Mr. C. M. G. Ogilvie: I would refer the Honourable Member to the question asked during the last Session at which the answer given was that it was unnecessary and had never been done before, that it was undesirable, and that Government could not do so.

Mr. D. K. Lahiri Chaudhury: Will Government state the reason why it is considered undesirable?

Mr. C. M. G. Ogilvie: Because there is no good to be gained from following the procedure suggested.

Mr. Lalchand Navalrai: May I know if confidentially Provincial Governments have been taken into confidence in regard to this question?

Mr. C. M. G. Ogilvie: I do not understand what the Honourable Member's question is.

Mr. Lalchand Navalrai: My question is that although the general public might not be taken into full confidence, whether the Government of India have ever been confidentially in communication with the Provincial Governments in this matter?

Mr. C. M. G. Ogilvie: There is nothing confidential about this matter at all.

Mr. T. S. Avinashilingam Chettiar: In view of the fact that the substitution of British troops will be a cause of great saving to the Indian exchequer, will they consider the advisability of addressing Local Governments?

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

MOVEMENTS OF TROOPS FROM BRITISH INDIAN PROVINCES.

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

(a) whether troops were moved from any of the British Indian Provinces this year;

(b) whether any of the Local Governments protested against the replacement of British by Indian troops; and

(c) if so, which were the Provinces and what were the grounds of their protests?

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

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

Mr. T. S. Avinashilingam Chettiar: Sir, I do not put question No. 248.

†248*.

RECOMMENDATIONS MADE BY THE RESERVE BANK OF INDIA ABOUT FINANCING OF CO-OPERATIVE ORGANISATIONS.

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

(a) whether Government have received any replies from the Provincial Governments regarding the recommendations made by the Reserve Bank in their report with regard to financing of co-operative organisations;

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†This question was not put by the questioner.

(b) what is the nature of their replies; and

(c) whether they have come to any conclusion in the matter?

The Honourable Sir James Grigg: (a) and (b). The replies so far received relate to matters which are within the competence of the Provincial Governments.

(c) Does not arise.

STOPPAGE OF THE EXODUS OF CERTAIN ATTACHED OFFICES TO SIMLA.

250. ***Seth Govind Das:** Will the Honourable the Home Member be pleased to state:

(a) whether it is a fact that Government contemplate not to take some offices to Simla this year; and

(b) what will be the approximate net saving to Government on account of their leaving these offices behind at Delhi?

The Honourable Sir Henry Craik: (a) I would refer the Honourable Member to the Press Communiqué, dated the 19th January, 1938, and to the reply given on February 2nd, to Mr. Santhanam's question No. 90.

(b) The necessary information is being collected and will be laid on the table of the House.

INDIAN TROOPS SENT TO THE FAR EAST DURING THE RECENT SINO-JAPANESE WAR.

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

(a) whether the Indian troops sent to the Far East during the recent Sino-Japanese war were ever called into action;

(b) if so, what was the nature of the action and what is the extent of casualties; and

(c) how much longer their presence will be necessary there?

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

(b) Does not arise.

(c) It is not yet possible to say.

Mr. Sri Prakasa: May I know what are the exact functions that these troops are now performing?

Mr. C. M. G. Ogilvie: They are forming a portion of the garrison of Hong Kong.

Mr. Mohan Lal Saksena: What is the amount of the total cost of sending these troops?

Mr. President (The Honourable Sir Abdur Rahim): That is not in the question. Next question.

POLITICAL PRISONERS UNDER THE DIRECT CONTROL OF THE GOVERNMENT OF INDIA.

252. *Mr. Badri Dutt Pande: Will the Honourable the Home Member be pleased to state if there are any prisoners convicted or detained for political offences still under the direct control of the Government of India or have they all been released?

The Honourable Sir Henry Craik: I am collecting information and will lay a reply on the table of the House in due course.

CENTRALISATION OF THE ADMINISTRATION OF CENTRAL EXCISE WORK.

253. *Mr. Govind V. Deshmukh (on behalf of Seth Govind Das): Will the Honourable Member-in-charge of Finance Department be pleased to state:

(a) whether Government have definitely decided to proceed with centralization, under the Central Board of Revenue, the administration of central excise work, now performed by Provincial Governments;

(b) since when this proposition will take effect;

(c) the Provinces in which it will be given effect;

(d) the officers in whose hands the routine administration will be left;

(e) whether any new posts will be created to take charge of the administration the centralisation involves;

(f) the reasons actuating Government for the centralisation of the administration; and

(g) the Provinces which will be adversely affected as a result of centralization of administration and whether any relief will be granted to such Provinces?

Mr. A. H. Lloyd: (a) and (b). The Government of India have decided to centralise the administration of Central Excises under the Central Board of Revenue with effect from the 1st April, 1938.

(c) The question of the action to be taken in Bengal is still under consideration. Otherwise, the scheme is being proceeded with in all the provinces except Sind and Orissa.

(d) In Bombay and Madras the arrangements will, in the first instance, be put in the hands of the Collectors of Salt Revenue in those provinces and in the Northern Indian provinces in those of the Commissioner of Central Excises and Salt, Northern India, in whose appointment has been merged that of the Commissioner, Northern India Salt Revenue.

(e) Yes. Under the Commissioner of Central Excises and Salt, Northern India, two Deputy Commissioners and a Chief Accounts Officer have been appointed with effect from the 1st February, 1938. It is also proposed to appoint some Assistant Commissioners, Superintendents and subordinate staff under the Commissioner of Central Excises and Salt,

Northern India, with effect from the 1st April, 1938. For Madras and Bombay the existing temporary wholetime posts of Collectors of Salt Revenue will be retained. It is also proposed to continue the post of the Headquarters Assistant in Madras after the 28th February, 1938, and to create a similar post in Bombay from the 1st April, 1938. Certain subordinate staff will also be required for Bombay and Madras and the question in being examined.

(f) The Government of India considered it desirable on merits that the administration of Central Excises, and particularly that of Sugar Excise, should be under their own close control and should be conducted on as uniform lines as possible.

(g) The Government of India do not see how the scheme can adversely affect any Province that has been making a proper charge for exercising its agency functions.

Mr. T. S. Avinashilingam Chettiar: What is the financial effect of the centralisation?

Mr. A. H. Lloyd: I am afraid I cannot answer that question absolutely accurately at this stage. There will be a small extra charge compared with what we are now paying.

Mr. D. K. Lahiri Chaudhury: Were the Provincial Governments consulted before the idea of centralisation came in?

Mr. A. H. Lloyd: Well, Sir, the idea of centralisation was first formed and Provincial Governments were then consulted.

Mr. D. K. Lahiri Chaudhury: Was the Bengal Government consulted in this matter?

Mr. A. H. Lloyd: Yes, Sir.

Mr. D. K. Lahiri Chaudhury: May I know what is the opinion of the Bengal Government?

Mr. A. H. Lloyd: No, Sir.

Mr. Lalchand Navalrai: With regard to clause (e), may I know whether the officers required have been already appointed, or any more officers will be appointed, if so, who, and how many?

Mr. A. H. Lloyd: No more officers will be required to take charge of the administration than is there referred to.

Mr. Lalchand Navalrai: Will there be subordinate officers appointed?

Mr. A. H. Lloyd: I do not know what part of India the Honourable Member is speaking of? Is it Sind?

Mr. Lalchand Navalrai: Certainly Sind.

Mr. A. H. Lloyd: In regard to Sind, the answer is given in my answer to part (c):

"Otherwise, the scheme is being proceeded with in all the provinces except Sind and Orissa."

Mr. Mohan Lal Saksena: In regard to the United Provinces, may I know if the Government consulted were the interim ministry?

Mr. A. H. Lloyd: My impression is that the reply came in after the present ministry was in office, but I cannot be quite certain. I know a number of replies came in after that.

PROOF FOR CLAIMING REFUND OF INCOME-TAX IN RESPECT OF REPAIRS TO PROPERTY.

254. ***Mr. K. Santhanam:** Will the Honourable the Finance Member be pleased to state:

(a) whether, in making the allowance permissible under section 9—1 (*i*) of the Income-tax Act, 1922, in the case of properties in respect of which the owner has undertaken to bear the cost of repairs, vouchers or other proof, showing the cost of repairs done to the property during the year, are required to be produced by the owner in support of his claim for the allowance; and

(b) if the answer to part (a) be in the negative, whether Government are prepared to consider the desirability of insisting upon such proof?

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

(b) No. Government cannot insist on such proof as the amount of the allowance has been fixed by law.

CERTAIN GOVERNMENT OF INDIA OFFICERS DRAWING SPECIAL PAY.

255. ***Mr. K. Santhanam:** Will the Honourable the Finance Member be pleased to state:

(a) the number of officers under the Government of India who are getting a salary of Rs. 1,000 and above and are drawing special pay in addition;

(b) the grounds on which the special pay is granted to them;

(c) whether these grounds are periodically scrutinised;

(d) how many of these officers are liable to be transferred to posts carrying no special pay;

(e) whether the special pay counts for leave and pension;

(f) when an officer having special pay is on leave, whether the person appointed to officiate in his post also gets the special pay, while the officer on leave is getting it; and

(g) the total saving that would accrue to the Government of India if the special pay is abolished?

The Honourable Sir James Grigg: (a), (d) and (g). It is presumed that the Honourable Member's question refers to all officers whose salaries are debited to Central Revenues, and not merely to officers serving

in the Government of India Secretariat. The Government of India consider that the time and labour involved in the collection of the information required would be out of proportion to any advantage likely to be gained. The Honourable Member may take it that the great majority of these posts are mentioned in the Pay and Cadre Schedules and in the Superior Civil Services Rules, copies of which are available in the Library of the House.

(b) Attention is invited to Fundamental Rule 9 (25).

(c) Yes.

(e) and (f). Yes.

Mr. K. Santhanam: With reference to part (g), would it not be in the order of some crores?

The Honourable Sir James Grigg: I cannot believe that, because to the best of my recollection the whole of the pay of the Indian Civil Service for the whole of India would be of the order of two crores and so their special pay cannot possibly amount to some crores.

Mr. K. Santhanam: If you take into consideration all the officers in the Government of India Secretariat?

The Honourable Sir James Grigg: I am absolutely certain without any investigation at all that the figures involved are not anything like that or indeed other than a small fraction of the amount the Honourable Member mentioned.

INDIANS AND NON-INDIANS WITH HIGHER SALARIES EMPLOYED IN THE ARMY, INCLUDING NAVY, ETC.

256. ***Mr. Manu Subedar:** (a) Will the Defence Secretary state the number of (i) Indians and (ii) non-Indians employed in connection with the defence in all branches of the army, including navy and air forces and the general staff, who are in receipt of a salary (including allowances) of Rs. 400 per month or more?

(b) Will he please give the corresponding number of Indians and non-Indians in 1930-31 and 1934-35?

Mr. C. M. G. Ogilvie: (a) and (b). The information required by the Honourable Member cannot readily be extracted from the accounts and would require an expenditure of time and labour which would not be justifiable.

As far as officers are concerned, however, the following information may be useful as a guide, and in conjunction with the Navy, Army and Air Force lists, copies of which are in the Library of the House, will enable an approximate calculation to be made in respect of officers.

All officers of, and above, the following ranks are in receipt of monthly emoluments of Rs. 400 per mensem or above:

I. *Royal Indian Navy*—	
(a) British Officers—	
(i) Executive Branch	Lieutenant of two years seniority.
(ii) Engineer Branch	On promotion to Lieutenant.
(b) Indian Officers—	
(i) Executive, and Engineer Branches .	Lieutenant of four years seniority.
II. *Army*—	
(a) British Officers (including K. I. C. O.) . .	2nd Lieutenant.
(b) Indian Commissioned Officers . . .	Those over three years and nine months service as Lieutenant.
III. *Air Force*—	
(a) British Officers—	
General Duty and Stores Branches . .	Pilot Officers.
(b) Indian Officers—	
(i) General Duty Branch . . .	Flying Officer.
(ii) Stores Branch	Flight Lieutenant.

Mr. President (The Honourable Sir Abdur Rahim): The statement that has been read out by the Honourable Member should have been laid on the table.

Mr. Manu Subedar: Can the Honourable Member say, in view of the fact that the information asked for by me cannot be given, whether the number of Indians in the grades which he read out has increased since 1934-35 or has diminished?

Mr. C. M. G. Ogilvie: My impression is that it has substantially increased.

Mr. Manu Subedar: Similarly, has the number of Europeans also increased.

Mr. C. M. G. Ogilvie: That I am not prepared to say. I do not think it has.

MEASURES FOR RELIEF OF AGRICULTURAL DEBTORS.

257. ***Mr. Manu Subedar:** (a) Will the Honourable the Finance Member be pleased to lay on the table a summary of measures passed by the Provincial Governments for the relief of agricultural debtors?

(b) Are Government aware of any of the Provincial Governments having consulted the Reserve Bank authorities on this subject?

The Honourable Sir James Grigg: (a) The information can be obtained from the proceedings of the Provincial Legislatures.

(b) I would refer the Honourable Member to the statements made on this subject in the report of the Reserve Bank for the year 1937 and in the Governor's address to the share-holders at the general meeting held on the 7th of February.

Mr. Manu Subedar: Can the Honourable Member assure the House that several legislations which have been passed on this subject in the Provincial Legislatures do not encroach on the province of the Government of India as provided in item 38 of the Seventh Schedule of the Government of India Act?

The Honourable Sir James Grigg: I can answer that if the Honourable Member puts down a specific question about a specific measure.

Mr. Mohan Lal Saksena: Do the Government contemplate bringing in similar measures for the centrally administered areas?

The Honourable Sir James Grigg: No, Sir.

Mr. Mohan Lal Saksena: Why not, Sir?

The Honourable Sir James Grigg: I do not think that arises out of this question.

ORDERS OF THE MILITARY AUTHORITIES AT LANSDOWNE *RE* CELEBRATION OF THE INDEPENDENCE DAY.

258. ***Mr. Mohan Lal Saksena:** (a) Will the Army Secretary be pleased to state if it is a fact that the military authorities at Lansdowne passed orders regarding the celebration of the Independence Day, prohibiting the reading of the pledge of independence in public places, including the bazar area?

(b) If so, were the orders passed under instructions of the Government or on the initiative of the local authorities?

(c) Were similar orders issued at any other place? If not, for what reasons were the orders passed?

(d) Do Government propose to cancel the aforesaid order?

Mr. C. M. G. Ogilvie: (a) The facts of the case are that the O. C. station met certain local political leaders and discussed with them the undesirability of reading the "independence pledge" in Lansdowne Cantonment. The discussion was friendly and the people concerned voluntarily decided not to proceed with the reading of the pledge. In this particular case therefore, the question of prohibition did not arise. The military authorities and local leaders acted in friendly co-operation.

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

(c) Government have no information. In this respect, however, I draw attention to the answer given by me to part (b) of Mr. T. S. Avinashilingam Chettiar's starred question No. 147 of the 7th February, 1938.

Mr. Badri Dutt Pande: Is it a fact that persons were told that they will be turned out of the Cantonment if they held a meeting there on the 26th?

Mr. C. M. G. Ogilvie: I am not quite sure what the trend of the Honourable Member's question is. It rather seems that he was disputing what I have read to him.

Mr. Badri Dutt Pande: Is it not a fact that the persons were threatened to be turned out of the Cantonment if they persisted in holding a meeting on the 26th of January?

Mr. C. M. G. Ogilvie: As far as I know, they did hold the meeting and were allowed to hold one. They were not allowed to read the Independence Pledge, rather they agreed not to read it. If they had not agreed not to read the Independence Pledge, I have no doubt that the threat the Honourable Member has spoken of would have been administered.

Mr. Badri Dutt Pande: Were the processions banned on that day?

Mr. C. M. G. Ogilvie: The actual terms agreed upon were as follows: No processions were to be taken outside the Bazaar area.

Mr. Badri Dutt Pande: What about the processions within the Bazaar area?

Mr. C. M. G. Ogilvie: Within the Bazaar area, apparently, they were allowed. It was said that all celebrations, meetings, etc., were to take place strictly within the Bazaar area.

Mr. Mohan Lal Saksena May I know under what law the threat would have been administered if they had read the Independence Pledge?

Mr. C. M. G. Ogilvie: If the Honourable Member will read section 239 of the Cantonments Act, he will see that the Officer Commanding the station has power, in the event of any one doing anything or being likely to do anything or seeming to him likely to do anything which will disturb the tranquillity of his troops, will affect their discipline or is directed against their loyalty, to take steps to expel him from the cantonment.

Mr. Sri Prakasa: Can the Cantonment authorities act against the orders of the Provincial Government or go beyond them?

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

RELEASE OF STATE PRISONERS.

259. ***Mr. Mohan Lal Saksena:** (a) Will the Honourable the Home Member be pleased to state whether Government have considered the advisability of releasing the State prisoners? If not, do they propose to do so at an early date?

(b) When were the cases of the detenus, confined in Naini jail, considered last and by whom?

(c) When was the case of *ex*-Maharaja of Nabha detained at Kodaikanal reviewed last? For how long has he been under detention, and under what conditions, if any, is he to be set at liberty?

The Honourable Sir Henry Craik: (a) and (b). There are three State Prisoners for whom the Central Government are responsible, namely, the three prisoners who were until recently lodged in the Naini Central Jail

but who are now in the Delhi District Jail. Their cases are reviewed every six months by the Government of India and were last considered in September, 1937.

(c) The Honourable Member's attention is invited to the reply given by the Honourable the Leader of the House to Sardar Mangal Singh's question No. 255 on the 1st September, 1937.

Mr. Lalchand Navalrai: With regard to part (c) of the question, may I ask if the Government have re-considered the question after the last answer was given?

The Honourable Sir Henry Craik: That is a matter for the Crown Representative and not for the Government of India.

Sardar Mangal Singh: Is it not a fact that my question relating to the *ex*-Maharaja of Nabha was about his health? That question had nothing to do with his release.

The Honourable Sir Henry Craik: The Honourable Member's question was: "Will the Honourable the Leader of the House please state whether the question of the release of the *ex*-Maharaja of Nabha, who is now confined at Kodaikanal under Regulation III of 1818, now rests with the Madras Government or the Government of India?"

It had nothing to do with his health: it was about his release.

Mr. Mohan Lal Saksena: May I ask why these detenus were transferred from the Naini Central Jail to the Delhi District Jail?

The Honourable Sir Henry Craik: I am not certain: I must have notice.

MINISTERIAL OFFICERS BELONGING TO ASSAM IN THE GOVERNMENT OF INDIA SECRETARIAT.

260. ***Maulvi Abdur Rasheed Chaudhury:** Will the Honourable the Home Member please state:

(a) the total number of ministerial officers in the Government of India Secretariat;

(b) how many of them, if any, belong to the Province of Assam; and

(c) whether Government propose to take more Assamese in these services in future?

The Honourable Sir Henry Craik: (a) and (b). I presume the Honourable Member refers to Assistant Secretaries and Superintendents. The number of permanent Assistant Secretaries and Superintendents on the 1st February, 1938, was 18 and 60, respectively, and none of them belongs to the Province of Assam.

(c) Government have not recognised the principle of territorial representation, and there is no reservation in the Central Services for Assamese as such.

Maulvi Abdur Rasheed Chaudhury: May I know on what basis, the ministerial officers of the Government of India Secretariat are appointed? Are they appointed on provincial basis or any other basis?

The Honourable Sir Henry Craik: The Honourable Member is aware that there are certain reservations for minority communities, but there is not, and never has been, any reservation for the inhabitants of any particular province or area.

Maulvi Abdur Rasheed Chaudhury: Am I to understand that the Assamese will have no chance of having any appointment in the Government of India Secretariat?

The Honourable Sir Henry Craik: They have exactly the same chance as anybody else.

Mr. Abdul Qaiyum: If Government are not following any territorial basis for appointment, how is the British ratio fixed in these services? Is it not on a territorial basis?

Mr. President (The Honourable Sir Abdur Rahim): That is a matter for argument.

INADEQUACY OF THE POLICE ARRANGEMENTS AND THE MUNICIPAL SERVICES DURING SUMMER SEASONS AT NEW DELHI.

261. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will the Honourable the Home Member be pleased to state if after the Government of India move up to Simla annually, the public services, municipal and other, are cut down drastically in New Delhi till Government moves down again in winter?

(b) Is it a fact that most of the roads in New Delhi are either unlit or only partially lit during the nights of the summer season?

(c) Is it a fact that, during this period, a number of thefts occur owing to the paucity of the police force in New Delhi?

(d) Will Government place on the table a statement showing the number of thefts reported to the police during the summer seasons of 1935, 1936 and 1937 and also the number of cases in which the police were able to trace the property and hand it over to the owners?

(e) Are Government prepared to consider the desirability of maintaining the police and the municipal sanitary services at their full level during the ensuing summer season?

The Honourable Sir Henry Craik: The information is being obtained from the Chief Commissioner, Delhi, and will be laid on the table in due course.

ALTERATION IN THE RULES *RE VIVA VOCE* OF THE INDIAN CIVIL SERVICE EXAMINATION IN INDIA.

262. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will the Honourable the Home Member be pleased to state the reasons for the recent alteration in the rules regarding *viva voce* examination for candidates appearing for the Indian Civil Service examination in India?

(b) Does the same rule prevail in England for the London examination? If not, why has a departure been made in the case of Indian students appearing in India?

The Honourable Sir Henry Craik: (a) I presume the Honourable Member is referring to the notice issued by the Federal Public Service Commission to the effect that the Commission will require only those who qualify in the written tests to present themselves for interview. The reason for this procedure is that, in view of the large increase in the number of candidates, it would be impossible for the Commission to interview all the candidates in the time available.

(b) No; since the circumstances necessitating the adoption of this procedure have not arisen in England.

Mr. C. N. Muthuranga Mudaliar: Are the Government aware that by the latest procedure prescribed for *viva voce* examination the candidates will be obliged to incur double expenditure in travelling which involves great hardship for those coming from long distances?

The Honourable Sir Henry Craik: In the case of candidates who succeed in obtaining a certain standard of marks, in the written test, it would mean their coming back for interview in Delhi. I believe some of the candidates have always got to do that.

Mr. C. N. Muthuranga Mudaliar: Will the Government allow travelling allowance for candidates who have to attend a second time?

The Honourable Sir Henry Craik: I must have notice.

PROPOSALS FOR THE REDUCTION OF PAY OF THE INDIAN CIVIL SERVICE AND THE INDIAN POLICE SERVICE.

263. *Mr. C. N. Muthuranga Mudaliar: (a) Will the Honourable the Home Member state at what stage the proposals for reducing the pay of the Indian Civil Service and the Indian Police Service are at present?

(b) Are Government aware that in Madras, Bombay and the United Provinces, schemes have been or are being put through for permanently reducing the pay of new entrants to the provincial services?

The Honourable Sir Henry Craik: (a) The position is still as stated in the answer given on the 30th September, 1937, to the Honourable Member's starred question No. 933.

(b) I understand that certain Provincial Governments have reduced or contemplate the reduction of rates of pay for new entrants into the Provincial Services.

Mr. C. N. Muthuranga Mudaliar: For how long will this consideration be carried on?

The Honourable Sir Henry Craik: The answer to the Honourable Member's previous question was:

"The question has been deferred till the occasion arises to review the future recruitment and conditions of service of the Indian Civil Service and the Indian Police Service".

PAUCITY OF INDIAN OFFICERS IN THE DEFENCE DEPARTMENT.

264. *Babu Kailash Behari Lal: Will the Defence Secretary be pleased to state:

(a) if it is a fact that in the Defence Department there is not a single Indian down to the post of an Under Secretary;

(b) if it is a fact that on the administrative side of Army Headquarters, civilians of Indian nationality cannot be Under Secretaries;

(c) if it is a fact that the audit of military expenditure is handed over to a civilian of British nationality; and

(d) if it is a fact that an officer from the War Office is to be imported for the post of Financial Adviser to the Defence Department?

Mr. C. M. G. Ogilvie: (a), (c) and (d). I refer the Honourable Member to the replies given by the Home Secretary to parts (b) and (c) of starred question No. 807 asked by Mr. S. Satyamurti on the 27th September, 1937.

(b) There are no posts of Under Secretary in Army Headquarters.

CERTAIN STATE PRISONERS UNDER REGULATION III OF 1818 IN THE PUNJAB.

265. *Mr. Sri Prakasa: Will the Honourable the Home Member state:

(a) if it is a fact that Messrs. Amir Haidar Khan, Teja Singh Swatantra, Ram Kishan and Vasudeva Singh are indefinitely confined in the Punjab jails under Regulation III of 1818;

(b) if so, how long they have been so confined and when their cases were last examined; and

(c) if Mr. Teja Singh Swatantra is being prohibited from attending to his duties as an elected member of the Punjab Provincial Legislative Assembly?

The Honourable Sir Henry Craik: (a) to (c). The responsibility for these State Prisoners passed to the Provincial Government from the 1st April, 1937, on the introduction of Provincial Autonomy.

Mr. Sri Prakasa: Is it a fact that Regulation III prisoners are also now under the Provincial Government?

The Honourable Sir Henry Craik: Yes, Sir.

DEATH OF STATE PRISONERS CONFINED UNDER REGULATION III OF 1818.

266. *Mr. Sri Prakasa: Will the Honourable the Home Member state the number of prisoners confined under Regulation III of 1818 that have died since 1932 and the disease from which each died?

The Honourable Sir Henry Craik: Two. One died of apoplexy. I am ascertaining the cause of death of the other.

Mr. Mohan Lal Saksena: What are their names?

The Honourable Sir Henry Craik: One who died of apoplexy was J. M. Sen Gupta. He died on 23rd July, 1933. The name of the other is Sardar Muhammad Yunus Khan son of the late *Ex*-Amir Muhammad Yakub Khan, who died on 4th March, 1932.

REHEARSALS OF AIR ATTACKS, ETC., IN INDIA.

267. ***Mr. Sri Prakasa:** Will the Defence Secretary state:

(a) if it is a fact that rehearsals have taken place in India of attacks from the air on some principal towns as also of "black outs", "gas masks", etc.;

(b) what is the average cost of each such operation; and

(c) what good these do to the population as a whole?

Mr. C. M. G. Ogilvie: (a) and (b). I have no information beyond what has appeared in the press.

(c) It cannot be estimated.

Mr. Sri Prakasa: Are not the Government of India consulted before such rehearsals are ordered?

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

Mr. Sri Prakasa: Which is the authority directly responsible for such rehearsals?

Mr. C. M. G. Ogilvie: The Provincial Governments arrange these.

Mr. B. Das: Do not the Central Government loan the services of their air force?

Mr. C. M. G. Ogilvie: The air force always co-operate when asked to do so, if it can possibly arrange to do so.

Mr. B. Das: Does that mean that the Bengal Government asked the co-operation of the Government of India to arrange the air force demonstrations over Calcutta on the 23rd of this month?

Mr. C. M. G. Ogilvie: No, Sir. It means that the Bengal Government obtained the co-operation of the local air force authorities.

Mr. B. Das: Do the Bengal Government or the Government of India pay the cost of this demonstration?

Mr. C. M. G. Ogilvie: No extra cost of any kind is involved. Aeroplanes are allotted a certain quantity of petrol a year and, provided that that is not exceeded, they can carry out flights for the purposes of training without any extra cost being involved.

IMPROVEMENT OF THE COURT BUILDING AND ESTABLISHMENT OF A HIGHEST APPELLATE COURT FOR CENTRALLY ADMINISTERED AREAS AT DELHI.

268. ***Mr. M. Asaf Ali:** (a) Will the Honourable the Home Member please refer to my questions of 1935, regarding the dilapidated condition and scattered location of the various court buildings of the metropolis, and state what steps, if any, have been taken during the last three years to build suitable courts in a central place, easily accessible to the litigants of Old and New Delhi?

(b) What steps, if any, have been taken to establish a Circuit Court of the Lahore High Court, or another Court of highest appellate jurisdiction, for the convenience of the litigants of Delhi and Ajmer-Merwara Provinces?

(c) Are Government prepared to consider the feasibility of undertaking necessary legislation to constitute an appellate court of the highest criminal and civil jurisdiction for Delhi and Ajmer-Merwara and any other centrally administered areas, at Delhi, and confer the necessary powers upon the Judges of the Federal Court?

The Honourable Sir Henry Craik: (a) Government have been considering the matter and have a scheme under preparation.

(b) The question of establishing a Circuit Court of the Lahore High Court to deal with Delhi appeals has been considered and dropped. I am not aware of any proposal for hearing appeals from Ajmer-Merwara in Delhi.

(c) Apart from legal difficulties Government do not consider the proposal a suitable one.

Mr. M. Asaf Ali: With reference to part (a), may I remind the Honourable Member that he held out a similar promise about three years ago? Have Government taken three years to mature their plans and have not yet come to any conclusion?

The Honourable Sir Henry Craik: We have come to a pretty clear conclusion but it is now a question of money. The Honourable Member had better try his persuasive powers on my Honourable colleague, the Finance Member.

Mr. M. Asaf Ali: With reference to part (b), may I know why this proposal has been dropped?

The Honourable Sir Henry Craik: One difficulty was the question of accommodation for the Court; and I think there is a legal difficulty also. I do not think it would be possible to establish a Circuit Court within the terms of the existing Letters Patent.

MECHANISATION OF THE INDIAN ARMY.

269. ***Mr. Badri Dutt Pande:** (a) Will the Defence Secretary be pleased to give the House a detailed account of the scheme for the mechanisation of the army in India?

(b) Will mules and horses be eliminated from the mechanised Army?

(c) What are the units that are to be mechanised?

(d) What is the cost of the whole scheme?

(e) How much of it is to be borne by the English exchequer and how much by the Indian treasury?

(f) How many years will the whole scheme be spread over?

Mr. C. M. G. Ogilvie: (a), (c), (d) and (e). I refer the Honourable Member to my speech of 31st January, 1938, on Mr. Avinashilingam Chettiar's adjournment motion.

(b) Yes, except for officers' chargers in peace time.

(f) It is impossible to say at present.

Mr. Sri Prakasa: Is it a fact that Government are intending to mechanise the Military Audit Department and introducing machines to make calculations and eliminating all men?

LOWERING OF THE AGE-LIMIT FOR RETIREMENT FROM THE ARMY.

270. ***Mr. M. Asaf Ali:** (a) Will the Defence Secretary please state whether Government are aware of the fact that the British Government have reduced the age of retirement in the British Army, and under the new scheme a certain number of old Generals have had to retire, and younger men have taken their place?

(b) How many officers of the British Army in India have been affected by this scheme, and how many officers are therefore due to retire?

(c) Will Government state why no steps have been taken in India to enforce the age-limit in respect of the British Army in India, and also the Indian Army to allow younger men to replace those who have reached the age of retirement under the British scheme?

(d) Will Government please state how many British officers of (1) the British, and (2) the Indian Army will have to retire within the next five years under the new British scheme?

Mr. C. M. G. Ogilvie: (a) As far as Government are aware, there has been no change in the age prescribed for retirement in the British Army.

(b), (c) and (d). Do not arise. I may, however, inform the Honourable Member that the present rule in the Army in India, as in the British Army, is that promotions to, and beyond, the rank of lieutenant-colonel are by selection.

Mr. M. Asaf Ali: May I know what exactly was the import of the announcement that was made in the papers quite recently about reducing the age of retirement in the British army? I suppose the Defence Secretary knows something about it?

Mr. C. M. G. Ogilvie: I presume that it meant that in practice owing to the number of retirements effected the age of retirement would be reduced, but the official age up to which an officer can serve has not, so far as we are aware, been altered in any way.

Mr. M. Asaf Ali: Will the Government of India consider the desirability of following the British Government's decision in this matter and make room for younger men?

Mr. C. M. G. Ogilvie: I do not know which younger men the Honourable Member has in mind.

NOTICES SERVED ON CERTAIN CONGRESS WORKERS OF THE DELHI PROVINCE.

271. ***Mr. M. Asaf Ali:** Will the Honourable the Home Member please state if it is a fact that on 19th November, 1937, (1) Satyawati Devi, (2) Brij Kishen Chandiwala, (3) Shatrugan, (4) K. Nair, and (5) Sarupa Nand, Congress workers of the Delhi Province were served with a notice from the Local Government directing them that they:

(i) shall abstain from all forms of political agitation in the Delhi Province, and

(ii) shall not take part in any procession or in any meeting in the Delhi Province?

The Honourable Sir Henry Craik: Yes.

Mr. M. Asaf Ali: With reference to part (ii), will Government please invite the attention of the Local Government to the fact that orders of this sweeping nature are really illegal and an interference with the ordinary civil liberties of the citizens, because the order says that they shall not take part in any procession or in any meeting in the Delhi Province which may even mean a funeral procession or possibly a marriage procession?

The Honourable Sir Henry Craik: I do not agree that the order was illegal or in any way outside the terms of the section. But that is hardly a matter which can be debated on the floor of the House. If the persons concerned consider it illegal they surely have their remedies.

Mr. Mohan Lal Saksena: What were the reasons for passing this order?

The Honourable Sir Henry Craik: I think I stated that in reply to a previous question on the subject.

Mr. Mohan Lal Saksena: If I remember aright, that answer was that they were going to the interior and were addressing meetings of villagers. I want to know why orders were passed in regard to meetings and processions in the city itself.

The Honourable Sir Henry Craik: Because they were conducting a campaign for refusal to pay land revenue and because they had announced that their intention was to make a demonstration before the Chief Commissioner's House which could not be permitted.

Mr. Mohan Lal Saksena: How long will this order remain in force?

The Honourable Sir Henry Craik: For a period of three months from the date of the order. The order was passed on the 18th November, 1937; so it will last till the day after tomorrow.

STATE PRISONERS UNDER REGULATION III OF 1818.

272. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Honourable the Home Member be pleased to state the number of prisoners, known as

State Prisoners under Regulation III of 1818, still detailed in jails all over India and also mention their respective places of present confinement?

(b) Will the Honourable Member be pleased to state how many of the aforesaid State Prisoners are from Bengal, and how many of them belong to Provinces other than Bengal and the number of years each of them has been kept under confinement under Regulation III?

(c) Have Government their immediate release in contemplation? If so, when do they contemplate releasing them?

The Honourable Sir Henry Craik: (a) Three, so far as the Central Government are concerned. All of them are confined in the Delhi Jail.

(b) None come from Bengal. Two belong to Delhi and the third to Ajmer-Merwara. One has been in confinement for about six years, another for four and a half years, and the third for 2½ years.

(c) No.

Mr. T. S. Avinashilingam Chettiar: Sir, the replies are read in such a low tone that we could not hear anything.

Mr. President (The Honourable Sir Abdur Rahim): I think the questioner heard it all right.

Mr. T. S. Avinashilingam Chettiar: Many Members on this side could not hear it.

(*Voices of*: "We did not hear".)

Mr. Badri Dutt Pande: Sir, in the U. P. Assembly loud speakers are installed and . . . . .

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

National Debt of India.

273. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Honourable the Finance Member be pleased to state the total amount of India's National Debt as it stands today, and the total amount of interest India has to pay on that amount yearly?

(b) Will the Honourable Member be pleased to state the occasions and the time when these debts had to be incurred by the Government of India?

(c) Will the Honourable Member be pleased to state if he has considered the possibility of repayment of this debt with all interests? If so, in how many years and how?

The Honourable Sir James Grigg: With your permission, Sir, I shall deal with questions Nos. 273 and 274 together.

Full information regarding the total amount of debt outstanding, the portion attributable to Railways, and the distribution of the interest charges, is given in the Finance and Revenue Accounts, copies of which are available in the Library of the House. The debt can only be repaid in accordance with the terms on which individual loans were raised. The rate of interest payable on new loans depends on market conditions.

Mr. Lalchand Navalrai: May I know from the Honourable Member whether Finance and Revenue accounts also give the moneys paid and at what time?

The Honourable Sir James Grigg: They give a list of individual loans.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member ought to be vigilant and know that when his question has been answered he must go on to the next.

DEBT OWED BY STATE RAILWAYS TO THE CENTRAL GOVERNMENT.

†274. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Honourable the Finance Member be pleased to state the total amount which Railways (State) owe to the Central Government and the interest realised by the latter on that amount and if any interest has already accrued and has not been realised?

(b) In how many years will this amount be realised by the Central Government?

(c) Has the Honourable the Finance Member any scheme under his consideration or contemplation to enable him to repay the aforesaid debts, or get repayments from State Railways within ten years?

(d) Is the Honourable Member prepared to consider the advisability of raising a loan at two per cent. interest of a large amount to liquidate an equivalent amount of debt and save a large amount in interest to be spent on village improvement schemes in the centrally administered areas, or through Provincial Government?

NEWSPAPERS SUPPLIED TO THE CADETS AT THE INDIAN MILITARY ACADEMY, DEHRA DUN.

275. ***Sardar Mangal Singh:** Will the Defence Secretary please state:

(a) the names of the daily newspapers which are supplied to the cadets at the Indian Military Academy, Dehra Dun;

(b) whether there is any ban against the entry of newspapers of any political party into the Academy;

(c) whether there is any similar restriction on the cadets at Sandhurst in England;

(d) whether it is a fact that in England the cadets are allowed to read the newspapers of all political parties; and

(e) whether Government are prepared to reconsider this matter and allow the cadets to read the newspapers of all political parties? If not, why not?

Mr. C. M. G. Ogilvie: (a) The following daily newspapers are provided at the Indian Military Academy:

The *Times* (daily edition).

The *Statesman*.

The *Civil and Military Gazette*.

The *Times of India*.

†For answer to this question, *see* answer to question No. 273.

(b) No, as any such action has not been found to be necessary.

(c) No.

(d) Yes.

(e) In view of the answer to part (b) no reconsideration is necessary.

Sardar Mangal Singh: Is it merely by an accident that no nationalist paper or socialist paper is allowed in the Academy?

Mr. C. M. G. Ogilvie: If the Honourable Member had listened to my reply he would have heard the answer.

Sardar Mangal Singh: Who decides the question?

Mr. C. M. G. Ogilvie: The question of what papers are to be provided free by the Indian Military Academy for the use of cadets is decided by the authorities of the Academy in consultation with the cadets themselves who have a voice in the selection of papers through their representatives on the Library Committee.

Mr. T. S. Avinashilingam Chettiar: Is any friendly advice given as to what papers may be subscribed for or got?

Mr. C. M. G. Ogilvie: That does not arise.

CERTAIN EXPENDITURE IN THE DEFENCE DEPARTMENT.

276. ***Sardar Mangal Singh:** Will the Defence Secretary please state:

(a) the annual expenditure incurred on salaries and allowances of (1) Indians and (2) Europeans, separately, in the Defence Department;

(b) the total annual expenditure incurred on equipment of the Indian Army (i) in India, (ii) in England and (iii) in other countries; and

(c) whether any part of the British military budget is spent out of the country? If so, how much?

Mr. C. M. G. Ogilvie: (a) The average annual expenditure incurred on salaries and allowances in the Defence Department Secretariat are as follows:

	Rs.
(i) Indian	3,32 lakhs
(ii) British	1,94 lakhs.

(b) The information, as far as it can be extracted from the accounts is as follows. It concerns the year 1937-38.

Expenditure on Equipment of the three Defence Services incurred in:

(i) *India*—

	Rs.
Army	169,80 lakhs.
Air Force	4,38 ,,
Royal Indian Navy	5,54 ,,

Or roundly Rs. 180 lakhs in all for India.

(ii) *England*—

	Rs.	
Army	88,84	lakhs.
Air Force	46,52	,,
Royal Indian Navy	5,21	,,

Or roundly Rs. 140 lakhs in all for England.

(iii) *Other Countries* —

No precise figure can be extracted from the accounts, but the expenditure may be taken to be so small as to be negligible.

(c) Government have no information.

EXPENDITURE FOR MECHANISATION OF THE INDIAN ARMY.

277. ***Sardar Mangal Singh:** Will the Defence Secretary please state:

(a) the total initial expenditure required to mechanise the whole of the Indian Army, and what would be the annual saving thereafter; and

(b) whether it would be possible to reduce the strength of the Army after it is mechanised?

Mr. C. M. G. Ogilvie: (a) and (b). The information asked for is not available, as there is no intention of mechanising the whole of the Army. Any such scheme would be wholly impractical, as a proportion only of mechanised troops is required.

Mr. T. S. Avinashilingam Chettiar: Is there any programme of mechanisation for any part of the Indian Army.

Mr. C. M. G. Ogilvie: Yes, the matter is now under detailed consideration.

Mr. Sri Prakasa: Is there any literature available which will give us some idea of what mechanisation means.

Mr. C. M. G. Ogilvie: I should say there is a vast quantity of it.

Mr. Mohan Lal Saksena: Is it available in our Library?

Mr. C. M. G. Ogilvie: I am not sure, but it is certainly available in the Army Headquarters Library.

VISIT OF HIS MAJESTY THE KING EMPEROR TO INDIA.

278. ***Sardar Mangal Singh:** Will the Honourable the Home Member please state:

(a) whether it is a fact that His Majesty the King Emperor will pay a visit to this country next cold weather;

(b) whether a Royal Darbar will be held on the occasion of His Majesty's visit to this country;

(c) if the answers to parts (a) and (b) be in the affirmative, when the formal announcement is likely to be made;

(d) whether the Government of India were consulted by the British Government before the decision about His Majesty's coming visit was arrived at; and

(e) whether the Provincial Governments were consulted in the matter and, if so, which Governments are for and which against the Royal visit?

The Honourable Sir Henry Craik: With your permission, Sir, I will reply to this question and the next question together. I invite attention to the announcement made in the newspapers of the 11th instant that His Majesty will not be visiting India next cold weather.

Sardar Mangal Singh: What is the answer to part (b)—were the Government of India consulted by the British Government?

The Honourable Sir Henry Craik: I have nothing to add to my reply.

VISIT OF HIS MAJESTY THE KING EMPEROR TO INDIA.

†279. ***Mr. Mohan Lal Saksena:** Will the Honourable the Home Member be pleased to state:

(a) if the attention of Government has been drawn to the Reuter's recent message regarding the proposed visit of His Majesty the King Emperor to India;

(b) whether the Government of India were consulted regarding the proposed visit; if so, what advice they have given; and

(c) what is the amount of the expenditure over the visit?

DISPARITY IN PAY OF THE BRITISH AND INDIAN COMMISSIONED OFFICERS.

280. ***Mr. Abdul Qaiyum:** Will the Defence Secretary please state:

(a) whether it is a fact that there is a great disparity in the pay of the British officers and the Indian commissioned officers in the Indian Army;

(b) whether it is a fact that a British officer on appointment to the Indian Army gets more pay than an Indian commissioned officer would get after nine or even eleven years' service; and

(c) whether it is a fact that, in view of this great disparity, Indian commissioned officers cannot maintain the same standard of living as the British officers?

Mr. C. M. G. Ogilvie: (a) and (b). I refer the Honourable Member to statement "A" laid on the table of the Council of State on the 14th September, 1937, which shows the difference in the pay of King's Commissioned officers and Indian Commissioned officers of the Indian Army.

(c) I refer the Honourable Member to the speech of Lieut.-Colonel A. F. R. Lumby in this House on the 28th August, 1934, in connexion with the Indian Army (Amendment) Bill touching on this point, which is published on page 2262 of the Debates for that day. The standard of living of British officers varies from unit to unit. Government are fully

†For answer to this question, *see* answer to question No. 278.

satisfied that in the indianised units the emoluments of Indian Commissioned Officers are sufficient to enable them to live in the same way as the British Officers in those units.

Mr. Abdul Qaiyum: With reference to part (b) of the question, may I know if it is a fact that an Indian Commissioned Officer gets the same pay which a British Officer starts with, after nine years?

Mr. President (The Honourable Sir Abdur Rahim): It is difficult for an Honourable Member to keep all these facts in his head.

Mr. Abdul Qaiyum: The question was given notice of in (b).

Mr. President (The Honourable Sir Abdur Rahim): Was that answered?

Mr. C. M. G. Ogilvie: The answer can be found in the statement laid on the table of the Council of State. I can give it if the Honourable Member likes.

Mr. Abdul Qaiyum: I want to know whether the Honourable Member can refer to the answer given in the Council of State?

Mr. President (The Honourable Sir Abdur Rahim): This has been the practice here, because it is published and is open to Members.

Mr. Abdul Qaiyum: The answer can be given—yes or no: it is a fact or is it not?

Mr. M. Anathasayanam Ayyangar: They cannot refer to answers given in the Council of State.

Mr. President (The Honourable Sir Abdur Rahim): You cannot discuss anything that takes place in the Council of State, but the information that is given there is available to Members, and there is no reason why that answer should be repeated and the time of the House unnecessarily taken up.

Mr. K. Santhanam: I submit this is a simple question which has to be answered by an yes or no.

Mr. President (The Honourable Sir Abdur Rahim): It is not so simple, it applies to every question. If the information is available and is published in the proceedings of the Council of State, it ought not to be repeated here.

Mr. Abdul Qaiyum: If any question has been . . . . .

Mr. President (The Honourable Sir Abdur Rahim): Order, order, I have given my ruling.

GRIEVANCES OF THE INDIAN COMMISSIONED OFFICERS.

281. ***Mr. Abdul Qaiyum:** Will the Defence Secretary please state:

(a) how long an Indian commissioned officer spends at the Indian Military Academy before he is gazetted;

(b) what is the corresponding period for a British officer at Sandhurst;

(c) whether it is a fact that in spite of being given one year's antedate, an Indian commissioned officer is still kept junior to his contemporary at Sandhurst by three days; if so, whether this does not involve a delay in the promotion of the former;

(d) whether Government propose to take speedy steps to eradicate this hardship; and

(e) whether it is a fact that a British officer is allowed to draw marriage or lodging allowances; whether the same allowances are paid to the Indian commissioned officers?

Mr. C. M. G. Ogilvie: (a) The course of instruction at the Indian Military Academy, Dehra Dun, extends to 2½ years.

(b) The corresponding period for British officers at Sandhurst is 18 months.

(c) In spite of the fact that an officer from Sandhurst joins his unit a year before the date on which an Indian Commissioned officer who entered Dehra Dun at the same time joins his, he is not counted as senior by a year, but by three days only. In other words, the Indian Commissioned officer is made a gift of approximately one year's seniority.

(d) No. There is no hardship.

(e) I refer the Honourable Member to the statement laid on the table of the Council of State on the 14th September, 1937, showing the pay and allowances of King's Commissioned officers and Indian Commissioned officers of the Indian Army.

Mr. Abdul Qaiyum: With reference to the answer to part (c) may I know why three days' difference is in favour of British officers?

Mr. C. M. G. Ogilvie: In order that the fact that an officer who has already been with his unit as a serving officer for a whole year may be at least nominally marked.

GRIEVANCES OF THE INDIAN COMMISSIONED OFFICERS.

282. ***Mr. Abdul Qaiyum:** Will the Defence Secretary please state:

(a) whether it is a fact that the quarters built for or assigned to the Indian commissioned officers are inferior to those intended for British officers;

(b) whether it is a fact that an Indian commissioned officer has to pay five per cent. of his pay for these quarters;

(c) whether it is a fact that when a British officer occupies the quarters built for Indian commissioned officer, he is given a remission out of his lodging allowance as compensation for inferior accommodation; and

(d) if the answer to part (c) be in the affirmative, whether Government propose to take speedy steps to remove this inequality?

Mr. C. M. G. Ogilvie: (a) The new quarters specially built for Indian Commissioned officers are slightly smaller than those for British officers. No distinction is, however, made in allotting available British Officers quarters to Indian Commissioned officers.

(b) Yes.

(c) No. Compensation for inferior accommodation is not admissible to a British officer below the rank of Lieutenant-Colonel.

(d) Does not arise.

Mr. Mohan Lal Saksena: May I know if the quarters are smaller because the families are smaller?

Mr. C. M. G. Ogilvie: When it was decided to Indianise a large number of regiments, the officer cadres were much greater than they had been in the old Indian army in view of the fact that all the officers from platoon commander upwards were commissioned officers. It, therefore, became necessary to embark on a large building programme and the expense was naturally very great. A committee was, therefore, assembled for the purpose of considering how this could be done satisfactorily and as cheaply as possible. The Committee included two Members of the Legislature and the plans which it put forward were those on which the quarters for junior Indian Commissioned officers were now built.

Mr. Mohan Lal Saksena: May I know if the quarters that will be built for British officers in future will also be of the same size?

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

Mr. Abdul Qaiyum: May I know if part of the lodging allowance is remitted to a British officer when he occupies what the Honourable Member describes as smaller quarters?

Mr. C. M. G. Ogilvie: Only in the case of an officer of the rank of Lieut.-Colonel.

Sir Muhammad Yamin Khan: Will the Honourable Member disclose the names of two Members of the Indian Legislature?

Mr. C. M. G. Ogilvie: I cannot do so off-hand.

GRIEVANCES OF THE INDIAN COMMISSIONED OFFICERS.

283. ***Mr. Abdul Qaiyum:** Will the Defence Secretary please state:

(a) the total number of Indians commissioned from Sandhurst and the Indian Military Academy up to date;

(b) how many of these are actually serving today;

(c) what is the cause of this enormous waste;

(d) whether Government are quite satisfied that Indians from Sandhurst and the Dehra Dun Academy are being treated fairly; and

(e) whether Government are prepared to appoint an enquiry committee consisting of the elected members of this House to go into the question of the grievances of the Indian commissioned officers and the King's commissioned Indian officers?

Mr. C. M. G. Ogilvie: (a) 209 from Sandhurst and 187 from the Indian Military Academy.

(b) 143 from Sandhurst and 184 from the Indian Military Academy.

(c) The causes of the wastage are as follows:

Deaths, 3.

Retirements and resignations, 50.

Removals, 3.

Transferred to Special Unemployed List, 13.

(d) Yes.

(e) No.

Mr. Abdul Qaiyum: With reference to part (c), may I know what is the cause of so many Sandhurst returned Indian officers leaving the Army?

Mr. C. M. G. Ogilvie: I am afraid that it is impossible to assign any general reason. The cause probably differs in each individual case. If any general reason could be given, I suppose it was due to the fact that they did not like a military career as much as they thought they would.

Mr. Abdul Qaiyum: How is it that Indian officers in the Academy in spite of the inferior status like a military career, while the Sandhurst officers prefer to leave it?

Mr. C. M. G. Ogilvie: The most senior officer from the Indian Military Academy has at present only four years' service and has not yet reached a stage when he could draw either pension or gratuity.

APPOINTMENT OF THE INDIAN COMMISSIONED OFFICERS TO THE MILITIA OR THE SCOUTS.

284. ***Mr. Abdul Qaiyum:** Will the Defence Secretary please state whether any Indian commissioned officers have been appointed so far to the Militia or the Scouts?

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

Mr. Abdul Qaiyum: May I know the reason why Indians are not appointed in the militia or the scouts?

Mr. C. M. G. Ogilvie: I cannot possibly say. The selection of officers for such appointments rests with the civil authorities.

Mr. Abdul Qaiyum: Is there any standing order that Indians ought to be excluded from these services?

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

Mr. Abdul Qaiyum: Is it proposed to take Indians?

Mr. C. M. G. Ogilvie: I cannot possibly say.

Mr. Mohan Lal Saksena: Who are the civil authorities that make the selection?

Mr. C. M. G. Ogilvie: The militia and the scouts are civil forces, and they are not military at all.

Mr. Abdul Qaiyum: Who makes the appointments for the militia and scouts?

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

Mr. Abdul Qaiyum: Do these posts carry extra allowances?

Mr. C. M. G. Ogilvie: I want notice.

Mr. K. Santhanam: May I know if the civil officers concerned take the advice of the military authorities in selecting officers for militia and scouts?

Mr. C. M. G. Ogilvie: I suppose they do.

Mr. Abdul Qaiyum: May I know if these valuable opportunities for training are denied to Indians?

Mr. C. M. G. Ogilvie: I really cannot say.

Sir Muhammad Yamin Khan: Are the expenses on the militia and the scouts borne on the Defence Budget?

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

Mr. Mohan Lal Saksena: Is the Honourable Member a civil authority or a military authority?

Mr. President (The Honourable Sir Abdur Rahim): With reference to what I said in regard to referring Honourable Members to replies made in the Council of State, it has always been the practice to refer to them, but it does not mean that in every case an answer like that would be sufficient. I did not mean to imply that, but in this particular case, there only certain figures were wanted, and that information has been already supplied in the Council of State and is available to the Members.

CLASSIFICATION OF THE CANTONMENTS.

285. *__Mr. Govind V. Deshmukh__ (on behalf of Mr. Sham Lal): Will the Defence Secretary be pleased to state:

(a) what cantonments have been classified as Class I, Class II(i), Class II(ii), Class II(iii) and Class III for purposes of section 13 of the Cantonments Act;

(b) whether any steps have been taken to ascertain the strength of civil population in cantonments on hills during summer, as the last official census was taken in winter;

(c) if the answer to part (b) be in the negative, what steps Government propose to take to hold a special census during summer to correct the classification of these cantonments;

(d) whether it is a fact that in some cantonments the old system of Corporation Sole and nominated Board still continues, and the elected Boards are not yet formed; if so, where;

(e) if the answer to part (d) be in the affirmative, when the elected Boards are likely to come into existence in those cantonments; and

(f) whether there are any cantonments in which a military officer, other than the Officer Commanding the Station, is the President of the Cantonment Board? If so, where?

Mr. C. M. G. Ogilvie: (a) The attention of the Honourable Member is invited to section 13 of the Cantonment Act, 1924, and to part (b) of the reply given by Sir Richard Tottenham to starred question No. 561 asked by Seth Govind Das in the Legislative Assembly on the 11th September, 1936.

(b) Yes.

(c) Does not arise.

(d) Yes. Elected Boards have not yet been constituted in Abbottabad, Ambala, Kohat, Nowshera, Risalpur, Murree Galis, Loralai, Delhi, Ahmedabad and St. Thomas Mount.

(e) Elections will be held as soon as the necessary formalities have been completed by Provincial Governments and the Local Authorities concerned.

(f) No.

Bazar Committees constituted in Cantonments.

286. ***Mr. Govind V. Deshmukh** (on behalf of Mr. Sham Lal): Will the Defence Secretary be pleased to state:

(a) the names of the Cantonment Boards in Class I and Class II Cantonments, where Bazar Committees have and have not been constituted in accordance with section 43A of the Cantonments Act;

(b) the reason why these Cantonment Boards have failed to constitute these statutory Committees so far;

(c) whether it is a fact that in some cantonments although the Committees are nominally constituted, they have not yet started functioning; if so, why; and

(d) what powers have been delegated by the official majority in Cantonment Boards to the Bazar Committees in each Cantonment?

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

BUNGALOWS RESUMED IN CANTONMENTS.

287. *Mr. Govind V. Deshmukh (on behalf of Mr. Sham Lal): Will the Defence Secretary be pleased to state:

(a) how many bungalows were resumed in the year 1936-37 in various cantonments in India, the names of their owners and the price paid;

(b) whether any of the bungalows so resumed were rebuilt, and at what cost;

(c) whether all the resumption proceedings were undertaken under the Land Acquisition Act, or in any other way;

(d) what number of bungalows Government are resuming in the current year 1937-38 and for what purposes; and

(e) whether it is a fact that two bungalows in Kohat Cantonment and two in Rawalpindi are being resumed simply because the owners did not sign the acknowledgment (that they held land under General Order 179 of 1836) and not because they were required for military?

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

GRANTS-IN-AID PAID TO CANTONMENT AUTHORITIES AND BOARDS.

288. *Mr. Govind V. Deshmukh (on behalf of Mr. Sham Lal): Will the Defence Secretary be pleased to state:

(a) what amounts of ordinary and special grants-in-aid were paid to various Cantonment Authorities and Boards in the years 1936-37 and 1937-38 and the purpose or purposes for which they were paid;

(b) whether there is any increase in the total amount of grants-in-aid over the year 1935-36;

(c) what amount of annual income has started accruing from lands hitherto under the management of Cantonment Boards and now under the direct management of Government;

(d) what methods have been adopted to allocate this income to the Board, which has been deprived of it as a result of direct management as contemplated by Government in paragraph (1) (2) of the Statement of Objects and Reasons of the Cantonments Amendment Bill;

(e) whether Government have received any representation from the All-India Cantonments Association urging the giving of liberal grants-in-aid to Cantonment Boards; and

(f) if the answer to part (e) be in the affirmative, what action Government propose to take on this representation?

Mr. C. M. G. Ogilvie: (a) A statement is laid on the table showing the payments made to cantonments in India as grants during 1936-37 and 1937-38.

The further allotment of grants for the year 1937-38 is still under consideration.

(b) Yes.

(c) The information will not be available till after the end of the year.

(d) If any compensation for the loss of revenue is required to enable cantonments to maintain financial stability, the necessary grant-in-aid will be given.

(e) Yes.

(f) It has been noted.

Grants-in-aid paid to Cantonments (excluding those in Burma) during 1936-37 and 1937-38.

1936-37.

Ordinary grants to maintain financial equilibrium.

	Rs.	
Dharamsala	1,432	
Campbellpore	6,043	
Subathu	2,969	
Amritsar	5,107	
Lebong	5,017	
Jalapahar	7,141	
Almora	4,849	
Ahmednagar	4,450	
		37,008

Extra street lighting.

	Rs.	
Mardan	2,415	
Risalpur	2,429	
Bannu	959	
		5,803

Special grants.

Station.	Amount.		Purpose.
Pachmarhi	1,150		Provision of latrines.
Wellington	11,000		Electrification.
Nasirabad	5,000		Repairs to roads.
Ferozepore	5,000		Improvements to the Sukka Nulla.
Campbellpore	8,615		Completion of certain works in village Campbellpore.
Drigh Road	2,695		Construction of sweepers' quarters.
Delhi	6,000		Improvement to certain roads.
Ahmednagar	13,950		Famine Relief works.
Poona	10,000		Improvements to Ghorpuri and Wanowrie villages.
		63,410	
Total		1,06,221	

1937-38.

Ordinary grants to maintain financial equilibrium.

	Rs.	
Dharamsala	1,191	
Campbellpore	5,524	
Amritsar	6,000	
Subathu	4,113	
Almora	4,091	
Lebong	5,000	
Jalapahar	6,158	
Deolali	4,000	
Pachmarhi	1,000	
		37,077

Extra street lighting.

	Rs.	
Risalpur	3,011	
Mardan	2,415	
Bannu	920	
Kohat	4,920	
		11,266

Special grants.

A sum of Rs. 9,500 has been paid to Hyderabad (Sind) Cantonment for the construction of quarters for the Executive Officer.

NOTE.—Further grants to be made to cantonments during 1937-38 are under consideration.

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member inform this House whether the annual recurring expenditure for the maintenance of cantonments is on the increase or not?

Mr. C. M. G. Ogilvie: It may be said to be slightly on the increase.

Lieut.-Colonel Sir Henry Gidney: Could the Honourable Member tell the House approximately how much?

Mr. C. M. G. Ogilvie: This year's figures are not ready but the increase in 1936-37 was just over 16,000 rupees.

Mr. Govind V. Deshmukh: What is the increase due to?

Mr. C. M. G. Ogilvie: Due probably to greater generosity of the Central Government in the matter of offering amenities to the civil population of the cantonments.

ADVISABILITY OF DELETING SECTION 239 OF THE CANTONMENTS ACT.

289. ***Mr. Govind V. Deshmukh** (on behalf of Mr. Sham Lal): Will the Defence Secretary be pleased to state:

(a) whether any person has been removed from any cantonment by the Officer Commanding the Station under section 239 of the Cantonments Act during the last three years;

(b) if the answer to part (a) be in the affirmative, what were the particular reasons for such removal; and

(c) if the answer be in the negative, whether Government propose to consider the advisability of deleting this section from the Cantonment Municipal Act?

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

12 NOON.

(*b*) WRITTEN ANSWERS.

REDUCTION OF STAMP DUTY ON INLAND BILLS.

290. ***Mr. Sami Vencatachelam Chetty:** Will the Honourable the Finance Member please state:

(a) whether Government have received the opinions of the Provincial Governments regarding the reduction of Stamp duty on Inland Bills; if so, whether he will please lay a copy of the same on the table;

(b) whether Government are aware of the recommendations of the Reserve Bank of India that such duties should be reduced to two annas per thousand per annum;

(c) whether Government propose to reduce the duty to the figure recommended by the Reserve Bank of India in their Report on Agricultural Credit Department; if not, why not; and

(d) what loss in the revenue is expected if such a reduction is carried on?

The Honourable Sir James Grigg: (a), (b) and (c). I would refer the Honourable Member to the Bill which I introduced yesterday.

(d) It is estimated that with the reduced duty the increased use of inland bills will obviate any loss of revenue.

STRIKES AND LOCK-OUTS IN MILLS OF DELHI.

291. ***Mr. Sri Prakasa:** Will the Honourable the Home Member state:

(a) if it is a fact that there have been for some time past strikes or lock-outs or both in some of the mills at Delhi;

(b) if any official or non-official agencies have maintained any censorship on the press so that news regarding these may not be published;

(c) what the exact situation at the present moment is and what the causes have been that have led to these troubles;

(d) what action, if any, Government have taken to bring about an amicable understanding in the interest of all concerned; and

(e) what assistance, if any, Government have given by supplying policemen and other official agencies in this connection, and in whose interest this has been done?

The Honourable Sir Henry Craik: I am unable to reply to this question which should have been addressed to the Honourable Member representing the Labour Department.

REFUSAL OF A PASSPORT FOR KABUL TO ONE HARNAM SINGH.

292. *Mr. Abdul Qaiyum: Will the Honourable the Home Member please state:

(a) whether Harnam Singh son of Mistri Nanak Singh, driver, applied for a passport for Kabul to the Police at Peshawar;

(b) whether any reply has been sent to him; if not, why not;

(c) whether it is a fact that Harnam Singh was married in Kabul and that he is anxious to meet his relatives there; and

(d) whether it is a fact that the passport is being withheld from him; if so, what are the reasons for such refusal?

The Honourable Sir Henry Craik: (a) to (d). The Central Government have hitherto received no reference on the subject from the passport authorities, and inquiries are being made to ascertain the facts.

RESTRICTIONS ON PARKING OF CARS ON THE ROAD JOINING THE BARAKHAMBA ROAD AND CURZON ROAD IN NEW DELHI.

293. *Mr. D. K. Lahiri Chaudhury: (a) Will the Honourable the Home Member be pleased to state whether it is a fact that the Senior Superintendent of Police has put some unusual restrictions on the parking of cars on the road joining the Barakhamba Road and Curzon Road in Connaught Circus, New Delhi? If so, why?

(b) Is it a fact that the Superintendent of Police has put these restrictions on the representation made by the managers of the *Statesman* and the Burma Shell? If so, did the said authority ever consider the necessity of providing a suitable car park for the residents of the other buildings on the road?

(c) Is it not a fact that in spite of the representation made by the residents and shopkeepers of the Bombay Life Building on the road, the Superintendent has failed to make any suitable arrangement for parking their cars?

(d) Are Government aware that nowhere else in Connaught Circus are such restrictions put on the motorists? If so, do Government propose to instruct the authorities concerned to withdraw these orders? If not, why not?

The Honourable Sir Henry Craik: The information is being obtained from the Chief Commissioner, Delhi, and will be laid on the table in due course.

SHORT NOTICE QUESTION AND ANSWER.

ORDERS OF MOBILIZATION TO CHINA FOR THE MEERUT COMMAND.

Mr. Badri Dutt Pande: Will the Defence Secretary be pleased to state if it is a fact that the Meerut Command is under orders of mobilization to China?

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

Mr. Badri Dutt Pande: May I know how many Indian troops there are at present in China?

Mr. C. M. G. Ogilvie: I do not think that arises out of this short notice question.

UNSTARRED QUESTIONS AND ANSWERS.

EXPENDITURE ON CENTRAL COMMITTEES OR BOARDS.

25. **Mr. Manu Subedar:** Will the Honourable the Finance Member be pleased to state how many central committees or mixed boards of officials and non-officials are functioning, and what was the expenditure incurred on their activity during the last official year, for which complete accounts are available?

The Honourable Sir James Grigg: The information is being collected and will be laid on the table of the House in due course.

EXPENDITURE ON CONFERENCES PRESIDED OVER BY A MEMBER OR SECRETARY OF THE CENTRAL GOVERNMENT.

26. **Mr. Manu Subedar:** Will the Honourable the Finance Member be pleased to state the names of conferences, which were held, presided over by a Member of Government (Central), or a Secretary to Government (Central), during the last year, for which complete accounts are available, and the expenditure incurred in connection with each of them?

The Honourable Sir James Grigg: The information is being collected and will be laid on the table of the House in due course.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred questions Nos. 192 and 204 asked by Rai Bahadur Seth Bhagchand Soni, on the 25th January, 1937.

GRANT TO THE AJMER MUNICIPALITY FOR DRAINAGE AND WATER SUPPLY SCHEMES.

Starred question No. 192.—(a) Although some years ago it was the practice in the United Provinces for the Local Government to make grants to the extent of 50 per cent. of the capital cost for public health schemes in the principal cities of the Province, financial stringency has since intervened and this is now no longer the case. Occasionally small grants are still made for the purpose but generally if local resources are not equal to the expenditure Government aid takes the form of a loan.

In the Punjab, grants-in-aid are made to local bodies on the recommendation of the local Sanitary Board. The magnitude of these grants depends on the cost of the scheme. For very expensive works this grant represents $\frac{1}{3}$rd of the cost. For schemes upto two lakhs the grant is 50 per cent.

(b) This is not strictly the case. In the United Provinces, the Provincial Public Health Engineering Department only executes schemes for municipalities who either have no adequate staff of their own or who do not wish to entrust the work to a commercial firm. In the Punjab, the practice is for the Public Health Engineering Department to carry out such schemes on the recommendation of the Sanitary Board, or at the specific request of the local body concerned.

(c) No. The Superintending Engineer, Health Services, Delhi, is directly under the Chief Commissioner, Delhi. His advice, however, is available to Government in connection with sanitary schemes, etc., in centrally administered areas.

(d) and (e). As a result of a recent visit by the Public Health Commissioner with the Government of India, the question of Ajmer sanitation and water supply is under review.

IMPROVEMENT OF WATER SUPPLY IN AJMER.

Starred question No. 204.—(a) The water supplied by the Ajmer Municipality is from two sources :

(i) The Foysagar lake.

(ii) The wells at Bhaonta.

Both sources have recently been examined. That from the Foysagar lake has been found, without cleansing treatment, unfit for human consumption. That from the Bhaonta wells has been found quite fit for all domestic purposes including human consumption.

(b) Chlorinating action is being taken in respect of the Foysagar lake supply and possible methods of adequate filtration are also under investigation.

(c) The question of the Ajmer water supply is under review.

Information promised in reply to starred question No. 24 asked by Mr. Lalchand Navalrai on the 31st January, 1938.

PROMOTIONS TO GRADE V ASSISTANT STATION MASTERS' POSTS ON THE NORTH WESTERN RAILWAY.

(a) The Honourable Member is referred to the information laid on the table of the House in connection with parts (b) to (d) of starred question No. 29 asked by him on the 23rd of August, 1937, in this House.

Government are informed as follows :

(b) Yes, the following other categories of staff are eligible for promotion to posts of Assistant Station Masters, grade V, after they qualify in Course T-5 and Control duties :—

(1) Guards, grade II, III and IV.

(2) Platform and Luggage Inspectors of all grades.

(3) Special Ticket Examiners, Ticket Collectors, Enquiry Clerks, grade III and upwards.

(4) Yard Foremen and Supervisors, grade IV and upwards.

(c) As an Assistant Station Master, grade V, is eligible for promotion to Station Master, grade V and from grade V to grades VI, VII, and VIII and from grade VIII to the post of Station Superintendent, it is essential that he should have a knowledge of both goods and transportation duties. For this reason certain higher categories of staff from amongst both the Transportation and Commercial branches are considered eligible for such advancement if found suitable and are given a course of training in T-5 in the Walton Training School.

(d) The reply to the first part is in the affirmative. As regards the latter parts, Station Masters and Assistant Station Masters are eligible for transfer on promotion to other posts such as :

(1) Chief Cash Witness.

(2) Sales Inspectors.

(3) Stationery and Forms Inspectors.

(4) Assistant Controllers.

(5) Traffic Inspectors.

(6) Enquiry Clerks.

The promotion to other posts depends upon their suitability for the post and occurrence of vacancies.

(e) A statement showing categories of staff to which Assistant Station Masters or Station Masters were promoted from 1st January, 1935 to 31st December, 1937, is laid on the table of the House.

(f) A statement showing categories of staff promoted to the posts of Assistant Station Masters grade V is laid, on the table of the House.

Statement showing Categories of Staff to which Assistant Station Masters or Station Masters were promoted from 1st January, 1935 to 31st December, 1937.

Name of category.	No.
Chief Cash Witnesses	2
Traffic Inspector	1
Assistant Sales Inspectors	2

Statement showing Categories of Staff promoted to the post of Assistant Station Master, Grade V.

Name of category.	Grade.	No.
Guards	III	14
Guards	IV	4
Station Masters	I	2
Enquiry Clerk	III	1
		21

Information promised in reply to starred question No. 115 asked by Mr. Brojendra Narayan Chaudhury on the 3rd February, 1938.

VANS FOR CARRYING MOTOR VEHICLES ON THE ASSAM BENGAL RAILWAY.

(a) 16.

(b) Rs. 20,261.

(c) Yes.

Information promised in reply to a supplementary question asked by Mr. T. S. Avinashilingam Chettiar in connection with Mr. K. Santhanam's short notice question on the 4th February, 1938.

AGREEMENT OF THE GOVERNMENT OF INDIA WITH THE GOVERNMENTS OF CEYLON AND THE NETHERLAND INDIES FOR CONTROL OF EXPORT AND CULTIVATION OF TEA.

THIS AGREEMENT made on the 18th day of November 1936 between THE INDIAN TEA ASSOCIATION (LONDON) of 21 Mincing Lane in the City of London and THE SOUTH INDIAN ASSOCIATION IN LONDON of 21 Mincing Lane aforesaid of the first part THE CEYLON ASSOCIATION IN LONDON of 11 Idol Lane in the said City of London of the second part THE VEREENIGING voor do THEE CULTUUR IN NEDERLANDSCH INDIE of AMSTERDAM and THE NEDERLANDSCH INDISCHE VEREENIGING voor de THEE CULTUUR of BATAVIA of the third part and the INTERNATIONAL TEA COMMITTEE of 59 Mark Lane in the said City of London of the fourth part WHEREAS the parties of the first, second and third parts represent the majority of tea growers in India Ceylon and the Netherlands East Indies. AND WHEREAS by the Agreement, dated the 9th day of February, 1933, and made between the parties of the first second and third parts (hereafter called the original Agreement) provision was made for the regulation of the export of tea from, and the limitation of extension of tea areas in, the producing countries therein mentioned for a period of 5 years commencing from the 1st April 1933 (hereafter called the original period) in order to restore equilibrium between supply and demand. AND WHEREAS pursuant to and for the purposes of the original Agreement the International Tea Committee were set up. And whereas pursuant to the Memorandum of Recommendations dated also the 9th February, 1933, and signed by representatives of the parties of the first second and third parts (herein-

after in Clause 12 referred to as the said Recommendations) the International Tea Committee were given power (*inter alia*) to study the progress of and ways and means for increasing the consumption of tea and to recommend measures for the improvement, development and/or control of the production and consumption of tea. And whereas the International Tea Committee, having prior to the date of this Agreement studied the whole position pursuant to their powers and having considered all relevant factors, have come unanimously to the conclusion that equilibrium as contemplated by the original agreement cannot be fully achieved by the end of the original period and that the continuance of regulation is necessary. And whereas the Associations representative of growers of tea in the producing countries aforementioned have expressed their approval of such continuance. And whereas the conclusion of this Agreement and the carrying out of its terms are subject to the approval and continued approval of each and all of the Governments of the producing countries hereinafter defined and to the passing and/or continuance of and enforcing of such enactments ordinances and/or amendments thereof or other provisions by such Governments as are necesssary. And whereas for the purposes of this Agreement and of the Annex hereto the following expressions shall have the following respective meanings :—

"The new period of regulation" means the period 1st April 1938 to 31st March 1943;

"Tea" shall include any kind of tea;

"Producing countries" shall mean (a) India that is India as defined by section 311 (1) of the Government of India Act, 1935, and is therefore exclusive of Burma which is defined in such section, (b) Ceylon, and (c) Netherlands East Indies (which shall include Java, Sumatra and the other Islands in the Netherlands East Indies);

"Year of Regulation" shall mean the period 1st April to the succeeding 31st March;

"The Committee" shall mean the International Tea Committee;

"Exports" shall mean total exports from a producing country of tea produced in that country and shall include such tea when exported as ships' stores or by parcel post but shall not include tea when exported by way of samples which are made up as packages not exceeding 8 oz. each in weight or re-exports of tea.

NOW IT IS HEREBY AGREED AS FOLLOWS :—

1. Regulation of exports of tea from the producing countries shall be continued for the new period of regulation.

2. The standard of each producing country upon which regulation of exports is fixed shall continue to be based on the maximum exports of tea from each of the producing countries in any one of the three years 1929, 1930 or 1931 and accordingly has been ascertained to be and shall respectively be as follows :—

(a) India	383,242,916	lbs. avoirdupois.
(b) Ceylon	251,588,012	,, ,,
(c) Netherlands East Indies .	173,597,000	,, ,,
Total .	808,427,928	,,

3. The figure of regulation (*i.e.* the permissible exportable quantity) for each year of the new period of regulation shall for each of the producing countries continue to be such percentage of the ascertained standard as the Committee with the approval of the respective Governments of the producing countries shall fix on or prior to the 31st of December (including the 31st December, 1937) preceding such year of regulation.

4. No exports of tea from any of the producing countries* shall be permitted during the new period of regulation without a licence. Subject to the following proviso the exports of tea from any of the producing countries in any year of regulation shall

* Burma is, or is about to be, separated from India. In view of this separation the export of tea without licence from India to Burma, which has taken place during the existing Tea Regulation Agreement of the 9th February, 1933, must, as from 1st April, 1938, cease : in other words no tea as from the date last mentioned shall be exported from India to Burma except under licence.

not exceed the said figure of regulation for that year PROVIDED ALWAYS that tea, for the export of which licences have been or can be acquired during a year of regulation (hereafter in this clause called such year) but which has not been exported by midnight of the 31st of March of such year, may pursuant to special licences to be issued by not later than the following 14th of April be exported up to but not after the 31st of May next following (when such special licences shall become invalid). Exports under such special licences shall be treated as exports of such year.

5. During the new period of regulation :—

(a) If production of tea in any of the producing countries is greatly in excess of the amount which it is entitled to export *plus* its requirements for local consumption, such country shall without delay take all such steps as it may deem necessary to restrict such excess production.

(b) The Governments of the producing countries shall be asked to co-operate with each other to prevent smuggling, evasion and other abuses of regulation.

(c) The export from any of the producing countries of seeds, roots, stumps, cuttings, buds, or any living portion of a tea plant which may be used to propagate it, shall be prohibited but this prohibition shall not apply to any such seeds, etc. exported from any one to any other of the producing countries which seeds, etc., are required for scientific purposes by a scientific Institution in any one of such producing countries provided that a licence to export the same be obtained from such other producing country and that such licence specifies the name and address of the scientific Institution requiring the same.

6. During the new period of regulation the infilling or supplying of vacancies on land planted with tea on 31st March 1938 shall be permitted. Replanting of tea shall also be permitted (*a*) upon land planted with tea at the 31st March 1938 from which the original bushes have been uprooted or (b) upon land planted with tea on 31st March 1936 from which the original bushes have been uprooted since such 31st March 1936 and which at the 31st March 1938 is lying fallow in accordance with usual planting practice, but the replacing of tea areas by planting new areas shall not be permitted.

7. (1) During the new period of regulation—

(a) The prohibition of the sale or lease of further areas for tea cultivation and/or of the planting of tea on unplanted land or on land carrying other products shall continue;

(b) Tea areas existing on the 31st March, 1938, shall not be extended in any producing country, except for such experimental or other special purposes and on such conditions, as its Government may consider necessary, and with the express permission of such government.

(2) Under no circumstances, except in the case of either of the two provisoes next hereafter mentioned, shall any such extensions in any producing country exceed, during the new period of regulation, one-half of one per cent. of the total tea areas existing in such producing country on the 31st day of March 1938.

Provided first that owners of tea areas in any producing country, which areas after the 31st of March 1933 and up to the end of the new period of regulation (a) have been or will have been permanently destroyed by subsidence, flood, river erosion, earthquake or other Acts of God, or (b) have been or will have been taken over by the Government or Local Authorities and no longer carry tea, may on satisfying the controlling authority as to the loss of tea areas sustained by them, be permitted by their Government to replace such areas to an equal extent, on land not planted with tea, without such replacements being included within the one-half of one per cent. above mentioned. And provided secondly that the planting of nurseries may also be permitted in any producing country by its respective Government on land not planted with tea, without such land being included within the said one-half of one per cent. but on the express condition that the total area of nurseries so planted in such producing country shall not be greater in extent at the end of the new period of regulation than that which was similarly planted on the 31st day of March 1933.

(3) For the purposes of this clause and the preceding Clause 6 the expression "land planted with tea" and "tea areas existing" mean areas planted in tea in regular upkeep and registered in the producing countries as such.

8. The Governments of the producing countries shall be asked to levy cesses therein, for the purpose of propaganda in the joint interests of their tea producers, at rates to be mutually agreed upon between the parties to this Agreement.

9. The Governments of the producing countries shall be asked to furnish to the Committee all reasonable assistance to enable the Committee, properly and efficiently, to discharge their duties, such assistance to include all necessary statistical information particularly as regards exports of tea, tea plantings and matters the subject matter of this Agreement and its Annex.

10. The powers functions duties and procedure of the Committee, the voting capacity of the representatives of the producing countries, and the basis on which their expenses shall be defrayed shall be in accordance with the provisions scheduled to this Agreement as Annex A thereto.

11. The terms on which any other tea growing country* may be admitted to the regulation scheme and the formal admission of such other tea growing country shall be dealt with by agreement supplemental to this Agreement.

12. Notwithstanding anything hereinbefore contained tea which is actually exported in the first year of the new period of regulation—

either (a) pursuant to and within the time limited by special licences under Clause 5 (c) of the said recommendations.

or (b) pursuant to determination of the Committee under clause 5 (e) of the said recommendations,

shall not, for the purposes of this Agreement, be treated as exported in such first year.

As Witness The Hands Of The Parties.

ANNEX "A".

(REFERRED TO IN CLAUSE 10 OF THE FOREGOING AGREEMENT.)

1. (a) The Committee (that is the International Tea Committee) shall be composed of not less than 6 and more than 12 members.

(b) Of such members—

not less than 2 and not more than 4 shall be appointed by Associations representing the Tea Growers of India to represent India.

not less than 2 and not more than 4 shall be appointed by Associations representing the Tea Growers of Ceylon to represent Ceylon.

not less than 2 and not more than 4 shall be appointed by Tea Growers' Associations in the Netherlands and in the Netherlands East Indies to represent the Netherlands East Indies.

(c) Each of the Governments of the producing countries may appoint a representative on its behalf and such representative shall be at liberty to attend meetings of the Committee, of which he shall be given notice. Such representative, attending any meeting, will be provided with all information, whether verbal or written, furnished to the members of the Committee attending such meeting.

(d) A representative appointed under (c) may be a member of the Committee.

2. The first business of the Committee shall be to elect from its members a Chairman and a Deputy-Chairman.

3. The members of the Committee, or a majority thereof, representing a producing country shall designate in writing to the Chairman one of their number who shall, at meetings of the Committee, cast the votes on behalf of such producing country, and shall also designate in the same manner an alternate member to act and vote in the absence of the member so designated.

4. The seat of the Committee shall be in London, at which an office is to be maintained during the term of the Agreement.

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*In view of the separation of India and Burma, the latter will be an "other tea growing country," and in such circumstances this clause will cover the future admission of Burma in the same way as it does any tea growing country other than India, Ceylon and the Netherlands East Indies.

5. The number of votes which the producing countries through their respective voting members shall be entitled to cast at any meeting of the Committee shall be as follows :—

India	38
Ceylon	25
Netherlands East Indies . . .	17

6. The unanimous vote of the Committee shall be required to modify, alter or repeal any resolution of the Committee, which has been adopted upon the condition that it shall not be modified, altered or repealed except by such unanimous vote.

7. Any recommendation, arrangement, or agreement proposing or providing for the admission to the tea regulation scheme of any tea growing country other than the producing countries, shall require the unanimous vote of the Committee.

8. The figure of regulation to be fixed by the Committee as mentioned in Clause 3 of the Agreement shall be so fixed by unanimous vote.

9. If the Committee are not by the 31st of October in any year (including the 31st October 1937) able to agree as to the figure of regulation for the year of regulation following such 31st of October the difference between them shall be referred for decision, either to an arbitrator to be appointed by the unanimous vote of the Committee, or failing this to a neutral arbitrator to be appointed by the President for the time being of the International Chamber of Commerce, and the figure so arrived at by such arbitrator or neutral arbitrator shall be adopted by the Committee and shall be the figure fixed by them for such year of regulation. Such arbitrator or neutral arbitrator shall sit in London and shall act upon such information and statistics as may be furnished to him by the voting members of the Committee or their alternates.

The figure, at which the arbitrator or neutral arbitrator arrives, shall not be higher or lower than the highest or lowest suggested figure of regulation submitted to him by such voting members or alternates.

The figure to be decided by the arbitrator or neutral arbitrator and adopted as above must be so decided and adopted by not later than the end of the 30th day following such 31st of October.

10. The figure of regulation, as soon as it has been fixed as aforesaid, shall at once be reported by the Committee to the Governments of the producing countries for their approval. In order to cause as little disturbance of the tea market as possible it shall be considered a matter of major importance that the public announcement of the figure of regulation shall not be delayed beyond 30th of November.

11. With a view to co-ordination and in order to secure a permanent improvement of the tea producing industry the Committee shall have the following powers :—

(a) to consult and cause to be consulted the Governments of each of the producing countries and the Associations representative of the tea growers therein with a view to considering whether, after the new period of regulation, regulation of exports should be further continued and if deemed necessary or advisable to make recommendation to that effect and to indicate the terms on which such further continuance should take place.

(b) The consideration and discussion, with actual and/or potential producers of tea in, and the Governments of, any other tea growing country, of measures of mutual interest with a view to agreement or arrangement affecting or providing for the admission of such other tea growing country to the Tea Regulation Scheme.

(c) The collection of statistics and information respecting areas under tea, production, exports, consumption and stocks of tea in all other countries, as well as in the producing countries, and the publication thereof at regular intervals.

(d) The study of the progress or retrogression of the world's tea production and consumption and the reasons therefor.

(e) The study of ways and means for the increase of the consumption of tea in the world.

(f) The recommendation of measures for the improvement, development and/or control of production and consumption of tea and for the improvement of the method of selling and marketing.

12. The Committee shall appoint a Secretary, as well as such statisticians, attorneys, accountants and such additional staff as may be necessary to carry on the work of the Committee subject at all times to the control of the Committee.

13. Before the end of January (including January 1938) preceding each year of regulation the Committee shall draw up their budget for the forthcoming year of regulation showing, under appropriate headings and in reasonable detail, the estimates of the expenses of the Committee for that year. The budget shall be communicated to the appropriate authorities of each of the producing countries and shall show the share of the expenses falling upon each such producing country in accordance with the ratio laid down in Clause 14 of this Annex.

As soon as possible after the end of each year of regulation, the Committee shall also cause to be drawn up and audited, by a duly qualified chartered accountant, a statement of account showing the money received and expended during such year and shall publish it in their annual report.

14. Each of the producing countries shall defray its share of the said expenses of the Committee in the same ratio as its ascertained standard figure, specified in Clause 2 of the Agreement, bears to the total of the ascertained standard figures therein mentioned.

15. None of the foregoing provisions of this Annex shall be revoked or amended except by the unanimous vote of the Committee and with the approval of the Governments of the producing countries, except that the Committee may draw up, put into force, modify or abrogate rules for the conduct of its business and procedure as may from time to time be necessary so long as such rules shall not conflict with or alter the foregoing provisions of this Annex.

THE INDIAN TEA ASSOCIATION (LONDON).

A. N. STUART, Chairman.

W. H. PEASE, Secretary,

as Agents, together with the South Indian Association in London for and on behalf of the majority of the India tea growers above referred to.

THE SOUTH INDIAN ASSOCIATION IN LONDON.

H. R. LOCKIE, Chairman,

W. H. PEASE, Secretary,

as agents, together with the foregoing Indian Tea Association (London) for and on behalf the majority aforesaid.

THE CEYLON ASSOCIATION IN LONDON.

ANDREW YOUNG, President,

A. G. BAYNHAM, Secretary,

for and on behalf of the majority of the Ceylon tea growers above referred to.

VEREENIGING VOOR DE THEE-CULTUUR IN NEDERLANDSCH INDIE.

W. G. DE JONGE, Chairman,

M. A. VAN LENNEP, Secretary,

on behalf of

NEDERLANDSCH INDISCHE VEREENIGING VOOR DE THEE-CULTUUR OF BATAVIA (JAVA).

S. W. ZEVERIJN.

For and on behalf of the

INTERNATIONAL TEA COMMITTEE.

R. GRAHAM, Chairman,

H. M. HAYWOOD, Secretary.

MOTION FOR ADJOURNMENT.

FAILURE TO SAFEGUARD THE INTERESTS OF INDIA IN THE FINANCIAL SETTLEMENT BETWEEN INDIA AND BURMA.

Mr. President (The Honourable Sir Abdur Rahim): I have received a notice from Mr. Santhanam of a motion for the adjournment of the business of the Assembly "for the purpose of discussing a definite matter of urgent public importance, *viz.*, the failure of the Government of India to safeguard the interests of India in the financial settlement between India and Burma, by not carrying out the directions of the Amery Tribunal".

I should like to know from the Honourable Member when this failure took place as the matter must be urgent in accordance with the meaning of the Rules.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): I came to know of it from a communiqué which I read in the papers only this morning.

Mr. President (The Honourable Sir Abdur Rahim): Sir James Grigg.

The Honourable Sir James Grigg (Finance Member): Sir, I would with your indulgence like to appeal to the Honourable Member not to press this adjournment motion in present circumstances. The Indian Member of the Committee on whose recommendation this Order-in-Council has been made and who is a Member of this House is unfortunately unable to be present today owing to the sudden death of his wife last night, and I think it would be due to this House and to the Honourable Member I have referred to that he should have an opportunity of making a full statement of the reasons which led him to put forward this recommendation as he himself took the initiative for this particular recommendation. I may, however, say that it was merely a reversion to the original contention of the Government of India before the Amery Committee; but if the Honourable Member responds to the appeal I have made to him, I suggest that this a matter which can be fully debated and a full statement made on behalf of the Government during the general debate on the Budget.

Mr. K. Santhanam: I think I shall agree if the Government will be agreeable to taking this up after the 24th.

Mr. President (The Honourable Sir Abdur Rahim): That does not depend upon the Government.

Mr. K. Santhanam: Will you, Sir, allow it to be taken up at some future date?

Mr. President (The Honourable Sir Abdur Rahim): No, I cannot allow that, but the Government I understand would be in a position to make a full statement when the Honourable Member referred to is present.

Mr. K. Santhanam: I do not know whether any particular date will be fixed for this discussion, or it will be taken up only during the Budget discussion. If they will make a statement before the Budget discussions, I am agreeable to withdrawing this motion. In view, however, of the statement of the Honourable Member, I do not press this motion today.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member knows what will happen to it if it is sought to be moved afterwards.

RESOLUTION *RE* CONSTITUTION OF A STANDING COMMITTEE FOR THE INDIAN ARMY.

Mr. President (The Honourable Sir Abdur Rahim): The Assembly will now resume the further discussion of the Resolution* moved by Mr. N. V. Gadgil regarding the election of a Standing Committee of the Indian Army on the 4th February, 1938. Mr. Asaf Ali.

Mr. M. Asaf Ali (Delhi: General): Mr. President, I rise to move the following amendment:

"That at the end of the Resolution the following be added :

'and that the functions of the said Committee shall include tendering advice to the Governor General in Council on such matters as he may refer to the Committee from time to time, with particular reference to :

(1) sending of Indian troops outside India.

(2) new proposals involving additional expenditure, and

(3) Indianisation of the Army'."

I have made two small verbal alterations above in the amendment as originally typed.

Sir, at the very outset I must congratulate my Honourable and learned colleague, Mr. Gadgil, who presented his case most ably the other day. I should also make it clear that this Resolution was really a Resolution of the Party, and in the light of the discussion which ensued the other day I thought it necessary to give notice of this amendment with a view to clarifying the entire position. I must also state it straightway that I do not find myself in a position to congratulate my Honourable friend the Nawab of Domeli (Captain Sardar Sir Sher Muhammad Khan) who made a very unfortunate speech the other day in which he made certain very unhappy references to certain imaginary incidents in the life of a historical personage, Sultan Salauddin, which were very strongly resented, I understand, by a certain section of the House. Sir, we expected this *ex*-Indian army officer to take a more reasonable view of the whole situation. I did not imagine for a moment that such objections would proceed from a person who had had some experience of the army, and on lines which were so wholly untenable. However, Sir, I think I may leave the points raised by other people alone and try to convince the Government that my amendment really removes all objections that they may otherwise have to the Resolution, because each one of the items I have mentioned in my amendment is covered by one or the other of the provisions in the Government of India Act or the Instrument of Instructions issued to the Governor General himself. Take for instance, the first one relating to the sending of troops outside India. It is covered

*"This Assembly recommends to the Governor General in Council that in order to associate the elected Members of the Central Legislature with the Indian Army early provision should be made for the election of a Standing Committee of Indian Army."

by paragraph 17 of the Instrument of Instructions issued to the Governor General which reads as follows:

"Our Governor General shall bear in mind the desirability of ascertaining the view of this ministers when he shall have occasion to consider matters relating to the general policy of appointing Indian officers to Our Indian Forces or the employment of Our Indian Forces on service outside India."

Sir, this provision is very definite and very clear. If the Governor General is to carry out the instructions with which he has been charged, he is bound to consult the representative and responsible Ministers of whatever Legislature it might be at the time. We realize today that the Ministers of the Government or the Members of the Executive Council are neither representative nor responsible, in which case, if the Governor General refers any matter to his own Cabinet, they must take into their confidence the Members of the Legislature who have been elected, and for that reason it is but obvious that the very first item I have mentioned in my amendment . . . .

Mr. President (The Honourable Sir Abdur Rahim): You want to change the words "Crown Representative" to "Governor General in Council"?

Mr. M. Asaf Ali: Yes, Sir, I have substituted the words "Governor General in Council" for the words "Crown Representative" in order to bring the Resolution into conformity with the Government of India Act.

Then, Sir, we come to the next one. "New proposals involving additional expenditure." That also is covered by the Government of India Act of 1935. But, before I make any reference to the Government of India Act of 1935, I want to make it perfectly clear that we have as a Party definitely rejected the Federal scheme contained in the Government of India Act. If I am now making any reference to this Act, it is only for the purpose of argument and to convince the Government that even, if they view their case according to their own provisions, they are bound to carry out the purpose which I have outlined in my amendment. Section 150 of the Government of India Act of 1935 reads as follows:

"No burden shall be imposed on the revenues of the Federation or the provinces except for purposes of India or some part of India."

The provision is very comprehensive and wide, and it certainly makes it perfectly clear that no burden can be placed upon the Federation or the Central revenues which in any way can be questioned on the ground that it is not for purposes of India. For instance, take the British troops in India today. I am certain that my Honourable friend, the Defence Secretary, will agree with me that only one-third of the British troops stationed in India are detailed for purposes of internal security and the other two-thirds are meant for purely Imperial purposes. Now, the expenditure incurred on the British troops which are stationed here for Imperial purposes cannot be debited to the Indian exchequer. India cannot be legitimately saddled with the expenditure which is incurred for Imperial purposes. Therefore, if I ask the Government of India today to create a nucleus of a Committee which should be consulted from time to time as regards the new proposals involving additional expenditure, I am not asking for anything for which provision has not already been made in the Government of India Act.

[Mr. M. Asaf Ali.]

Last of all, the third item of my amendment relates to the Indianization of the army. That, again, is covered by paragraph 17 of the Instrument of Instructions to the Governor General which I have already read. I repeat those words again:

"Our Governor General shall bear in mind the desirability of taking the views of his Ministers when he shall have occasion to consider matters relating to the general policy of appointing Indian officers to Our Indian Forces."

These words really are interpreted by me in a simpler phrase which is nothing else but Indianization of the army. This, I repeat, is a very modest demand. In 1936, this House debated a similar Resolution and passed it with an overwhelming majority. The only action which the Government took after that Resolution was passed was that His Excellency the Commander-in-Chief called, I think, a small Committee which consisted of some elected Members and consulted them about some trifling matters relating to Indianization and matters of that sort. Later on, when certain troops had to be despatched out of India, His Excellency the Governor General was pleased to consult Party Leaders after the troops had been despatched. This was all that was done by the Government of India by way of implementing the Resolution which was passed by an overwhelming majority of this House in 1936.

Then, again, matters regarding which we are asking the Government to appoint a Standing Committee are such as have engaged the attention of various Committees from time to time. We can go as far back as 1926 when the Skeen Committee had to consider a large number of questions relating to the army. Then, again, in 1932 there was the Retrenchment Committee presided over by the Honourable Mr. T. Rangachariar. That Committee also went into a large number of questions relating to the army. But since 1926, the policy of various Governments in the world with regard to armament and the defence of their respective countries has undergone enormous changes, and the time has come when a permanent nucleus has to be created and when some sort of a permanent Committee has to be created which must go into these matters, not only from decade to decade as has been done previously but to go into these matters from day to day.

After all, even if the Federal scheme, of which the Government of India Act contemplates, had come into operation and if it had been made possible for that scheme to come into operation, what would have been the position? The annual financial statement would have been laid before the House from year to year; somebody would have been in charge of the Army Budget, who would have had to explain matters and would have gone into all the questions which might have been raised on the floor of the House in this connection. That being the case, how can the Government of India today deny the elected representatives of the Central Legislature the right to go into some of the questions at any rate. We are not asking for divulgence of any defence secrets but we are only asking to be associated with the military affairs, the affairs of the defence of our country, to the extent to which we ought to be associated with them in our representative capacity. How can they deny us that right? I may here mention one little fact that as a Party we are definitely opposed to any kind of war. We are certainly opposed to all aggressive acts which may involve any violence or destruction of life or property . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has got only one minute more.

Mr. M. Asaf Ali: At the same time, we are for negotiation and collective security. We oppose any kind of increase of armament and we want reduction of the burden of defence expenditure to the very minimum. Finally, we want to relieve India of the wholly unjustifiable burden of the expenditure incurred on the British troops maintained in India for purely Imperial purposes, and subject to this fundamental policy, we want Indianisation of the Indian army entirely and absolutely within the shortest period possible and in fact immediately if possible, and to raise the efficiency of the army to the maximum for the purpose both of internal security and defence against external aggression.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is over.

Mr. M. Asaf Ali: I will conclude in a minute.

Mr. President (The Honourable Sir Abdur Rahim): The Rules are imperative. The Honourable Member cannot have any more time.

Mr. M. Asaf Ali: With these words, I commend my amendment for the acceptance of the House.

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

"That at the end of the Resolution the following be added :

'and that the functions of the said Committee shall include tendering advice to the Governor General in Council, on such matters as he may refer to the Committee from time to time, with particular reference to :

(1) sending of Indian troops outside India,

(2) new proposals involving additional expenditure, and

(3) Indianisation of the Army'."

Mr. C. M. G. Ogilvie (Defence Secretary): Sir, I propose to limit myself to the terms of the Resolution and the amendment which has just been moved. It appeared to me that many, I do not say all, but many of the speeches which I listened on the last day were in practice devoted to expressing disapproval of the existing form of the Constitution. With that I am not concerned. My business is to defend so far as in me lies the policy of the Defence Department within the present Constitution, in which, as matters stand at present, the responsibility for defence lies with the Governor General in Council.

Before I proceed to explain the policy of Government in regard to this Resolution, I wish, however, to clear up certain misunderstandings which obviously exist. In the first place the Honourable the Mover, who I was glad to see, had studied the admirable book of Captain Cole, was under a misapprehension of fact as to the constitution and functions of the Committee of Imperial Defence to which, he said, the duties and functions of the proposed Standing Committee might in some sort approximate. There is only one permanent Member of the Committee of Imperial Defence and that is the Prime Minister. The Prime Minister invites those Members of his Cabinet who are particularly interested in matters of defence or who

[Mr. C. M. G. Ogilvie.]

are particularly concerned in matters of defence and also the heads of the fighting services to consult on defence problems. In order, therefore, to become a Member of the Committee of Imperial Defence a person has either to achieve Cabinet rank and become a Member of the Government of the day in power, or he must become the head of a fighting service. The idea of the Prime Minister appointing haphazardly chosen Members of Parliament for such a task would not in practice be even thought of. If the Honourable Member will think a little on the subject, he will realise, I think, that the existing position very closely approximates to that in the United Kingdom. The main reason why there is not a Committee of Imperial Defence here and why no need for one has ever been felt, is that at present the head of the fighting services, His Excellency the Commander-in-Chief, is a Member of the Governor General's Council and no special meetings at which he is to be invited as an outsider have to be arranged.

Various Honourable Members including the Honourable the Mover, Mr. Santhanam and, I think, Mr. Abdul Qaiyum dwelt to some extent upon military control of defence and he said that it was time it was stopped. I think the House should realise that there is no military control of defence. The Governor General in Council is not a military body. It contains, it is true, one military officer, but the control of defence in this country cannot possibly be described as military. Other Honourable Members argued that this alleged military control of defence indicated a distrust of India. I trust from what I have said that this allegation like the others must fall heavily to the ground. Other Honourable Members, I think Sardar Mangal Singh in particular, dwelt upon the alleged failure to keep promises in respect of that. I have not the time to go into this matter in full, but I would refer Honourable Members of the House to the debate in 1936 when my predecessor dealt most fully with the subject in his speech. In brief the position is that the Government have never, on a single occasion, even hinted at the possibility of appointing a Standing Committee of Defence. Other Honourable Members, I think again, Sardar Mangal Singh is one of them, urged that an agreed solution was come to, because on the last occasion of a debate on this subject, there was no division. The opinion of the Government must be sought, I submit, from the speeches of its spokesmen and not from the fact of whether or not it has chosen to challenge a division.

I now turn, Sir, to the constitutional position. This Resolution readily divides itself into two halves. What is the constitutional position and what is the practical position? Constitutionally the Governor General in Council is responsible for defence and it is a responsibility which he cannot shelve or share. In no country in the world, does the legislature encroach upon the responsibilities of the executive in regard to the administration of the Defence services. In no country in the world is such a thing regarded as possible. Honourable Members, it is true, have stated many times that Government are in fact advised by Standing Committees on various subjects. I agree that that is the case, but I also submit that the practice which has been followed of inviting Committees of the legislature to enter the sphere of executive responsibility is a constitutional anomaly. In my own mind, I have no doubt that it is entirely unsound. As regards Defence of course it would be far more unsound than in any other matter, except possibly foreign relations. Much play has been made

with the Constitution Act and the Instrument of Instructions of the Governor General. I submit, Sir that the constitutional position, both in practice and in theory, is abundantly clear. The Report of the Joint Select Committee, the Constitution Act itself and the Instrument of Instructions all look to the time when the Federal Constitution, which is not yet in force, has supervened. They do not envisage the consultation by the Governor General with a collection of Members of the Legislature chosen from any Party, but consultation by the Governor General with the Ministry, that is to say, with the representatives of the Party in power.

Mr. M. Asaf Ali: Where are they now?

Mr. C. M. G. Ogilvie: They are here, Sir. And even if we were to give way in this matter, on the practical ground, constitutionally I submit that it would be a most serious mistake and an extremely bad precedent. I imagine that when the new Constitution does supervene Honourable Ministers would most strongly object to the Viceroy consulting persons other than themselves in the Legislature. All reference, therefore, in this matter to the report of the Joint Select Committee or to the Constitution Act or to the Instrument of Instructions is irrelevent.

I now turn to the practical side of the question. Constitutionally I submit that the position is hopelessly against the Honourable the Mover and his supporters. In practice what would be the use of such a Committee and how could we consult it? The answer is that there are very few matters on which a Committee formed in the manner suggested could be consulted. Honourable Members have disclaimed the wish to probe into military secrets. I can assure them that it would in practice be most difficult if not impossible, to separate any class of subjects connected with Defence which would not involve a knowledge of military secrets. There are a large number of questions in every aspect of the Defence administration which can only be properly understood when one has a knowledge of secret war plans and mobilisation arrangements which can never in any circumstances be divulged. There are, of course, questions occasionally in which unofficial opinion is valuable; and when such questions arise *ad hoc* committees have been appointed and will continue to be appointed. I may quote the Skeen Committee, the Shea Committee which dealt with territorial and provincial battalions, the Indian Military Academy Committee and the Army Retrenchment Committee. If further questions arise on which the advice of Honourable Members would be of value, as it frequently has been in the past, it will be sought.

Now, it has frequently been stated that the formation of such a Committee would help Honourable Members in understanding Defence problems and many Honourable Members said that Defence was a closed book, that the Army Department was in purdah and that they were allowed to know nothing about it. I submit, Sir, that is entirely wrong, and indeed that so far from being ignorant of Defence matters Honourable Members on that side know as much about them as any layman in any country of the world. Their questions show a knowledge of even the minutiæ of organisation of particular units, and no question of military policy is not considered by them. I imagine that I must have in the course of last year answered in the House over a thousand questions in one way or another. Resolutions are freely debated and neither questions nor Resolutions are disallowed unless they clearly are contrary to the public interest.

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Apart from this, every facility has been provided to interest Honourable Members in Defence problems. On the side of finance, big questions of policy or questions of fresh expenditure cannot, for the reasons which I have already given, be entrusted to a Committee of Members of this House. That is obvious enough; but on the administrative side, as opposed to the side of policy, they are at liberty to make and they do make every manner of suggestion they can. The Public Accounts Committee goes in the very greatest detail into military expenditure. The results of its labours are published and Honourable Members can see for themselves the detail with which all questions of business and finance are examined. The Audit Report, the Report of the Public Accounts Committee, the evidence taken by that body, the Commercial Appendix and the Military Appropriation Accounts are all published, and they are all in very great detail. I submit, Sir, that there is no need to add anything to this mass of information which exists. The Commercial Appendix contains the fullest statement of account of all manufacturing and trading concerns which function within the Defence services. Profit and loss accounts, assets and liabilities, stores accounts,—everything of the kind is set forth fully and clearly. There is no need then, I submit, for the appointment of a Standing Committee to do again work which is already done very well by this body. In addition, a pamphlet is produced every year dealing with important Defence events which have occurred, and that is placed in the hands of Members. In addition to that, a special production entitled, "Some facts and figures about Indian defence" in which every matter connected with the army, navy and air force which has excited political interest has been fully discussed, and that book I think contains a wealth of information in a very small compass. In addition to that, Honourable Members who are interested in Defence are encouraged to belong to the Army Headquarters library where every possible work which they can want on the subject is available to them. I think, Sir, that nothing further can possibly be done to render Defence an open book than is actually being done.

In conclusion, I may say it is open to any Honourable Member of this House or any Group of Honourable Members to make any suggestions that they wish on matters concerning Defence to Government. Many already do so from the floor of the House. If they would send communications on any subject relating to the Defence Department containing any suggestions which seem to them good, I can assure them that they will be most carefully considered. In this connection I may again remind Honourable Members that if any questions arise on which their advice is required by Government *ad hoc* committees will certainly be appointed, but I have no option, both on constitutional and on practical grounds, but to oppose both this Resolution and the amendment.

Mr. F. E. James (Madras: European): I have listened with very great interest to the speech of the Defence Secretary and I may say that it generally indicates the attitude that we take up on this particular subject. Much ground already traversed in this debate was traversed in a debate nearly two years ago when on the floor of the House our then Leader, Sir Leslie Hudson, whose absence we all very much deplore, stated very clearly what our position was. I think perhaps I had better read to the

House the remarks that he then made; after pointing out the constitutional difficulty Sir Leslie went on to say:

"But this does not mean, however, that we have no sympathy with the general idea that there should be constituted some kind of an advisory committee on defence affairs on which the Central Legislature would have representatives and which would be in a position to discuss matters referred to it by the authorities and would thus serve to keep in touch to some extent at any rate, with questions of defence and provide that phase of education to which my Honourable friend, Sir Cowasji, has referred to enable members of the Government which will succeed the present one to carry out their duties."

Sir Leslie went on to say:

"It is difficult to think of any precise formula at the moment and it would require not only the most careful examination but a spirit of accommodation on the part of the Legislature."

I do not detect in the Defence Secretary's speech any lack of appreciation of the spirit underlying the Resolution and the amendment, but the very fact that the Honourable the acting Leader of the Congress Party was obliged to table an amendment to the Resolution moved by his own Party illustrates to my mind the practical difficulties of the situation.

Reference has already been made to the position that will obtain under Federation, and I do not expect that if federal conditions obtained today there would be any demand for an advisory committee of this House apart from the Government of the day. The difficulty at present seems to me is this: it is a practical one. We are in a transitional stage. If we were sitting in a House which looked forward to a prolongation of its life under the existing Constitution, there would have been a very much stronger case for something on the lines that have been suggested by the Resolution. But it is not the case today: we are in a transitional stage, and it is to be expected that within a comparatively short time this transitional stage will come to an end and will be replaced by something more permanent. Members may all say "question, question", but they have not as yet placed any alternative to the scheme which is adumbrated under the Government of India Act, and for the purpose of our argument we may reasonably assume that inasmuch as a large part of the Government of India Act is in force, the remaining sections will sooner or later be in force also. Now, Sir, therefore it is a really practical difficulty to devise a constitutional machinery which would be appropriate to the transitional period. Even if the transitional period were not in existence, the question is whether the particular method suggested in the Resolution is the proper method. Sir Leslie in his speech of 1936 had something rather different in view when he referred to a Committee on which certain representatives of the Central Legislature would sit: that is quite different from the proposal in the Resolution that there should be a Standing Committee of the Legislature on the Indian Army.

Sir, the difficulty I have mentioned is admitted by Mr. Asaf Ali in his amendment, for, whereas the original Resolution suggests that a committee should be elected by this House presumably to advise the Governor General in Council on matters concerning the Indian Army, Mr. Asaf Ali recognises that the Crown Representative must remain absolute in his discretion in the matter, and suggest, therefore, that this Committee should tender advice with particular reference to certain specific items. Quite obviously, Sir, he is thinking not of the existing Constitution but of the Federal Constitution which may come into operation.

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): It does not follow.

Mr. F. E. James: His speech seemed to indicate that he appreciated that at present there is no responsible Ministry in this House, and that he merely wanted to anticipate the position under Federation and give those functions to this Committee which perhaps later on may devolve on the Federal Ministry. That, Sir, seems to me to be a very difficult position indeed, and to our mind it does preclude any practical value arising from the adoption either of the original Resolution or of the amendment which has been moved, under present conditions. Yet, Sir, while we take that view, we also recognise with very great sympathy the increasing interest which has been shown recently in different parts of the country in matters affecting the defence of India. There is a simple reason for that increased interest. India no longer is outside the danger zone of a possible international war: and throughout the country, in the various provinces, there is a remarkable increase in the interest of the public in matters relating to military efficiency, coastal defence, air raid precaution, and manœuvres. I am quite sure that the Honourable the Defence Secretary will be the first to acknowledge this welcome growth in public interest on defence matters; and I would go further and suggest to him that, while acknowledging what the defence authorities have done recently in the direction of making their activities more public, they would do well to redouble their efforts in that connection.

It will be within the recollection of Members of the House that recently in England there has been a tremendous nation-wide campaign to make the British army popular, and under the inspiring leadership of our Defence Secretary's counterpart these, Mr. Hore-Belisha, there is much more attention paid to the army and navy in the United Kingdom now than at any other time since the great war. Would it not be of stimulating interest if we could see pictures in the press and on the screen in the cinemas of our Defence Secretary attending parades tasting the curries or sipping the tea at canteens during the time of manœuvres, or indulging in all sorts of sports along with our troops, both Indian and English, in this country? That is the kind of thing which perhaps would stimulate still further this welcome growth of interest in matters relating to defence; and while we do not think that the particular method suggested in this Resolution is the method which is either suitable to the present Constitution or appropriate to its transitional stage, we do wish every encouragement to this growth of interest in the public, and we do hope that the defence authorities will continue their work of making more available to the public the vast and beneficial activities of the great defence services of this country which are assuming an increasing importance in view of international developments.

Babu Baijnath Baioria (Marwari Association: Indian Commerce): Sir, I rise to support the Resolution as well as the amendment moved by my friend, Mr. Asaf Ali. The other day I was accused of being irritatingly long. Today I will be pleasantly brief. The total expenditure of the Government of India is something over Rs. 83 crores, while the total expenditure on defence matters is about Rs. 44½ crores or just more than half of the total expenditure. That is why I say that this Army Department is the better half of the Government of India . . . . .

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Child marriage!

Babu Baijnath Bajoria: . . . . and I do not wish that this Army Department should be absolutely divorced from my friends like Mr. B. Das and Mr. Sri Prakasa who get all their inspiration from their better halves. In these days when the defence of India is of vital concern not only to the Army Department but to the people of India, when there is every danger of India being attacked both from the east and the west, it is, I think, the primary duty of every citizen that we should also have the confidence of the Government of India: rather the Government of India should take us into their confidence. I do not mean that they should divulge the army secrets, but they should take us into confidence so that we may help them in the proper defence of India when the time comes, in such matters as black-outs and other things against foreign attacks. The subject matters which have been enumerated by my friend, Mr. Asaf Ali, are very appropriate matters which can be discussed without any secret being divulged by the Standing Committee. For example, whenever any Indian troops are sent with the approval of this Standing Committee, then the people at large in the country will know and will realise that because their own elected representatives have also considered this point there must be something why these Indian troops are being sent outside India, and then there will not be such unrest here. That will be of great help to the Army Department.

Similarly, as regards questions of additional expenditure, this is also a very important item. Every year we have been fighting in this House that the expenditure on the army in this country is abnormal as compared to our revenues. At the present moment there is another point to be considered. We think that the expenses are not made as they should be. The question of Indianisation of the army also comes in. We think by Indianisation we can have greater stability and also a great amount of saving in the expenses. I promised to be very brief and so I will not take more time of the House. I heartily support this Resolution.

Mr. M. S. Aney (Berar: Non-Muhammadan): Sir, I rise to support the amendment as well as the original Resolution. I have listened very attentively to the eloquent speech of the Honourable Member, the Defence Secretary, and I confess it was considerably disappointing. He tried to take objection to the Resolution both on constitutional grounds as well as on grounds of practical considerations; and yet he also wanted this House to believe that all that is needed to enlighten the people on problems of Indian defence and in matters pertaining to the defence of British India is being done, and now nothing more is wanted. In fact he went to the length of asserting that the Members of this House are more informed in matters of defence than any layman in any other country.

Mr. C. M. G. Ogilvie: Equally.

Mr. M. S. Aney: I am quoting the words of my friend which I have taken down here. Therefore, so far as the thirst for knowledge is concerned, to use the expression which was used by the Honourable the Leader of the House yesterday, it is more than quenched and there should be no further demand in that direction: that is the suggestion made by the Honourable the Defence Secretary. As regards the definite suggestions and

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observations made with regard to this matter in parliamentary debates and the report of the Joint Parliamentary Committee, he has told us that that is intended to be considered when the Federation would come in and it is not a matter for this House to consider at this stage. That is the way in which he has disposed of those observations; and, therefore, according to him there is absolutely no case for the House to consider so far as the present Resolution and the amendment moved by my friend, Mr. Asaf Ali, are concerned. Now, let us look at the question purely from an Indian point of view.

This demand for some kind of association of the non-official Indians with the machinery which deals with the defence problem, in order to keep those who are in charge of the defence affairs of India duly informed of the Indian point of view, is an old and a very old demand. The question has been considered more than once and a demand to that effect was also once made in this House. It was carried also.

1 P.M.

But even before that, it must be a matter of common knowledge to all those who take an interest in the political development of this country, that the Indian National Congress appointed a committee of its own some time in the year 1927, which was presided over by the late Pandit Motilal Nehru who played such an important part in the constitutional struggle carried on on the floor of this House and also outside and whose name will long be remembered in the history of Indian political struggle. That Committee prepared a report generally known as the Nehru report. In that report, a distinct reference is made to the necessity of constituting a committee of Indian defence. The committee succeeded in preparing a certain constitution which, in spite of the difficulties which came in its way, would have furnished the British Government with a model that would have satisfied public opinion at any rate at that time. In fact, the Indian National Congress offered an opportunity to the British Government to accept that tentatively and to bring to an end the struggle that was going on between the people and the British Government as regards the future Constitution of this country. In the consideration of that constitution, not only Pandit Motilal Nehru but one of the most experienced Members of the Executive Council of the Government of India and an ex-Member of Council, Sir Tej Bahadur Sapru, took part. A suggestion was then made that the Governor General in Council shall appoint a Committee of Defence consisting of the Prime Minister (because that report contemplated a state of things in which there was a purely responsible form of Government), the Minister for Defence, the Minister for Foreign Affairs, the Commander-in-Chief, the Commander of the Air Forces, the Commander of the Naval Forces and the Chief of the General Staff and two other experts. At least two members of that Committee, the Minister for Defence and the Minister for Foreign Affairs as well as the Prime Minister were to be persons elected by the people.

It is conceded by many of us that the defence problems consist of many questions which are of a technical nature and it has always been held that there are certain subjects of practical importance in which the advice of the non-official elected element will be of great use. This fact is not at all denied by any Defence Minister in any part of the world. It is true that the Committee of Imperial Defence that is constitued in England

consists mainly of the Prime Minister. It is more or less dominated by him. It is also true that the Committee of Imperial Defence is there to give advice to the Prime Minister on such questions as are placed before it from time to time by the Prime Minister. It means that the Prime Minister in spite of the technical assistance he already has got from the Army Department and the Defence Department there seeks the assistance of his elected colleagues in the formulation of policy. If the present arrangement continues, I ask what is the arrangement by which it is possible for the Defence Department in India or the Governor General in Council to get any non-official assistance in matters of policy. I do not see any machinery at all at present in existence from which they can get that assistance. The question of the Committee of Imperial Defence has been very recently considered in England.

The other day one Honourable Member wanted to know what will be the function of the Committee that we propose to set up here. The functions of that committee and the powers that are going to be given to them are now specified in Mr. Asaf Ali's amendment. In this connection I want to invite the attention of Honourable Members to a statement which clearly defines the duties performed by such a committee in England. The Committee in England has always been a consultative and advisory body and that is what we want here. Instead of the Prime Minister, we shall have the Governor General in Council. The Committee in England is a consultative and advisory body created to supply the Prime Minister and his Cabinet with the best available advice on all matters connected with defence. This is the condition in England, but in India alone those who are in charge of defence think that they are self-sufficient and want no more enlightenment from any source at all. They are averse to any light. They are content with the darkness which envelops them and they prefer to remain groping there for all time to come. The world has changed. The international situation has changed and the policy pursued by the Defence Department does affect not merely the Defence Department but crores of people who pay for running this big machinery. If that is the position, it is in conformity with modern conditions of civilised Government that some arrangement should be made to associate public opinion with the highly technical work performed by the Defence Department. The Resolution which my Honourable friend has moved gives the Government an opportunity to remedy the defect which exists in the system that obtains today.

I want to welcome very heartily the attitude that was once taken up by the European Group on this question and the quotation which my Honourable friend, Mr. James, has just cited from the speech of Sir Leslie Hudson is in my opinion the best support that we could receive for a Resolution of this kind. He has made two admissions there. The first is for a better association of the people, and the second is that such an association will have the effect of educating the people more and more in the intricacies of the problems of Indian defence. I believe that is the best reply that could be given to the objections raised by my Honourable friend, Mr. Ogilvie. He thinks that there is no further need for enlightening us and for giving more information. On the other hand, Sir Leslie Hudson's position was that there is need for that, and from that

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point of view some kind of a Committee of the House should be appointed and thereby this House should be given an opportunity unofficially to associate itself with the consideration of questions relating to Indian defence. Now, after having quoted that I was a little bit puzzled by the observation which my friend, Mr. James made. I believe by quoting Sir Leslie Hudson's observations on this point which he made, knowing the responsibility that they have to bear as belonging to the European Group, I thought those who are present there on those Benches would have followed the noble lead given by their chief some time before in this very House. I thought the Honourable Members of the European Group would unanimously support the very modest demand that has been made in the form of this Resolution by my Honourable friend, Mr. Gadgil, but anyhow he only thought it proper to give a good deal of advice. As regards the actual support, he thought it better to leave it to some future time rather than give any present promise at all. This is somewhat unfortunate in my opinion.

The time has really come when questions of defence are not to be left merely to the discretion of those who have run the military machine of this country. The particular points which my friend, Mr. Asaf Ali, suggested are those to which certainly no objection can be taken. Even in the present constitution of the Government of India Act, provision is made for this so far as the expenditure on Indian troops is concerned, and it is only permissible if the troops are employed in India, but if any of these troops are employed outside, I believe under the Government of India Act this would not be permissible or even constitutional. Even the despatch of such troops without the consent of this House is certainly not constitutional if we properly read the sections of the Government of India Act on this point, and yet recently a certain thing has happened and *post facto* after the thing is done, some Members of this House have had some kind of consultation with His Excellency the Viceroy. I do not want to criticize the particular thing but I am only trying to show that if this new Act is to be faithfully worked, there is need for the Government to have some representative people sitting close by their side, to be consulted at any moment. You never know what contingency may arise, and you will have to act upon your own responsibility at the time. So in order to provide against emergencies and contingencies of a similar nature arising in the future, it is necessary, in order that the Government of India should keep itself within the limits of the present Government of India Act, 1935, that some kind of Committee ought to be appointed by them so that they may be able to consult members of that body. The section I was referring to is this:

"150. (1) No burden shall be imposed on the revenues of the Federation or the Provinces except for the 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 . . ."

You may go through the other provisions also.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Mr. M. S. Aney: My point is this that in order that the new constitution which is enacted should be given a fair trial, and although the Federation may not be coming into existence yet, the spirit of the new Constitution should be borne in mind, and in order that it should be properly worked, I think it is necessary that Government should appoint a Committee on the lines suggested in the Resolution by my friend, Mr. Gadgil, and for the purposes to which reference is made in the amendment moved by my friend, Mr. Asaf Ali. I, therefore, support the motion.

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

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

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

Mr. N. M. Joshi (Nominated Non-Official): The question be now put

Mr. Sami Vencatachelam Chetty (Madras: Indian Commerce): Sir, the speech of the Honourable the Defence Secretary is nothing if not candid. He has shattered the lurking hope that this House had entertained in regard to some date when there will be a possibility of the formation of a Standing Committee to advise on Army matters and that he did successfully. But I must say that his speech is full of contradictions. He began by saying that this Resolution is impracticable on account of two main considerations, namely, constitutional and practical. On the constitutional ground, the Government of India cannot share the responsibility of the defence of this country with any non-officials nor would it be proper on the part of the Government to allow Honourable Members of this House to go into military secrets and diplomatic matters. Sir, this difficulty of sharing the responsibility of the Government with the representatives of the people is applicable to all the Departments of the Government and it is not peculiar to the Military Department. On that ground it was never argued, at any rate, by other Honourable Members of the Government that they cannot take into confidence the representatives of the people, at least in respect of such matters as are not entirely confidential. Therefore, to quote the constitutional ground as an objection to allow the representatives of the people to have some insight into the knowledge of the working of the Military Department, seems to me an argument which is invoked for the purpose of refusing what they at one time promised to this House. If on constitutional grounds it is impossible to constitute a Committee of this sort, I am sure the Honourable Members of the Government who had preceded the Defence Secretary would have quoted that to be a reason why they would not accept a Resolution of that sort. But it is common knowledge of all the sections of this House that, at any rate, at one time one of the *ex*-Commanders-in-Chief had definitely promised to this House that he would consider the desirability of constituting a Committee to supervise the matters connected with the Military Department. Each year the Defence Secretaries have put forward new set of reasons to oppose a

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Resolution of this kind. Last year the predecessor of the present Honourable Member stated that the statement of the Commander-in-Chief was not correctly appreciated by the House and that, at any rate, he did not quote the reasons which the present Defence Secretary has stated.

Again, with regard to practical considerations that he says stand in the way of accepting this Resolution, this House has already been made aware of numerous matters connected with the Military Department and from time to time facts and figures are being supplied to the Honourable Members of this House. There is, therefore, no harm in associating them in the form of a Committee for any further advice. While saying in one breath that they cannot constitute this Committee because their thirst for knowledge would be so great that they would try to probe into the secrets of the military diplomacy, and to say in the same breath that all that is necessary is being supplied to the Honourable Members of this House and that the constitution of a Committee is superfluous, seems to me to be blowing hot and cold in one breath. It looked from the latter part of the speech as though there is nothing secret from the Members of this House and therefore the appointment of a Committee is unnecessary, and that with regard to the expenditure, the Public Accounts Committee has the fullest opportunity to examine how the moneys are expended. I wonder which is more correct? Is it a fact that the information that is necessary is supplied to the Members of this House or not? If the information is being supplied, why should there be any difficulty about supplying that information to a Committee that may be appointed by this House.

The truth of the matter is that there are ugly spots in the administration of the Military Department which the Defence Secretary and the Government of India would not like to be exposed by the search-light of criticism of the Honourable Members of this House. If it be not so, there does not seem to be any reason why they should not constitute this Committee, at least to consider the points that have been put in in the very reasonable amendment of the Congress Party moved by my Honourable friend, Mr. Asaf Ali.

If the Honourable the Defence Secretary has shattered the hope extended by his predecessors, I must say that my Honourable friend, Mr. James, has practically disappointed us in the matter of expectation of any support from that quarter. My Honourable friend, Mr. James, is always more clever than logical and I think he has overplayed his part on this occasion and has disappointed none else than his illustrious Leader and perhaps his group. It was because of that speech of Sir Leslie Hudson on the last occasion that the Government dared not challenge the House to a division, because they were practically certain that the Europeans would support the Congress Party in the matter of that Resolution. Today my Honourable friend, Mr. James, has let down his absent Leader rather very badly.

Apart from that, Sir, my Honourable friend, Mr. James, has been very patronising both to the Mover of the Resolution and the Mover of the Amendment. He said and he also assured us of his sympathy and

of his Party's sympathy with regard to the motive underlying this Resolution and the amendment, but he was not supporting this. Sir, he set too much value upon his sympathy if that does not accompany his co-operation also in the matter of carrying out this Resolution. I do not think the Congress Party needed his sympathy. What we want is his vote. In the way of practical difficulties, he has repeated what the Honourable the Defence Secretary has stated. So they do not require further answer from me or from my Party. But he spoke of the transitional stage. I do not know of what transitional stage he was speaking about, whether transition in his own mind of the evolution of ideas or the transition from one minute to another. Sir, everything is in a transitional stage. What is the particular transitional stage that could operate as an impediment for effectuating the object of the Resolution. As a matter of fact the amendment moved by my Honourable friend. Mr. Asaf Ali, has been well commented upon by my distinguished friend, Mr. Aney, and it was intended to clarify the real object of the Congress Party in moving this Resolution.

We are not anxious to probe into the secrets of the military diplomacy nor are we going to be unpatriotic enough to expose those secrets which we might come across in order to desert our own country. We wanted this Committee for certain specific purposes, particularly with regard to the despatch of Indian troops to foreign lands in respect of wars with which India is not connected and also with regard particularly to expenditure. What reasonable objection could there be for associating a Committee of this House in matters like these? Moreover, the choice has been entirely given to the Crown Representative to put such matters as in his opinion would be advisable to place before this Committee. Would it still be said that we are desirous of probing into your military secrets? Could this thing be said to be unreasonable? Yet, Sir, even as we were thinking that this amendment would gain support of the European Group, this very amendment is considered to be a reason why they should not extend their co-operation to us. The fact that we have realised that there are difficulties in the matter of accepting an absolute proposition like the one moved by my Honourable friend, Mr. Gadgil, has made us to table an amendment to clarify the position, and still the Honourable Members of the European Group say that because there are difficulties we shall not vote with you for the constitution of this Committee. That sounds to me to be a disingenous argument.

An Honourable Member: That was not said.

Mr. Sami Vencatachelam Chetty: Mr. James said in effect that there were practical difficulties and that was why his Group could not support this Resolution.

An Honourable Member: Certainly not.

Mr. Sami Vencatachelam Chetty: Please refer to the shorthand notes of the speech made by Mr. James.

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

Mr. Sami Vencatachelam Chetty: I was speaking of the longish life of the Council. Now, I see there is only one minute. Sir, why should this longish or shortish life of this Assembly stand in the way of the constitution of this Committee? If the life of the Assembly is going to be short, the life of the Committee will also be correspondingly short. If it is going to be long, the life of the Committee will be correspondingly long also Sir, I, therefore, suggest that if the Government should oppose this Resolution it will be going against its own pledged word, and if the European Group is not willing to support the Resolution, then that Group is actually letting down its Leader.

Mr. N. M. Joshi: I move that the question be now put.

Mr. Deputy President (Mr. Akhil Chandra Datta): When the Leader of a Party, Sir Muhammad Yamin Khan, has got up to speak, I cannot accept closure. Sir Muhammad Yamin Khan.

Mr. N. M. Joshi: I am not at all against your allowing the Leader of a Party to speak. At the same time, if the discussion on a subject goes on for a long time and if the Leader does not get up sufficiently early in the Debate, how then are the rights of other Members to be protected?

Mr. Deputy President (Mr. Akhil Chandra Dutta): Sir Muhammad Yamin Khan.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, I thank you for giving me an opportunity to speak. The Resolution before the House is a very simple one and the amendment is also very simple. The Resolution says that the elected Members of the Central Lgislature should be associated with the Indian Army. My Honourable friend, Mr. Asaf Ali, has moved an amendment by which he has clarified the intention of the Resolution; he has given out the definite purpose for which the elected Members of the Legislature should be associated with the Army Department. What then is the objection of the Defence Secretary in accepting this Resolution? The amendment imposes three main conditions for which the Resolution seeks the association of the Members of this House with the Army Department.

The Honourable the Defence Secretary has taken two objections, firstly on a constitutional basis and secondly on practical basis. He says that constitutionally the Members of this House are not entitled to have any voice in the matter. Does my Honourable friend suggest that when Indian troops are sent outside India, the Members of the Central Legislature have no right to be consulted? Does my Honourable friend mean that constitutionally the Members of this House cannot give advice in case Indian troops are sent outside India? Surely that cannot be a valid objection of the Defence Secretary. The second condition laid down in the amendment is that when new proposals involving additional expenditure are undertaken this House should be consulted. Does the Honourable the Defence Secretary suggest that in such a case the Members of the Central Legislature should have no voice and they should have no right to advise the Government of India whether such new expenditure should or should not be incurred? The Honourable the Defence Secretary should not embark upon new expenditure without taking the views of this House. Therefore, what is the objection on this score? The third point laid down

in the amendment is 'Indianization of the Army'. That matter has always been dealt with by this House. As far as I remember only last time when Indian troops were sent to Abyssinia to protect the interest of Indians there, an undertaking was definitely given by the Government of India that no steps should ever be taken in this respect without consulting the opinion of this House. When troops were sent out last time, the House was not in Session. Therefore, on another occasion, the Governor General sought the views of some of the Members of the House by inviting them for consultation. Now, Sir, this point has been conceded by the Government of India which is represented in this House by the Honourable the Defence Secretary. I do not know whether the Defence Secretary is representing the views which had already been expressed by the head of the Indian Government, that is, the Governor General or he is representing his own views, or he is representing merely the views of his Department. Certainly, it cannot be said that they are the views of the Government of India. So, I take it that they are the views of his own Department with which certainly he cannot bind the Government of India at all.

Mr. C. M. G. Ogilvie: I have spoken for the Government.

Sir Muhammad Yamin Khan: If the Honourable the Defence Secretary says that he spoke on behalf of the Government of India, then I take it that the Government of India have vetoed the action of the Governor General.

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

Sir Muhammad Yamin Khan: If they have not, then in this respect the Honourable the Defence Secretary cannot say that it is not acceptable to the Governor General.

Mr. C. M. G. Ogilvie: Yes, he can.

Sir Muhammad Yamin Khan: Then let it be an anomaly in the character and words and sayings and doings of the Governor General.

Mr. C. M. G. Ogilvie: Not at all, Sir.

Sir Muhammad Yamin Khan: I am not here to defend the Governor General. He has to defend himself against the utterances of the Defence Secretary. This being the position, I think the interpretation of the Constitution as given by the Defence Secretary cannot be accepted by this House. This House has got privileges and powers which must be exercised by the House, and no curtailment of these powers and privileges would be acceptable even to those who, if they were free to vote according to their conscience, would have voted otherwise. From the practical point of view I do not agree that it is difficult that the elected Members should be consulted on all matters. Their confidence should be gained by Government and I agree with Mr. Aney when he said that Government should show now that they are ready to co-operate with the people of India and gain their confidence, specially when the Defence Secretary must have realised that Members on this side are also prepared to defend their country. They have begun to see that India is really in danger and

[Sir Muhammad Yamin Khan.]

on the last occasion, they made it clear that they would not hesitate to spend any money that may be required for this specific purpose. In the face of that expression, I do not think it is a good policy to refuse to take this House into confidence. In the end they might find themselves in a position of giving more than is demanded at first. I think it is a wrong policy not to take us into their confidence, and on both points I submit that no case has been made out by the Government of India for opposing this Resolution which should be accepted by all sides of the House

Several Honourable Members: The question may now be put.

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

"That the question may now be put."

The motion was adopted.

Mr. N. V. Gadgil: Sir, I am glad to note that the Resolution has been generally accepted by the non-official sections of the House. I was somewhat surprised when I heard my Honourable friend, Mr. James, from the European Group taking quite a different attitude from the one taken by his Leader when a similar Resolution was under discussion in the House on the 4th February, 1936. In reply I was going to refer to the statement to which he referred, but somehow or other he was good enough to refer to it in his own speech and tried to impress on the House that it was a statement not categorical in its character. Sir, if you refer to what Sir Leslie Hudson said you will find that he complained about the vagueness of the Resolution then under discussion, but at the same time he went on to say:

"It is difficult to think of any precise formula at the moment and it would require not only the most careful examination but a spirit of accommodation on the part of the Legislature. Such a committee could only be consultative and experimental. I do not think, however, that it is beyond the wit of man to devise some machinery of this description which would have the effect which I have outlined and which would go to a large degree. I think, in meeting the wishes of my friends here. The desire to form some liaison between matters of defence and representatives of the Legislature is a natural one and in our view is deserving of consideration by the Government and the Secretary of State."

Then towards the conclusion of his speech he said that even under the present Constitution and even during the transitional stage, if I were to accept the description of the present position as given by Mr. James, he does advise the constitution of such a Committee:

"In the meantime, however, it would not seem to be unreasonable if, on the lines which I have indicated, within the scope of the present constitutional position, some machinery could be devised within defined limits, without in any way impairing the authority of the Governor General in regard to defence, of giving the representatives of the Legislature the opportunity to be consulted upon and to be informed upon some of the problems involved in India's defence policy."

I, therefore, submit that so far as the Members of the European Group are concerned, if consistency counts for anything in politics, they are bound to accept and vote for this Resolution.

Mr. F. E. James: Sir, will my Honourable friend allow me just to make one thing clear? We have not in any way gone back upon the declaration made by Sir Leslie Hudson at that time. What I endeavoured to point out in my speech was that the considerations which then moved him to decline to support that particular Resolution are the same considerations in regard to this particular Resolution and amendment, which make it impossible for us to accept them as they stand.

Mr. N. V. Gadgil: Sir, I can understand Mr. James losing a good case. If you were to compare the Resolution then moved with the Resolution which I have moved, there is absolutely no difference. I was told in my college days that man is a bundle of contradictions. I never realised its truth but I realise it today. Sir, that finishes Mr. James' objection.

Referring to the speech of the Defence Secretary, he said that there were constitutional difficulties. If that were so, how is it that even according to him and even according to his predecessor, several committees used to be appointed from time to time in order that non-official agency may be associated with defence matters? If the Constitution then did not prevent the appointment of such committees from time to time I fail to see how the Constitution can be taken to bar out the consideration of a Resolution of this character. In fact he gave away his whole case when he said that the Defence Department would be always willing to welcome any suggestion that may be made in connection with its policy. All that the Resolution demands is that these occasional suggestions coming from unorganised sources would be more useful if a Standing Committee is constituted, and that is exactly the purpose of this Resolution. I therefore submit, Sir, that there is no difference on the principle so far as this Resolution is concerned; and the amendment moved by my colleague, Mr. Asaf Ali, made it further clear, if there were any purist among the objectors who wanted the scope to be defined in more particular terms.

3 P.M. In fact, if the Resolution, as it is, is accepted, it would be better, but if the amendment which curtails the scope of the Resolution, secures the unanimous acceptance of the House, I have not the slightest objection to it. I submit that the House will be well advised in accepting my Resolution.

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

"That at the end of the Resolution the following be added :

'and that the functions of the said Committee shall include tendering advice to the Governor General in Council on such matters as he may refer to the Committee from time to time, with particular reference to :

(1) sending of Indian troops outside India,

(2) new proposals involving additional expenditure, and

(3) Indianisation of the Army'."

The motion was adopted.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is that the Resolution as amended be passed: the Resolution is this:

"This Assembly recommends to the Governor General in Council that in order to associate the elected Members of the Central Legislature with the Indian Army, early

[Mr. Deputy President.]

provision should be made for the election of a Standing Committee of Indian Army, and that the functions of the said Committee shall include tendering advice to the Governor General in Council on such matters as he may refer to the Committee from time to time, with particular reference to :

(1) sending of Indian troops outside India,

(2) new proposals involving additional expenditure, and

(3) Indianisation of the Army."

The Assembly divided:

AYES—53.

Aaron, Mr. Samuel.
Abdul Ghani, Maulvi Muhammad.
Abdul Qaiyum, Mr.
Abdul Wajid, Maulvi.
Abdur Rasheed Chaudhury, Maulvi.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Azhar Ali, Mr. Muhammad.
Bajoria, Babu Baijnath.
Banerjea, Dr. P. N.
Chaliha, Mr. Kuladhar.
Chattopadhyaya, Mr. Amarendra Nath.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Venkatachelam.
Das, Mr. B.
Das, Pandit Nilakantha.
Deshmukh, Mr. Govind V.
Essak Sait, Mr. H. A. Sathar H.
Gadgil, Mr. N. V.
Ghiasuddin, Mr. M.
Ghulam Bhik Nairang, Syed.
Gupta, Mr. K. S.
Hans Raj, Raizada.
Jedhe, Mr. K. M.
Jogendra Singh, Sirdar.
Joshi, Mr. N. M.
Kailash Behari Lal, Babu.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Mangal Singh, Sardar.
Misra, Pandit Shambhu Dayal.
Mudaliar, Mr. C. N. Muthuranga.
Murtuza Sahib Bahadur, Maulvi Syed.
Pande, Mr. Badri Dutt.
Parma Nand, Bhai.
Raghubir Narayan Singh, Choudhri.
Rao, Mr. Thirumala.
Saksena, Mr. Mohan Lal.
Santhanam, Mr. K.
Shaukat Ali, Maulana.
Sheodass Daga, Seth.
Sikandar Ali Choudhury, Maulvi.
Singh, Mr. Gauri Shankar.
Singh, Mr. Ram Narayan.
Sinha, Mr. Satya Narayan.
Som, Mr. Suryya Kumar.
Sri Prakasa, Mr.
Subedar, Mr. Manu.
Umar Aly Shah, Mr.
Varma, Mr. B. B.
Yamin Khan, Sir Muhammad.

NOES—45.

Abdul Hamid, Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.
Aikman, Mr. A.
Ayyar, Mr. N. M.
Bajpai, Sir Girja Shankar.
Bewoor, Mr. G. V.
Boyle, Mr. J. D.
Buss, Mr. L. C.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Clow, Mr. A. G.
Conran-Smith, Mr. E.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
Dow, Mr. H.
D'Souza, Mr. F.
Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
Fazl-i-Ilahi, Khan Sahib Shaikh.
Gidney, Lieut.-Colonel Sir Henry.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Kamaluddin Ahmed, Shamsul-Ulema.
Kushalpal Singh, Raja Bahadur.
Lloyd, Mr. A. H.
Mackeown, Mr. J. A.
Mani, Mr. R. S.
Metcalfe, Sir Aubrey.
Miller, Mr. C. C.
Ogilvie, Mr. C. M. G.
Rahman, Lieut.-Col. M. A.
Scott, Mr. J. Ramsay.
Sen, Rai Bahadur N. C.
Sher Muhammad Khan, Captain Sardar Sir.
Sircar, The Honourable Sir Nripendra.
Shivaraj, Rao Sahib N.
Slade, Mr. M.
Smith, Lieut.-Colonel H. C.
Spence, Mr. G. H.
Staig, Mr. B. M.
Stewart, The Honourable Sir Thomas.
Sundaram, Mr. V. S.
Thorne, Mr. J. A.
Walker, Mr. G. D.

The motion was adopted.

RESOLUTION *RE* ESTABLISHMENT OF A UNIVERSITY AT PESHAWAR.

Mr. Abdul Qaiyum (North-West Frontier Province: General): Sir, I beg to move:

"That this Assembly recommends to the Governor General in Council that a University subsidized by the Federal Government be at once set up at Peshawar for the Settled Districts and the Tribal Areas of the North-West Frontier Province."

I think the word "financed" is a misprint and I would substitute the word "subsidized" for it in the Resolution. So far we have been told that only solution for the frontier problems, which has come from the side of the Government and which has been acted on by the Government, is the so-called forward policy to which they have consistently adhered ever since the British came in contact with the tribes and people of the Frontier Province. We have also been told that there is no other solution for this very vexed problem and that the only way to straighten out matters on the frontier is by sending annual expeditions, by raining bombs on the people and by carrying on various activities of a very doubtful nature and of very doubtful value from the Indian point of view, through the agency of the political agents. We have also been told that there is absolutely no other solution for this problem; and in moving this Resolution I want to show to this House and to the country at large that there are other and more humane methods for dealing with the frontier problem than the forward policy which has been hitherto pursued by the British Government. They have been trying the forward policy in the frontier, they have been sending out annual expeditions, and they have been wasting crores of rupees collected from the Indian taxpayers on frontier expeditions in attempting to pacify and control the tribes there; but the Government will have to admit that all their expeditionary forces and all the monies which they have been hitherto spending have not brought any good either to the people of the frontier or to the people at large in this country; and that the problem still remains unsolved. The only way to solve the frontier problem is by educating the people, by improving their economic conditions; and I can assure this House and the people of my country that this solution will cost much less than the amount annually spent in sending out expeditionary forces into the lands of the unfortunate tribes.

The necessity for a unitary residential university in the frontier is very great indeed, and it has been accepted, even in principle, by the various officials of the Government of India. In the frontier, you have the tribal area and the settled districts; and it is a well known fact that the tribal area and the settled districts constitute one unit: there may be an artificial line dividing the settled districts from the tribal area, but the fact remains that the people on both sides of this artificial line speak the same language, follow the same religion and belong to one and the same stock. In fact, as has been very aptly described by one of the conservative statesmen of the frontier, that in the Frontier Province, the tribal area and the settled districts are like the two wings of one and the same eagle and that they cannot be divided by artificial means.

The reason why the people of the Frontier and the tribes should be educated is very obvious. The people of the frontier are not at all afraid

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of education and it is well known that in spite of the fact that education has made considerable headway in the settled districts, the people in the settled districts have not become weaklings and have not lost their nationalist instinct and are the strongest supporters of the nationalist movement in India. They are believers in the most progressive institution, *viz.*, the Indian National Congress, and they have always given the most unqualified and consistent support to that body. So we are not in the least afraid that if this system of education is extended to the tribal area, it will in any way affect the stamina of those people or weaken them in their resistance to the onward march of British imperialism. Even from the British point of view I can say—and I have got authority in support of my contention— that there are many British educationists who believe that the only solution of the frontier problem lies in imparting education to the tribal people. In this connection I may quote an extract from the remarks of an eminent educationist on the frontier—no less a person than the head of the most important college in the frontier, the Islamia College. Mr. Holdsworth, an Englishman, who is the head of this institution, commands the respect not only of the people of the settled districts, but also of the people in the tribal areas. The respect that he commands indicates that it is educationists who are wanted on the Frontier and not people who believe in the cult of bombs and bullets, and that people still respect the former in spite of differences in race and religion. This is what Mr. Holdsworth writes:

"A system of organized forestry in Tirah might solve the vexed problem of the water supply. A development of quarries, for marble, coal and even oil, might bring great prosperity to Tirah. Improved methods of sheep breeding might alter the whole outlook in Waziristan. But the tribesmen must be educated first so that the youngmen themselves may ask Government for help. Tribal students must go back to tribal villages and preach a more tolerant view of Islam, a more go-ahead view of economics and agriculture."

This is not all. The same authority writing about the Frontier students who come from tribal areas has remarked in similar strain,—and he has got considerable experience of the tribal students because he is in most intimate touch with them,—because a very large number of tribal students are educated in the Islamia College in Peshawar. This is what he writes:

"I have always found them exceptionally hard working and I should think that they have a record of good health unequalled in the whole college. They lead a simple life, though generally cleanly dressed whether they adopt European or Pathan clothes. From the point of view of discipline, they are much more amenable than those from administered areas, though there is nothing servile about their attitude to discipline."

Now, Sir, this is what an eminent authority writes about the problems of educating the tribal people. Sir, it is a well-known fact that in the Frontier Province a very large number of tribal students are being educated in the Islamia College, and their number is increasing every year. But the Frontier Province has its own limitations. The Frontier Government as a result of the subvention which they receive have to carry out many duties which include extensive work in the tribal belt. It is also a well-known fact that the Director of Agriculture in the Frontier Province and other heads of departments have to work in the tribal area, and the money which they spend is derived out of the provincial revenues. Further, it is also an admitted fact that most of the Deputy

Commissioners have to work as political agents, and some of the establishments under them deal mainly with work connected with the tribal belt. And it cannot be denied that the hospitals in the Frontier Province are being increasingly used by patients from the tribal areas,—and their number is increasing tremendously in the Frontier hospitals. Similarly, in the matter of Frontier jails, it cannot be denied that in times of trouble when the political authorities are at loggerheads with the tribes, the frontier jails have to receive a very large number of hostages and prisoners, and they have to feed them and keep them. All these things require a considerable amount of money, and this money comes out of the Frontier provincial budget. There is no doubt that a part of it is subsidized, but there is no denying the fact that the tribal people are being educated at the expense of the people in the settled districts, and that there are many other services which are paid for by the people in the settled districts for the benefit of the people in the tribal areas.

Sir, some time ago the question of establishing a University at Peshawar was considered by the Government of India in conjunction with the Minister of Education of the N.W.F. Province, and I think Sir George Anderson took a lead in this matter. There was a lot of correspondence at that time with the educational authorities in the Frontier Province, and a scheme was drawn up for the establishment of a University at Peshawar. It was at that time believed that the University at Peshawar should be of a unitary residential type, that it should not suffer from any denominational tinge, and that it should be entirely non-denominational in character. It cannot be denied that at present the Islamia College at Peshawar, even though the word "Islamia" occurs before the word "College", is in fact a national College, and its doors are wide open to Hindu and Sikh students alike, and their number is large considering their population ratio. The non-Muslim students enjoy the same privileges which their Muslim brethren enjoy, and they all live in perfect concord and amity in the same hostel. The idea was that this Islamia College and the Edwards College in Peshawar should be converted into a residential non-denominational university, and it was estimated that the cost of such a university would be 6 lakhs non-recurring spread over a period of 3 years, and that the recurring expenditure would only amount to 2½ lakhs. Now, Sir, taking into consideration the fact that a University is a very expensive affair, the estimate which was then made for this particular University leans on the side of moderation, —6 lakhs for 3 years non-recurring and 2½ lakhs recurring,—and this is not a large figure; but the argument advanced by the Government benches was that even though the idea of a University in the Frontier province is a very good one, still they cannot find money for subsiding the institution.

Now, it cannot be denied that even after years of contact with the tribes and even after years of some sort of administration in Baluchistan, there does not exist even a single university or college in these areas. Sir, a very large number of students from Baluchistan come to the Frontier Province and join the Islamia College and continue their studies there. It will also not be denied, I hope, that the number of students who join this college in Peshawar from such places as the tribal belt, the Frontier States of Chitral, Dir and Swat is increasing year after year. It will be equally admitted that the Government of India is responsible for the education and for the economic improvement of the people

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in the tribal belt, but the fact remains that so far the Government of India have been only tinkering with the problem, and they have not done anything towards adopting any effective steps for educating the people. It will also be admitted that the population of the tribal areas and of the settled districts is about the same, namely, 2½ millions—five millions in all. Now, what has the Government of India done so far in financing education in the Frontier Province? Is it not their duty to give the best and the highest form of education to the people in the tribal areas, and if such a University were set up in Peshawar it would also be able to supply the needs of the whole of the Frontier Province. Sir, the people of the tribal areas speak the same language, and have the same culture as that of the people of the Frontier Province. Now the question of money of course is an important one. There is no doubt that the Frontier Government will be quite willing to advance a part of the money required to set up a University, but the Frontier Government is certainly not in a position to meet the entire cost which would be incurred in setting up a residential university of the type contemplated. Now, Sir, the students from the tribal areas and Baluchistan come and study in this college, and there is, therefore, absolutely no reason why the Government of India should not subsidize this University by meeting at least a part of the cost which is necessary for setting up a University, and thus satisfy a long felt need of the people of the Frontier Province.

It is a wellknown fact that in regard to the question of money, when there is a war or some frontier campaign, the Government of India do not hesitate to spend crores and crores of rupees on expeditions. It was admitted by the Defence Secretary not very long ago on the floor of this House that the campaign in Waziristan which began on the 25th November, 1936, had not officially ended, and that up to the end of 1937 an additional expenditure of 1 crore 94 lakhs had been incurred in prosecuting this campaign on the Frontier. Now, we all know the results of these campaigns, and I can say without fear of contradiction that in spite of all the propaganda so far done to show that we have extended the protected areas, that we have built so many more miles of metalled roads and so forth, the conditions in Waziristan are even more disturbed today than they were before this colossal expenditure was incurred. Now, in spite of these crores of rupees which are being spent on the tribal area, the results compared with the colossal expenditure are absolutely negligible. This is not the first campaign of this kind. I can say, without fear of contradiction, that practically every year or every other year an expeditionary force is sent to wage war against one or other of the tribes. One year, it is the Mohmand area which is involved, next year it is Waziristan, the third year it is probably some other tribe, in the fourth year it is probably the Bhittanis who are at loggerheads with the Government. It is not an abnormal expenditure which is being incurred by the Government in dealing with these tribes. I can safely say that this so-called additional expenditure is the normal expenditure incurred by the Government year in and year out in the prosecution of that forward policy in which they believe and to which they have so consistently adhered.

An English educationist on the Frontier submitted a report sometime ago about the setting up of a Frontier University. I am quoting from the opinion of the Principal of the Islamia College. He says:

"Such a university would be a national and Imperial asset". I do not agree with everything that he says, because he and I look at this problem from different angles. He looks at it from the Imperial point of view—the insurance against peace and the so-called pacification that will follow in its wake. I look at it from a different point of view. I want these people to become more independent, even more nationalist than they are, even stronger than they are, to oppose this imperialism which is threatening their liberty. The Principal says:

"Such a university would be a national and Imperial asset. Enough money has been spent on some recent Frontier operations to pay twice over for the establishment of a first class university on the Frontier. That money had to be spent because the law was broken. But what are the factors that make for disobedience of law across the border. Surely ignorance and superstition. It is not the fault of the tribes that they are ignorant and superstitious. Only when the tribesmen have learnt by experience that a university of this kind can give them that the law is their friend and not their enemy will it be possible to say that the problem of the North-West Frontier has been solved. If the Frontier University can help to do this work it will no longer be possible to say that education is an unremunerative department. Rather will it be regarded as an insurance policy for peace."

I am supported in my contention by an eminent British educational authority who is in touch with these tribal students and the students from the settled area and who has spent quite a long time in that province and is well conversant with the special problems that exist there. He also believes that the only two ways of solving their problem are firstly by giving them the best possible type of education and secondly by improving their economic condition. I was talking of the colossal amounts of money which are being spent by the Government of India on the frontier, and as an additional instance I will cite another matter which recently occurred.

Before the introduction of Provincial Autonomy, I think the House is well aware that the Governor of the Frontier Province had to deal with the tribal belt and also with the problems of the settled districts which are now in the hands of popular Ministers. That Governor was quite capable of dealing with the problems of the settled districts and also with the problems of the tribes without the aid of a resident or a special resident for the tribal belt. But after the introduction of Provincial Autonomy when all these subjects, *viz.*, law and order and jails and all the rest of it, were handed over to popular Ministers and the Governor's work became absolutely negligible as far as the Governor's provinces was concerned, a new post was created in the Frontier Province, namely, of a Resident to deal with the tribal areas. I believe the gentleman who is performing that duty draws a salary of Rs. 4,000 or Rs. 5,000 a month and he has got a staff also, which costs a good bit to the taxpayers of this country. I think if we knock out a few of such officers and some of the meaningless and foolish campaigns which are waged on the Frontier, it is quite possible for this Government to subsidise not only one university but several universities of this type.

But the fact remains that the Government of India is absolutely unresponsive to all constructive and useful schemes which emanate from the people. They believe in certain policies and adhere to them regardless of the cost. I am not at all surprised that this is the attitude of the Government of India. It is an irresponsible Government which is out of touch with the people and it cannot be expected to act in a manner different from that in which they are acting. They are absolutely dead to the

[Mr. Abdul Qaiyum.]

clamour of the people. They believe in their forward policy and they are not ashamed of spending crores of rupees which come out of the pockets of our people on foolish campaigns on the Frontier. They will have to answer some day to the people of this country for the colossal waste of their money. Crores of rupees are being thrown away on the tribal hills. They think perhaps that this is all necessary for the purposes of Imperial Britain. Perhaps it is absolutely necessary for British Imperialism. Perhaps this money must be spent in order to afford proper training ground for British troops, so that they may be absolutely fit and ready to take the field when a first class war breaks out. They think nothing of shooting the tribesmen and of bombing them from the air—people whom they have kept deliberately illiterate in spite of long years of contact with them. They can afford to shed crocodile tears for the bombing of the Abyssinians by the Italians and of the bombing of the Chinese by the Japanese. But they do not mind bombing the men in the tribal areas and of throwing some hand bills from the air, which the people do not understand. An airman comes and tells them that he has thrown so many notices from the air and finished one or two villages and they are quite satisfied.

I have proved that this plea of lack of money has absolutely no foundation and they can find the money for starting this university. If they will not subsidize the whole of this university scheme, they are at least morally bound to subsidize a part of it, because under the Government of India Act of 1935, they still remain responsible for the government of the tribal areas and they are also responsible for the government of Baluchistan which is being treated as a Chief Commissioner's province. If a university is set up which caters not only for the settled districts of the Frontier but also for the tribal belt and Baluchistan, the Government is morally bound to subsidize the scheme and it cannot take shelter behind the argument that there is absolutely no money for subsidizing this venture. In support of my contention, I can quote the remarks of Sir George Anderson, the Educational Commissioner with the Government of India, who wrote to Sir Abdul Qaiyum, the then Minister of Education in the Frontier, strongly advocating the establishment of a university of the type which I am now advocating before this Honourable House. I shall read a few extracts from that letter of Sir George Anderson and if after hearing those extracts the Government of India still remain unconvinced, I can only conclude that they are dead to all appeals to reason and conscience and that they do not want to change their decision. (Interruption). I am not giving way. Sir George Anderson addressed this letter from Simla in June, 1933, to the Government of the North-West Frontier Province and it has been published and it is a well-known document. He says:

"It seems to me inevitable that sooner or later a unitary university will have to be established in Peshawar.

The University (any new one) would be well advised to concentrate its energies and resources on a few Departments of study, especially more of a professional type and should not attempt to traverse the whole field of university education. The new university should not be started on a grandiose scale.

If this is borne in mind, the cost of such a university in Peshawar would not be as great as might be contemplated."

Now, the reasons why it is absolutely necessary to have a university for the Frontier Province are the following, and the reasons are quite obvious. They are not only reasons which are ideal, but there are other practical

considerations which have forced the people of the frontier and the tribal areas to demand that a university should be set up for them. Now, there is no doubt that the people of the frontier and of the tribal areas constitute a unit altogether different from the people of the Punjab. The University of Lahore is under the jurisdiction of the Government of the Punjab but the colleges of the Frontier Province are affiliated to that University at present. We have of course our own problems and our own special qualities which require development, and there are special needs of ours in addition. It is a well-known fact that recently the University of Lahore has concentrated all the higher forms of education at Lahore and the students of the Frontier Province—and when I say students of the frontier I include the students of the tribal belt, who are being educated in very large numbers in Peshawar—have to pay large sums in registration fees and for purposes of admission, even though they do not get any benefit from the specialised type of education which is being imparted at Lahore. Then it is impossible for a progressive Government like that of the Frontier Province to change the school curriculum, and they are absolutely helpless in the matter as their boys and girls are all forced to sit for the Punjab matriculation examination and thus they cannot bring about any change. Then discriminatory tariffs are being levied by the educational institutions outside the Frontier Province. Take one institution say, the Lyallpur Agricultural College. There the frontier students are not only forced to pay double the amount of the ordinary fee, but every student has to pay Rs. 800 per annum if he wants to be admitted to that college and this sum of money has to be borne by the Government concerned. Now, it is a well-known fact that there is a first-class residential college at Peshawar which imparts education up to the M. A. standard in Mathematics, Persian and English, and which imparts education up to the B.Sc. standard in Zoology and Botany . . . .

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

Mr. Abdul Qaiyum: I shall take only two minutes, Sir. And there is an agricultural college affiliated to this institution. Now, it is quite easy to convert this college into a sort of university which will cater not only for the people in the settled districts but for all the people in the tribal areas as well as for the people in Baluchistan. So far the Government of India have not even established an intermediate college for the people of Baluchistan. I submit that the cost of such a university is not prohibitive and I appeal to the Government of India to subsidize at least in part the finances of such a university, because it would be impossible for the Provincial Government to meet the entire cost. Under the circumstances, as all the frontier officials have to divide their time between the settled districts and the unsettled areas and because part of our Budget is certainly being spent upon tribal areas, I submit the Government of India is bound morally to subsidize this university. With these words, Sir, I conclude my speech.

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

"That this Assembly recommends to the Governor General in Council that a University subsidized by the Federal Government be at once set up at Peshawar for the Settled Districts and the Tribal Areas of the North-West Frontier Province."

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

Sir Abdul Halim Ghuznavi (Dacca *cum* Mymensingh: Muhammadan Rural): Mr. Deputy President, the Resolution as worded in the printed List of Business sought that the "Federal Government" should "finance" this proposed university, which made me take an attitude of hostility to the Resolution. The substitution of the word "subsidizing" for "financing" has somewhat altered the complexion of things and consequently of my attitude towards it. The Federal Government's money should not have been available to the North-West Frontier Province only but it should be available to all the Provinces. Now, as the Honourable the Mover has substituted the word "subsidized", he has our sympathy. He has every right to ask the Central Government for assistance. A further difficulty has been created by the use of the words "Federal Government" as that Government has not come into existence yet and in that case he has to wait till that Government comes into existence. This House is not a Federal House and, therefore, his Resolution cannot be discussed in this House and I doubt if this House can take cognizance of this Resolution at this moment and should pass a pious Resolution of this character. My Honourable friend the Mover of this Resolution is a member of the Congress. Does he admit that he wants Federation?

Mr. Abdul Qaiyum: Sir, on a point of explanation. I should be prepared to substitute the word "Central" for the word "Federal", if he so desires.

Sir Abdul Halim Ghuznavi: That is a different matter. Your Party has opposed Federation day in and day out,—your Party has put this subject before the whole of India and have said that they will fight tooth and nail against Federation. (Interruption.) I am not giving way.

Therefore, Sir, my first point is that this Resolution is out of order. We cannot discuss this Resolution as it is printed in the List of Business. We are now discussing what is exactly on the paper. The Mover has already made one change, namely, "financing" to "subsidizing", and the Honourable Member must not be allowed to make changes as and when it suits him.

An Honourable Member: Are you raising a point of order?

Sir Abdul Halim Ghuznavi: Yes.

Mr. Deputy President (Mr. Akhil Chandra Datta): I am afraid it is now too late to raise a point of order.

Sir Abdul Halim Ghuznavi: I want to raise this point that this House is not competent to go into this Resolution as my Honourable friend has made it perfectly clear in the List of Business by the wording of his Resolution that he wants the Federal Government and not this Government to subsidize the university to be immediately established at Peshawar.

The Honourable Sir Nripendra Sircar (Law Member): Have we not got at this moment a combination of the British Indian provinces? I am only asking you this question: I am not expressing an opinion.

Sir Abdul Halim Ghuznavi: There is a Federal Court, but the Federation has not yet come into existence. But let me make it perfectly clear that I am not opposed to my friend having a university at Peshawar. But what I say is this that if it is his intention that the Federal Government should subsidise the university . . . .

Congress Members: No, that is not his intention.

Sir Abdul Halim Ghuznavi: Then, let him move another Resolution. He may mean so many things but we have to deal with the Resolution before us.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member had better speak on the merits of this Resolution.

Sir Abdul Halim Ghuznavi: As I said, Mr. Deputy President, the House cannot deal with the Resolution as it is worded. This House has no right to deal with this Resolution because it is neither a Federal House nor is the Government a Federal Government.

Mr. M. Asaf Ali (Delhi: General): Is it a reflection on the discretion of the President who admitted this Resolution?

Sir Abdul Halim Ghuznavi: Certainly not. Look at the point of order which my Honourable friend has raised. What has it got to do with the President?

Mr. M. Asaf Ali: He has admitted it.

Sir Abdul Halim Ghuznavi: That has enabled us to discuss the Resolution and to say that it is out of order and that this House is not competent to deal with it. That is what he has allowed us to do.

Mr. Deputy President (Mr. Akhil Chandra Datta): Order, Order. Is it necessary to remind the Honourable Member that it is not for him but for somebody else to declare whether it is in order or not.

Sir Abdul Halim Ghuznavi: Thank you, Sir. So far as the ambition of the Honourable Member to have a university at Peshawar is concerned, we have every sympathy with it.

Congress Members: Lip sympathy!

Sir Abdul Halim Ghuznavi: Not the lip sympathy of the kind which my Honourable friends show but real sympathy, but I cannot support the Resolution in the form in which it has been put before us. I am not a believer in having a number of universities. I do not believe that these universities have helped us at all, especially the higher education. There are already a number of universities in India and what we should do is to bring them to perfection. There is a university at Lahore which is less than 3 hours run from Peshawar. Let my Honourable friend be satisfied with that university for the time being and when the Federal Assembly and the Federal Government come into existence, he can then bring his Resolution before them. But if he wants to have a university just now and wants this House to do something in the matter, then I will invite his attention to the proverb "God helps those who help themselves". First find out a portion of the money yourself in your own province . . .

Congress Members: There is some money already there.

Sir Abdul Halim Ghuznavi: Who has said that? What the Honourable Member said was that he wants a portion of it to be subsidized, but he did not say a word about the amount which they have collected. Let him start the university before he comes to this House with a beggar's bowl. Take the assistance of every Mussalman in your province for the establishment of that university and then come to this House.

Mr. Abdul Qaiyum: God save us from the Mussalmans.

Sir Abdul Halim Ghuznavi: I am not at all surprised to hear this remark from my Honourable friend. I wish Dr. Khan Sahib had heard the remark that has been made now.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): He was talking of the Bengali edition.

Sir Abdul Halim Ghuznavi: I am talking of the Peshawar and the U. P. Edition.

Mr. M. Asaf Ali: On a point of order, Sir. Is the Honourable gentleman making a second speech? I think he has already exhausted his time.

Some Honourable Members: No, No.

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

Sir Abdul Halim Ghuznavi: Whether I have exhausted my time or not is a matter for the Chair to decide.

Congress Members: But we are exhausted.

Sir Abdul Halim Ghuznavi: You always get exhausted except when you hear your own voices. It does not take you long to exhaust yourselves. Only the other day when the Sarda Act was being discussed, you soon got exhausted. But you must accustom yurselves to listen to others. As I said, this is not the Federal House and what my Honourable friend has said is that he wants the Federal Assembly and the Federal Government to subsidize the university which he wants to be established at Peshawar. He should, therefore, wait till that body comes into existence. This Resolution, therefore, is premature.

Sir Aubrey Metcalfe (Secretary, External Affairs Department): Sir, my Honourable friend, who moved this Resolution, waxed extremely indignant over Government's policy on the Frontier and said that they had no ideas in the world beyond bombs and bullets which they rained upon the unfortunate inhabitants. I understand and I hope the House will have understood too that this is not an occasion or a time on which I can enter into a general discussion of Frontier policy. The Resolution is limited, so far as I understand it, to a particular proposal for the establishment of a University, and all that I can do is to try and clear up very briefly some mis-statements of fact and some of the misapprehensions which I think

my Honourable friend has created. There is one small point of fact which I would like to join issue with him at once upon and that is the instance of extravagance which he quoted against the Government of India in having appointed a Tribal Resident. If I heard him correctly he said that the Tribal Resident was enjoying a salary of Rs. 4,000 or Rs. 5,000 with a large staff under him. Actually, Sir, the post is paid Rs. 3,500. He has no staff at all except a stenographer and two or three chaprasis and the post replaces an equally expensive post which is being abolished from the 1st April, a post which has been in existence for many years of a Resident in Waziristan. The Tribal Resident will do the duties of the Resident in Waziristan in addition to the other duties which will fall to him throughout the entire tribal area. That is merely a point of fact which I wish to clear up for the information of the House.

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Let me now go on and try to remove the idea which my Honourable friend the Mover holds and which he has tried to impart to this House that Government have been entirely indifferent to the educational needs of the people who live in the tribal area. That, Sir, is not the case. Government have attempted for many years to do everything within the limits of the financial possibilities and other possibilities, which I shall mention later on, to promote the cause of education in tribal areas. The present recurring expenditure, which has been incurred for some few years, is in the neighbourhood of one lakh on schools and of course beyond that there is non-recurring expenditure, of which I have not got the actual figures available. The number of schools which at present exist in the tribal areas on the North-West Frontier Province is, in Waziristan, three middle schools and 16 primary; in the Malakand, one middle and 12 primary; in the Khyber, either six or seven primary schools; in the Khurram valley, one middle and 13 primary. For Baluchistan, I am afraid I have got no figures available because the Honourable Member who moved the Resolution did not give me warning that he intended to touch upon Baluchistan But so far as Baluchistan is concerned, I may inform the House that there has recently been a careful examination of the educational needs of the Province, since the earthquake took place and destroyed practically all the schools that existed there, and it is hoped that with generous aid from the Centre quite a reasonably good scheme will be evolved, which will give to the residents of Baluchistan a real chance of improving and increasing their education. So much for what has been done.

There have in the past been various and much more ambitious schemes put forward by the Local Administration. I mention this, because I had the honour of serving for some time in the Province and these schemes were frequently put forward and were blessed by the Government of India, but there were various difficulties which prevented their being carried out. I wish to make it quite clear that the sole difficulty has not been merely a financial one. There are other difficulties and one of the difficulties, which I do not think is appreciated at all, is the existence in tribal areas of a large and powerful conservative party which resent any kind of Government activity, even educational activity, in those areas of which we are not at present in full control. From what I have said already you will notice that most of the primary schools exist in places such as the Malakand and Kurram, where Government have fairly complete control, although they leave the tribes as far as possible to manage their own affairs. In such areas Government are in a position to set up schools and the people

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appreciate their efforts in this direction. There are other areas such as Tirah and Mohmand country where the tribes still desire, as I am quite sure my Honourable friend is aware, to preserve their isolation and not to allow Government officers to come in or even Government schools to be established. In illustration of the attitude of the conservative party and of the difficulties to which Government are exposed in these areas I may quote the case of a school which was built some four years ago in Tirah at a place called Chora. The school was built and it was doing well, but a time of tribal excitement arose, in which the anti-Government conservative party became powerful and burnt the school. Well, Sir, you will understand that Government are not anxious to start schools at considerable expenditure and then have them burnt for no reason except that the fanatical element in the tribe gets, for the moment, the upper hand. I quote that to show the absolute necessity of Government going slow in these matters and not rushing through expansive schemes of education without the full support and assistance of the responsible elements in the tribe. Those elements must be so responsible that they are able to control popular excitement at various times and to see that Government schools are properly treated.

There remains the question—which my Honourable friend has also raised—of higher education. It is not for me to discuss the educational value of University and college education, when only a very small ground work of primary education exists. But Government have not been unmindful of the needs for higher education among the residents of the tribal area. We are at present spending something in the neighbourhood of Rs. 20,000 per annum in giving scholarship to boys of the tribal area in order to enable them to secure in the North-West Frontier Province or in other parts of British India, that higher education which they cannot obtain actually inside the tribal area. To spend more on higher education, it seems to me, would not be legitimate use of the Indian taxpayer's money since it must be remembered that the inhabitants of the tribal area hardly pay any taxes—they pay water rate in certain places where water is provided for them, but that is payment for a definite thing supplied to them. They do not pay any such taxes as would finance the educational, medical and other facilities which Government have given them from time to time with a very fairly lavish hand.

There is also another more practical experiment, of interest to the House, which we are attempting purely as a result of the operations which have been necessary in Waziristan recently. During those operations a battalion was raised and placed under military discipline for the purpose of making certain roads. It has been agreed that for some time at any rate that battalion shall be kept in being under discipline in order to provide technical education for a number of young men of the tribes in Waziristan in such things as the construction of buildings, road making and so forth. All these will be activities which it is hoped that they will be able to practise thereafter and will help them to earn an honest livelihood. There is an additional advantage of this method of education and that is that while they are learning, they will be able to assist in the construction of works which are of value to the Government and thereby save the Government a certain amount of expenditure. That, Sir, I submit is a far more useful way of tackling the problem of education in the tribal area than the

one which the Honourable Member proposed of setting up a university. I hope that what I have said is sufficient to convince the House that Government are by no means unsympathetic with the ideals which have prompted the Honourable the Mover to make this motion. They have great sympathy with those ideals, but they are bound to look at the practical realities of the case and the difficulties which beset any such scheme as he has put forward; and it is for that reason alone that I oppose the motion.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I heard with great attention the speeches delivered on this Resolution, but I thought that most of the remarks made by Honourable Members really touch only the side issues and not the main problem itself. At one time it was universally believed, after the establishment of the London University in 1820, that the affiliating universities were most suitable to concentrate educational activities to common centre. On the model of the London University we established our universities of Calcutta, Bombay and Madras in 1858, but subsequently the London University ideal was changed as a result of the Hadow Report and the Calcutta University Commission, which sat on the question of university education and whose report is the last word on the subject, definitely condemned the affiliating universities and recommended that they should gradually be changed into teaching and residential universities wherever possible. The Government of India accepted the recommendations of the Calcutta University Commission and on their model they immediately established a university at Decca and a university at Delhi. They separated the Delhi University from the University of the Punjab only as a result of the recommendation of the Calcutta University Commission, because they thought that Delhi had got sufficient educational activities which would justify the establishment of a separate university. Several other provinces followed the scheme. The U. P. Government established several universities; the Madras Government also established several universities on the same principle. So it is now the recognised policy of the Government of India, in the absence of any other policy or authoritative statement by a committee or commission, that wherever possible these colleges should be developed gradually into teaching and residential universities. Therefore the main issue in this particular Resolution is whether circumstances are such that the Frontier Province should have a university of its own, and the colleges in Peshawar be separated from the Punjab University in the same manner as the Delhi colleges were separated about 17 years ago. So the first contention is that according to the recommendations of the Calcutta University Commission and also according to the opinion of several members of the Punjab Inquiry Committee we ought to establish a teaching and residential university at Peshawar; and that is really the main issue in connection with this Resolution.

The second point which arises out of this Resolution is who should finance it and who should legislate for it. About legislation itself I think the Government of India considered this question some time ago in connection with the Patna university. The Punjab University caters for more than one province, therefore it does not really come under Education but under corporation and therefore it is under the jurisdiction of Central Government and the Central Government should decide whether a separate university should be established for the Frontier Province. Whether the legislation should be by this House or by the Provincial Legislature is a

[Dr. Sir Ziauddin Ahmad.]

constitutional problem and I do not wish to enter into its details. I think we will have to express our opinion and the proper legislation ought to be undertaken by the Provincial Government.

The next question is about finance. Naturally, if it is to be a university of the Frontier Province that Government should provide funds for the university. But the plea put forward by the Honourable the Mover is that there are sufficient reasons which justify him in coming to the Government of India for funds and for a subsidy; and this is the thing which I wish to discuss. We are not discussing now the forward policy or the backward policy of the Government of India; we are not to discuss the administration and expenditure on the tribal area. But one thing is certain, which my Honourable friend, the Foreign Secretary, has also admitted, that the Government has now undertaken to provide education to the people of the frontier tribes and they are spending about a lakh of rupees for primary education.

An Honourable Member: From what fund?

Dr. Sir Ziauddin Ahmad: From funds at the disposal of the Foreign Secretary. Now the Frontier Government will say that they do not derive any revenue from these frontier tribes. If a university is established at Peshawar they will receive fair number of students from these frontier tribes who would be educated in this particular university. Therefore, you will have to decide this question of a subsidy in either of these two ways. Either the Government of India should pay a sum of Rs. 500 for the education of each student which the Peshawar university may take from the frontier tribes or they may compound this particular contribution by giving fixed subsidy. We are not discussing about the method of subvention; the subvention question may be postponed for the present. It may be either on the basis of the number of students or it may be in the form of a block grant. But that is a minor issue which is not under discussion now. I think my Honourable friend, the Foreign Secretary, will agree that if they could manage to give higher education even to a limited number of students from the frontier tribes, they in turn will be in a position to establish schools in their tribal area. When you export your own teachers who have no sympathy with the feelings of the people, the people of the frontier tribes resent it. But if the schools are opened by the efforts of teachers belonging to the same tribe and having the same sentiments and feelings, the spread of education will be very much facilitated. Therefore, in order to spread education and enlightenment which is part of their duty and which they have already accepted and given expression to on the floor of the House, it is I think natural that we should train a fairly large number of teachers who in their turn may be able to open schools in the tribal areas. Therefore, the reasons on account of which the Honourable the Mover of the Resolution has demanded a subsidy is this that they will cater for the students of the frontier tribes from whom that Government is getting no income whatever, and it is the legitimate duty of the Government of India to contribute for this university which will be intended not purely for the people of the Frontier Province but also for the people residing outside it.

Now, taking the case of Baluchistan, it is a very neglected province, even the Parliament forgot it when it was engaged on the Government of

India Act. So, if it is neglected by the Government of India also I should not be surprised at it. But at the same time we ought to remember that after all it forms part of India, and the education of the people of Baluchistan is a problem which the Government of India ought to undertake. The only university which will be nearest to the people of Baluchistan will be a university in the N.-W. F. P., and if a university is established there I am sure that education in Baluchistan will spread more quickly.

An Honourable Member: It is very far-

Dr. Sir Ziauddin Ahmad: My friend says Baluchistan is very far, but certainly it is much nearer than Aligarh where we get a fairly large number of students from Baluchistan. I am sure that the number of students from Baluchistan will increase if they find facilities for their education in Peshawar itself. Therefore, one issue which I think the Government of India cannot challenge is that it is their duty to support the establishment of a teaching and residential university wherever it may be possible, and then they cannot deny that it is their legitimate duty to support or to give subsidy to students from Frontier tribes and from Baluchistan which are under their charge. This is really the main argument of the Mover of the Resolution.

I do not think that the question will be raised about the establishment of the university, otherwise I would discuss it in greater detail. At one time I wrote a note myself for late Sahebzada, Sir Abdul Qaiyum, in which I pointed out my reasons for the immediate establishment of a university at Peshawar. The Islamia College and the Mission College may be the nucleus for a teaching university. I think the educational position of the N.-W. F. P. at present is much more advanced than the educational position of Delhi in the year 1920 when they established a university here, and the Government of India have no reason to refuse the establishment of a university at Peshawar, where the circumstances are much riper and more advanced than they were in Delhi about eighteen years ago.

The second point is that they ought to give subsidy. I have already given the arguments for it and I have one more argument. After all it is a province which has been created by Government for reasons more political than economic. For this reason they are giving a subsidy to this particular province, and if they can increase the subsidy for this very good and laudable object I think it is reasonable and just. With these words, I support the motion.

Mr. Badri Dutt Pande (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, I lend my whole-hearted support to the Resolution so ably moved by my friend from the Frontier. Three provinces have been created by the Government of India—Sind, Orissa and the Frontier. They are the children, I may say, of the Government of India, and so it is up to them to feed, educate and clothe these children and provide all the paraphernalia of a province. They must help them in every way to be self-supporting till they are fully grown up to manhood and can take care of themselves.

Now, what is being done in the Frontier Province? There is a proverb —one apple a day keeps the doctor away. The Government of India

[Mr. Badri Dutt Pande.]

say one lakh a day will keep the Faqir of Ipi away. That fellow is happy and gay, and we have to spend about two crores in frightening these people. Only recently more than 2 crores have been spent, I am not talking of the years and years during which money has been spent on that unfortunate province in bombing and bulleting them, in terrifying them and in coercing them. I am a resident of the hills, I love liberty, I love liberty-loving people, I have very great sympathy for these brave men, and I shall be happy if they come under the banner of liberty and the whole province is united and not made into an Ulster—you are trying to make an Ulster of it.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better confine himself to the Resolution.

Mr. Badri Dutt Pande: I want all those tribal areas in the frontier should be united into one province. The money that is spent on the Frontier Province is about two crores, but that spent on education is only 21½ lakhs. Two crores are spent on tribal areas and Rs. 65 lakhs is spent in Baluchistan—we cannot ask questions as to how all this money is spent: all this—2 crores on the Frontier, 2 crores on tribal areas and 65 lakhs on Baluchistan—makes about five crores, and I think there will be money enough for a university and for colleges, but they will not allow us to unite there: so that is the real trouble. These tribal areas and the frontier are practically peopled by the same race. Of course, they say that they resent education. England resented education in 1885: Japan resented education when it was made free and compulsory. In every country there are people of the type of Babu Baijnath Bajoria and Sir Halim Ghuznavi who resent everything that is noble and good. In every country you will find thorns, in every flower, in every rose there is a thorn, but they are thorns which can be removed and which have to be removed. They are our children, they ought to be protected, they are to be sympathised with and placed under one Government. If they are placed under one Khan Sahib—one of those two noble brothers—there will be peace. With him and his noble brother called the Frontier Gandhi there will be no bombing and no bulleting. If you will allow him to govern for some time and the people to unite, there will be peace, and money will be available for a university and you will receive his blessings and those of his people. I think a strong case has been made for a university.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir*, I do not like to take much of the valuable time of the House and I shall, therefore, be very brief in my observations. But before I proceed to speak on the Resolution I want to say a few words regarding the remarks just made by my Honourable friend, Mr. Badri Dutt Pande, against some of my friends like Sir A. H. Ghuznavi and Babu Baijnath Bajoria whom he has described as thorns, but I want to tell him that sometimes roses come out of thorns and are much loved.

The Resolution recommends for the establishment of a university at Peshawar for the spread of higher education in the N.-W. F. Province It is to be seen whether the province justifies it.

* Translation of the speech delivered in the vernacular.

The first and foremost element for the existence of such a seat of learning is the burning desire for learning among the sons of the soil and it can only be judged by their number in the institutions already in existence there; there are four kinds of institutions, say, primary, middle, high and college, which build up a university, and let us compare, Sir, the conditions of these feeders in the N.-W. F. Province with those of any other province having a university. Let us take the Delhi-Ajmer-Merwara Province where we are sitting and discussing the Resolution and which has a university of its own as just pointed out by my Honourable friend, Dr. Sir Ziauddin Ahmad. The latest figures which we can rely upon are available for 1935 from the Education Report of the Government of India.

It will be admitted, no doubt, that the only college at Peshawar in N.-W. F. Province has less number of pupils than the Delhi University college; but, I will tell you that students in other stages in N.-W. F. Province are more than those in Delhi-Ajmer-Merwara. There are 15,278 pupils in the High stage in N.-W. F. P. against 13,830 in Delhi-Ajmer-Merwara say, 1,448 pupils more. There are 32,797 pupils in the Middle stage in N.-W. F. Province against 13,149 pupils in the same stage in Delhi province, say, 19,648 pupils more. Lastly, you will notice, Sir, that there are 42,506 pupils in the Primary stage in N.-W. F. Province against 37,148 pupils in Delhi province that is, 5,358 pupils more. Thus taking the position as a whole we find that the total number of pupils in various stages in N.-W. F. Province is 91,500 against 68,278 in Delhi province, thus there are 23,222 pupils more in N.-W. F. Province.

Similarly the number of schools in all stages in N.-W. F. Province is far greater than those in the Delhi-Ajmer-Merwara Province. As regards the education of girls the N.-W. F. P. is not behind Delhi Province. The number of trained teachers is also greater in N.-W. F. P.

I do not like to criticise here the forward policy of the Government of India as it is out of the scope of the Resolution under discussion, but I cannot help impressing upon the Government the pressing need of a university in the N.-W. F. P. which I hope will produce more qualified citizens in the province and they will be better guards of the gate of India in their Frontier Province against foreign invasion, and thus the Government of India will be relieved much of their responsibility of defending the country against foreign invasion.

To conclude my speech, I do not agree with my Honourable friend, the Mover of the Resolution, in saying that the Government of India spend money only over bombing and killing the people there, as I find that they spend Rs. 19,56,830, out of Rs. 29,45,791 spent over the education in the N.-W. F. Province and it amounts to 66·42 per cent. of the total expenditure. Thus it cannot be said that the Government of India do not make at least some atonement. I hope the Government will consider the pressing necessity of a university in N.-W. F. P. and accept the Resolution. Sir, with these words, I support the Resolution.

Mr. Brojendra Narayan Chaudhury (Surma Valley *cum* Shillong: Non-Muhammadan): Sir, I have listened with great attention to the arguments put forward on behalf of the Resolution by the Honourable the Mover. His demand is that a university should be set up at once

[Mr. Brojendra Narayan Chaudhury.]

at Peshawar. In the major portion of his speech he discussed the question of education in general and he spoke very slightly about university education in particular. I am at one with him in saying that sound general elementary education should be spread in the Frontier Province in the tribal areas. As an argument for the establishment of a university, he pointed out the large expenditure in the defence budget and said the cost of the university could come out of it. He wants us to believe that if a university were set up at Peshawar the people there and in the tribal areas would all become peaceful and will not disturb the peace of the country by raids and so we will be saved a lot of expenditure in punitive expeditions. I am able to go with him up to the extent of a sound general elementary education. Certainly, sound elementary education would train the minds of the people. It would make them peaceful and God-fearing; but the main reason for the frontier raids and the expeditions that follow are more economic, as has been admitted by the Honourable the Mover himself.

He spoke of students flocking to the college at Peshawar from the tribal areas. I am very glad to hear it. I had already the impression that after all the tribal people are not so backward—at least the leading chiefs of that area are highly cultured people. But it does not appear from the figure of Rs. 20,000 at Rs. 800 per student mentioned by the Honourable the Government Member—scholarships paid to the students to read in these colleges—that the number of students is very large. If my Honourable friend means that the Central Government should encourage higher education in the Frontier Province, there is already a college and a very good college at Peshawar. If he wishes to make out a case for a university, he has to satisfy this House why the college should be converted into a university. The learned Knight, Dr. Sir Ziauddin Ahmad, did make some attempt to make out a case for a university and cited certain authorities to show that every college in India should be turned into a residential university. Without controverting this academic standpoint as a practical man I am not ready to go so far now. Though I am very sympathetic towards the needs of higher education in the Frontier Province, I am sorry I cannot support this Resolution because I am not convinced of the immediate necessity—the Resolution says "at once"—of the establishment of a university. If we were to support this demand, I am quite sure tomorrow several such demands with better cases will be before us. What about Assam? (*An Honourable Member*: "Why not?"). The interruptions from my own Benches provokes me to say: "Study the Wardha scheme of education. Does not that scheme say that we the people of the upper classes in charge of the governments here and in the provinces are spending more on higher education than we are justified in spending out of the pockets of the poor people?" That is laid down in the Wardha scheme. I will give a warning to friends on this side. We are already spending too much on higher education, and it is high time for us to consider whether we should spend any more money on higher education out of public funds.

Mr. N. M. Joshi (Nominated Non-Official): Sir, the question may now be put.

Maulvi Abdur Rasheed Chaudhury (Assam: Muhammadan): Sir, I rise to support this Resolution. We in this country are so backward in education compared to other countries of the world that any scheme which aims at giving better facilities for education should be welcomed by all well wishers of the country. When we remember that 90 per cent. of our population is illiterate, and when we compare the illiteracy prevailing in other countries, we find that our illiteracy stands at a point which cannot remain at a standstill any longer. When we compare the literacy figures with other progressive countries of the world, we find that in place of 8 in India, it is 96 in Japan, 92 in England and 99 in Germany and America. Such being the case, we cannot remain at a standstill so far as the educational progress is concerned. According to statistics, we find that we have one educational institution for every 1,300 of our people, and until our educational institutions increase to thirteen times, we cannot remain satisfied with our educational progress. Now, so far as the North-West Frontier Province is concerned, it has got its own history. Dr. Sir Ziauddin Ahmad said that this province has been created solely for official purposes by the Government of India. Sir, I may go a little further and say that the conditions in the North-West Frontier Province are altogether different from those prevailing in India. As soon as one crosses the Kabul river, one would feel as if he was going to a quite different country. The people of those parts are different, their traditions and culture are different, their mode of thinking is different. I can point out to the representative of the North-West Frontier Province in this House and say that in comparison with him, the other representatives in this House look like mere pigmies. They eat a different kind of food, in fact there are vast differences between those people and the people inhabiting this side of India. But it has been very wisely decided that there should be a university at Peshawar. With due deference to my friend, Sir Abdul Halim Ghuznavi, I would submit that even if the headquarters of the Punjab university was within 3 miles of the Kabul river, I would have supported the idea of starting a university at Peshawar, because the Frontier Province has no comparison with the rest of India.

The Honourable the Mover of the Resolution has quoted the opinions of some educational authorities of that province regarding the establishment of a residential type of university at Peshawar, and the only thing is, I find, they require a sum of Rs. 2½ lakhs recurring expenditure for the establishment of a university there. Sir, this is a very insignificant amount. In this country our Government is spending on an average only a rupee per head for the education of the people. The Honourable the Foreign Secretary said that they are spending a lakh for the education of the people of the tribal area in the Frontier Province annually. Now, let us calculate and see what it comes to. The population of the area is 2½ million or 25 lakhs and they are spending a lakh annually for the education of these 25 lakhs of people; that is, they are spending about three pice per head on education in that part of the country. Is this an adequate amount? Even if we compare the amount spent on education in British Indian provinces, this figure is very low. As I have said, Sir, in British Indian provinces, the average expenditure on education is a rupee per head, while in the tribal area it is 3 pice per head. Therefore, I think the Government can easily raise this figure of 3 pice to one rupee, and there can be no dearth of money for doing it.

Then my friend, Sir Abdul Halim Ghuznavi, said that we must first collect some money and then come to Government for help. I think the

[Maulvi Abdur Rasheed Chaudhury.]

Frontier Province is contributing not less than Rs. 50,000 a year by way of students examination fees to the Punjab University. As soon as a university is established, this amount will be available to that university, and the Government can easily come forward and meet the balance. There is another point in this connection. The Honourable the Foreign Secretary has stated that they are providing Rs. 20,000 a year to enable tribal students to go outside the Province for higher education. If this 20,000 is added to the 50,000 that is contributed from the fees of the examinees, which are given to the Punjab University, it becomes a good sum to start a university. I think the Mover of the Resolution has made a very good case for establishing a university and I wholeheartedly support it.

Mr. A. K. Chanda (Bengal: Nominated Official): Sir, I must confess that I am left very bewildered by the discussion that has gone on in this Honourable House. Most of the speakers have been discussing at great length the financial implications of having a university in the frontier and have tried to discuss and devise means for finding the money for establishing the university. Hardly anybody has put forward a case for having a university in the frontier at all. The last speaker spoke about the frontier people eating different food from the Punjabees, wearing different clothes and being taller than he is, and therefore he thought that the frontier should have a university. As a school master, however, I feel that this argument leaves me very cold. The fact of the matter is that what is much more important in India today is to liquidate the tremendous illiteracy which prevails all over the country. It is this problem only which faces the educationists today and not the luxury of having a different university in each province. Somebody said, that the Government of India had created new provinces—I think this Honourable Member came from the hills and the mist of the hills must have crept into his mind and befogged the arguments which he put forward; he said that because the Government of India founded new provinces, therefore, they must create separate universities there also. What has happened is this. In the province of Bihar, they had the luxury of a separate university on account of the insistent demand of the people of Bihar to be separated from the University of Calcutta and they spend today the noble sum of 1·6 per cent of the total Government expenditure on education, on primary education while nearly 26 per cent of their total Government expenditure on education is diverted for university purposes. (*An Honourable Member*: "Question".) Only 1·6 per cent of the total educational expenditure of the State is spent for the education of the villager of whom we talk so much nowadays.

Mr. N. M. Joshi: Do you know what is the amount spent by the Government of India on Centrally Administered Areas?

Mr. A. K. Chanda: I am not discussing the Centrally Administered Areas.

Mr. N. M. Joshi: You should.

Mr. A. K. Chanda: I am quoting the figures from the latest report of the Educational Commissioner on "Education in India". (Interruption.) I am afraid it requires a little patience to go through these educational

statistics. I sympathise with the Honourable Members opposite if they find these rather bewildering, because it does require a little background to understand the figures which are given there. (Interruptions.)

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must not be interrupted.

Mr. A. K. Chanda: I don't mind, Sir. When their argument is weak, they rely on interruptions for making their points. I was told that when your case is weak, you must abuse your opponent. You won't allow any abuse here. So they try to interrupt me and make a point. In Bengal, the province from which I come, the figures are equally bad. We spend a great deal more of our money for university education, so that very little is left for the education of the masses. I should have thought, Sir, that the Honourable Member, who comes from the Frontier Province and, therefore, is more in touch with the realities of the frontier, would have come forward and press here, if necessary, for more money from the Centre (I do not know whether it is possible to get it) for giving a proper and true education to the ordinary people and not demand a University to produce a larger number of unemployed and unemployable young men. This is after all what the universities are doing.

He said that they had an excellent college in Peshawar, called the Islamia College. Why spoil that excellent college and make it an inefficient university? We have had experience of a certain number of inefficient universities which are cropping up on all sides. (*An Honourable Member*: "What are they?") It would be invidious to speak about the universities which are inefficient. Of late, there has been a demand from Orissa for having the luxury of a university. In Assam, I believe there is a demand for having two universities, one for the Surma Valley and another for the Assam Valley, so that you don't know where to stop. What I really wanted to emphasize is that the crying educational need today is to devise an adequate scheme for the training of the ordinary villager and to give him an education that will be more in keeping with the surroundings in which he is brought up and the surroundings to which he will go back rather than give him a fictitious university education which leads him nowhere and which is not in touch with the realities of the country. You cannot have a system of education which has no roots. If you bring a plant from the nursery, with an earthen ball round it and if you don't dig deep and lay it properly, it will have a kind of life for a time and then it will wither away. The plant of the educational tree must be well laid, with its roots deep in the soil, and that is why, I don't think, it will be well laid in the frontier, till suitable atmosphere of education is provided there. The Honourable Member spoke about the want of education in his parts. It seems to me that is the strongest argument that he has advanced against having a university, and for having a net york of properly devised schools, so that the ordinary villagers may be given a good education. He quoted with great gusto a letter from Sir George Anderson. I have not seen the letter, but from what he read out I do not think that Sir George Anderson in any way supported the scheme of a university in Peshawar.

Mr. Abdul Qaiyum: He did support a scheme for a university in Peshawar. I think you can find that document here in the Government of India. It was written in June, 1938.

Mr. A. K. Chanda: I stand corrected, but the letter as he read out seemed to convey to my mind that what the letter said was: if Peshawar does have a university it should be of the unitary type and there should be no duplication of the work which is being done elsewhere, but that it should concentrate on giving practical technical education. But that does not seem to me the proper function of a university. The principal function of a university is to give a good, general, all-round education. If the Honourable Member had come forward here for having a good agricultural college in his own province or having a good technical college in his province, he would have had all my sympathy, but when he comes forward with a scheme for having a university in the tribal area, I am afraid I must oppose it.

5 P.M.

STATEMENT OF BUSINESS.

The Honourable Sir Nripendra Sircar (Leader of the House): Sir, will you allow me to make a statement? We have been pressed with a request that we may not meet on Friday next. Sir, if we do not meet on Friday next, the only days remaining available for ordinary official business before the Finance Bill is disposed of will be Friday the 25th February and Tuesday the 1st of March. We consider it essential that the Stamp Bill, which was introduced yesterday, should be disposed of not later than Friday, the 25th February, and that the Tea Control Bill, on which the Select Committee's Report was presented last week, should be disposed of not later than the 1st March. If we can be reasonably assured by the Parties that in the event of the House not sitting on Friday next, all stages of the Stamp Bill will be disposed of on the 25th February and that the Tea Control Bill, if not concluded on that day, will be disposed of on Tuesday the 1st March, we will not object to the cancellation of the meeting fixed for Friday next. I may tell the House that as a matter of fact today we have received something like forty-one notices of amendments to the Tea Control Bill; some have come from the Congress Group, and as regarding others, I think, my friend, Maulvi Abdur Rasheed Chaudhury, is responsible for more than a dozen. So that is our position. We will not object to Friday being taken off provided we can get some kind of assurance from the Parties here that we can finish . . . . .

Mr. President (The Honourable Sir Abdur Rahim): I do not know who will be prepared to give that sort of assurance.

The Honourable Sir Nripendra Sircar: If not, then my position is, Sir, that I cannot agree.

Mr. M. Asaf Ali (Delhi: General): Sir, in so far as the question of assurances is concerned, all I can say is that the Stamp Bill is a non-contentious measure, and my Party at any rate is not going to delay the business of the House so far as that is concerned; and as regards the other Bill, well, if there are so many amendments—we shall try to cut down ours,—we can give you an assurance that we will not unnecessarily prolong the business of the Assembly even on that; but I certainly cannot speak on behalf of the other Parties. It is for them to decide.

Mr. President (The Honourable Sir Abdur Rahim): I do not think it is possible to get assurances of that character from Members generally.

The Honourable Sir Nripendra Sircar: Sir, I do not expect an absolute guarantee, but if the sort of guarantee that my friend, Mr. Asaf Ali, has given me is also forthcoming from the other Parties, I should be quite satisfied.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): We do not want to stand in the way of this business being got through . . . . .

Mr. President (The Honourable Sir Abdur Rahim): That is too vague. When the Leader of the House says that certain Government business must be finished within certain time—and I am not satisfied from what has been said that there can be any such guarantee—the present arrangement must stand. The Assembly stands adjourned till 11 o'clock tomorrow.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 16th February, 1938.

LEGISLATIVE ASSEMBLY.

Wednesday, 16th February, 1938.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

RAIL-STEAMER COMPETITION.

294. ***Mr. Brojendra Narayan Chaudhury:** Will the Honourable Member for Communications please state:

(a) if Government have made any survey of steamer routes and railways with a view to find out the extent and intensity of competition between railways and steamer services; and

(b) if it is intended to deal with steamer and rail competition by legislation or otherwise or by specific means in particular cases?

The Honourable Sir Thomas Stewart: (a) I am not clear as to the nature of the survey which the Honourable Member has in view, but Government are fully cognizant of the competitive conditions that exist.

(b) No legislation is contemplated. The Railway Administrations concerned and the Steamer Companies endeavour to adjust their conflicting interests by discussions as, and when, occasions arise.

Mr. Brojendra Narayan Chaudhury: Is not the Railway losing freight from Sylhet to Chandpur thence to Calcutta since tea is being carried direct from Sylhet to Calcutta by Steamer Companies?

The Honourable Sir Thomas Stewart: I am perfectly aware that competition does exist, and that neither the Steamer Companies nor the Railways have a monopoly of the trade. It follows, therefore, that they must share it.

Mr. Brojendra Narayan Chaudhury: Is there any co-ordination?

The Honourable Sir Thomas Stewart: Yes, Sir. I have already said that the Railway Administrations and the Steamer Companies endeavour to adjust their conflicting interests by discussions as, and when, occasions arise.

Mr. Brojendra Narayan Chaudhury: May I know the exact nature of the adjustment?

The Honourable Sir Thomas Stewart: That is a question of which I shall require notice.

UPPER CLASS CARRIAGES ON THE ASSAM BENGAL RAILWAY.

295. *Mr. Brojendra Narayan Chaudhury: Will the Honourable Member for Railways please state:

(a) when first and second classes were combined as the upper class in Assam Bengal Railway;

(b) the financial result of this experiment, if the upper class passenger traffic earnings have decreased or increased;

(c) if the number of upper class passengers has increased or decreased;

(d) if it is proposed to add first class carriages and composites inclusive of first class; and

(e) the cost of building these first class carriages and proportionate cost of the first class portion of composites?

The Honourable Sir Thomas Stewart: (a) From 1st December, 1936.

(b) and (c). Up to the 31st October, 1937, the latest date for which figures are available, the decrease in the number of passengers carried was 8,904 and in earnings Rs. 47,860.

(d) No.

(e) Does not arise.

Mr. Lalchand Navalrai: May I know if the decrease was in the case of first class passengers?

The Honourable Sir Thomas Stewart: I will give the Honourable Member the figures. In October, 1936, the number of first class passengers was 943 and of second class passengers 3,939. In October 1937, the number of passengers in the joint class was 3,904.

Mr. Lalchand Navalrai: May I know if the Honourable Member is collecting any figures from the other railways particularly the North Western Railway, to find out whether there should be only one class instead of two as at present?

The Honourable Sir Thomas Stewart: I fail to understand how the collection of figures would assist in coming to that decision.

Mr. N. M. Joshi: In view of the fact that the number of passengers is decreasing, will the Government of India consider the question of reducing the first class accommodation on the trains of this railway?

The Honourable Sir Thomas Stewart: There is no first class.

Mr. N. M. Joshi: What about the upper classes?

The Honourable Sir Thomas Stewart: That is a consideration that I hope will always be before the Railway Administration.

Mr. Lalchand Navalrai: What I meant to convey by the collection of figures was that the North Western Railway may be asked to collect

figures to show whether the number of first class passengers is decreasing every month. Will the Honourable Member make that investigation?

The Honourable Sir Thomas Stewart: To the best of my recollection, all Railway Administrations have been asked to examine the possibilities of that change.

Mr. Brojendra Narayan Chaudhury: Do Government propose to re-establish first and second classes?

The Honourable Sir Thomas Stewart: It is not a question for Government: it is a question to be decided by the Railway Administration. I have no information as to whether they have under contemplation the re-institution of first class accommodation.

Mr. Brojendra Narayan Chaudhury: Will the Railway Board so advise the Assam Bengal Railway?

The Honourable Sir Thomas Stewart: The Railway Board see no reason to interfere at the present moment.

Mr. Brojendra Narayan Chaudhury: In view of the loss incurred, will they not advise?

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

EXTENT OF RIGHT OF THE COCHIN STATE OVER THE COCHIN PORT.

296. ***Mr. M. Asaf Ali** (on behalf of Mr. T. S. Avinashilingam Chettiar): Will the Honourable Member for Communications state:

(a) whether the port of Cochin is working at a loss or profit;

(b) what is the extent of the right of the Cochin State in the profit or loss of the port; and

(c) what is the extent of the right of the Cochin State in the management of the port?

The Honourable Sir Thomas Stewart: (a) The Port of Cochin is paying its way, but it cannot be regarded as making a profit.

(b) All the revenue collected by the Port Authority, whether in the British part of the Port, or in the area within the Cochin State, is credited to the Port Authority. The surplus, if any, is wholly retained by the Port Authority, and the deficits, if any, in working are met by the Port Authority.

(c) The management of the Port has been entrusted to an Administrative Officer and Harbour Engineer-in-Chief working under the administrative control of the Central Government. In all matters affecting the interests of the Port, the concurrence of the Cochin Government is obtained.

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member inform the House whether or not the Cochin Port is seriously handicapped by the absence of an extension of a railway from Chamarajnagar on the Mysore State Railway to Mettupalayam on the South Indian Railway?

The Honourable Sir Thomas Stewart: I am not aware that the Port is severely handicapped by the want of such a railway.

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member inform the House whether it is the intention of the Railway Board to make an early survey of this short route with a view to the Mysore Government constructing this line and for which they are prepared to do at their own cost?

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

Mr. M. Asaf Ali: Do Government expect this proposition to be a remunerative one at any time?

The Honourable Sir Thomas Stewart: Certainly.

Mr. M. Asaf Ali: When?

The Honourable Sir Thomas Stewart: I think it is reasonably remunerative at the present time.

SALE OF A PROPERTY AT A LOSS BY THE BOMBAY PORT TRUST.

297. *Mr. M. Asaf Ali (on behalf of Mr. T. S. Avinashilingam Chettiar): Will the Honourable Member for Communications state:

(a) whether it is true that a property built in 1920 by the Bombay Port Trust at a cost of Rs. 1,95,000 was sold by them for Rs. 3,500;

(b) whether Government have enquired into the matter; and

(c) what is the reason for this huge loss?

The Honourable Sir Thomas Stewart: (a) and (c). The attention of the Honourable Member is invited to parts (a) and (b) of the information laid on the table on the 29th September last with reference to starred question No. 373 asked by Mr. Mathuradas Vissanji on the 8th September 1937.

(b) Yes.

Mr. Manu Subedar: Will the Honourable Member inform this House as to the nature of the control which the Government of India exercise over the accounts of the Bombay Trust and whether any action is taken when the audited accounts are made available to the Government of India?

The Honourable Sir Thomas Stewart: I fail entirely to see in what way this question arises out of the question under answer.

Mr. Abdul Qaiyum: With reference to part (b) of the question, may I know what is the result of the inquiry into this matter?

The Honourable Sir Thomas Stewart: If the Honourable Member will refer to my answer to parts (a) and (c) of the present question, he will get the information he requires.

Mr. President (The Honourable Sir Abdur Rahim): Perhaps the Honourable Member had better consider the answer first.

VIZAGAPATAM PORT.

298. ***Mr. M. Asaf Ali** (on behalf of Mr. T. S. Avinashilingam Chettiar): Will the Honourable Member for Communications state:

(a) whether the Vizagapatam Port is still running at a loss,

(b) what is the loss in the last and this financial year; and

(c) when it is expected to be self-supporting?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) Excluding interest charges on capital, the deficit amounted to approximately rupees four lakhs in 1936-37. The estimated deficit in the current year is Rs. 1,62,000.

(c) According to a review recently carried out by the Traffic Manager, Vizagapatam, the deficit should disappear by the year 1940-41.

SLUMP IN THE COTTON PRICES.

299. ***Mr. Govind V. Deshmukh** (on behalf of Seth Govind Das): Will the Honourable Member for Railways be pleased to state:

(a) the extent to which Railway revenues have been affected as a result of the recent cotton crisis; and

(b) what actions, if any, Government have taken to counteract the present state of slump in prices?

The Honourable Sir Thomas Stewart: (a) The approximate revenue from cotton, raw and pressed, for the two principal Railways affected, *viz.*, Great Indian Peninsula and North Western, for the period from 1st October, 1937, to 31st January, 1938, amounted to Rs. 88 lakhs, whereas, during the corresponding period of the previous twelve months, the revenue was Rs. 169 lakhs. Similar figures for the other principal Railway affected, *viz.*, the Bombay, Baroda and Central India, are not at present available.

(b) I would refer the Honourable Member to the reply given by Sir Girja Shankar Bajpai to Sardar Mangal Singh's question No. 61 on the 1st February, 1938.

Mr. Manu Subedar: Are Government aware that much cotton is moving by the roads on account of heavy freights on the railways?

The Honourable Sir Thomas Stewart: I am aware that there have been movements of cotton by roads.

Mr. Manu Subedar: Do Government propose to look into the movements of cotton by road and to adjust cotton freights on the railways on a competitive basis so as to keep this traffic for railways?

The Honourable Sir Thomas Stewart: The question of competition by roads is always engaging the attention of Government.

COMPENSATION FOR LOSS SUFFERED BY INDIANS OWING TO SINO-JAPANESE WAR.

300. ***Mr. M. Asaf Ali** (on behalf of Mr. Mohan Lal Saksena): (a) Will the Foreign Secretary be pleased to state if any compensation has been paid by the Government of India on account of loss of life and property sustained or injuries received by Indians on account of the Sino-Japanese War? If so, how much and to whom?

(b) Has there been any loss of life and property amongst the non-Indian British subjects because of the Sino-Japanese conflict? If so, at what rate has compensation, if any, been paid to them?

Sir Aubrey Metcalfe: (a) No.

(b) As regards the first part of the question Government have no information beyond what has been published in the Press from time to time. So far as the Government of India are aware no compensation has yet been paid to any British subject for loss of life or loss of property.

Mr. M. Asaf Ali: What is the extent of loss of life and property in this connection so far?

Sir Aubrey Metcalfe: I have already answered that. Which particular class of British subjects is the Honourable Member referring to?

Mr. M. Asaf Ali: Indians.

Sir Aubrey Metcalfe: I have already answered a question on that subject. I cannot give the exact reference now, but I had answered one a few days ago.

Mr. M. Asaf Ali: Are Government in possession of any definite information on this subject at all? You may not be able to give it now but are you in possession of any information at all?

Sir Aubrey Metcalfe: I have obtained full information which I gave the House only three days ago, and that information was based on a telegram received from the Consul General at Shanghai as recently as 2nd February.

Mr. M. Asaf Ali: Why have the Government not made further enquiries into the matter?

Sir Aubrey Metcalfe: They cannot enquire every day. We enquired less than ten days ago, and we asked them to keep us fully informed of any further information available.

Mr. M. Asaf Ali: Has nothing happened during the last ten days?

Sir Aubrey Metcalfe: Not so far as I am aware.

FAKIR OF IPI'S LETTER TO PANDIT JAWAHARLAL NEHRU.

301. ***Mr. M. Asaf Ali** (on behalf of Mr. Mohan Lal Saksena): (a) Will the Foreign Secretary be pleased to state if the attention of Government has been drawn to the statement in the Fakir of Ipi's letter to Pandit Jawaharlal Nehru, Congress President, published in the *Hindustan Times* of the 31st January, 1938, that the raids and kidnapping of British subjects are manœuvred by the Government of India? If so, what steps do Government propose to refute it?

(b) Are Government prepared to appoint a judicial committee to enquire into the allegations?

(c) Do Government propose to consider the feasibility of adopting more conciliatory and straight forward methods in dealing with the Frontier situation?

Sir Aubrey Metcalfe: (a) Yes. Government do not think it necessary to take any steps.

(b) and (c). No.

Mr. Abdul Qaiyum: In view of the serious allegations made against certain officers of the Political Department, why is it that Government do not contemplate setting up a judicial committee for enquiring into the matter? What are the reasons for Government not proposing to set up a committee of enquiry?

Sir Aubrey Metcalfe: So far as I am aware, no allegations are made in this letter against the officers of the Political Department. The allegations, according to the question given here, are made against the Government of India. The allegation is so fantastic that there is no necessity to refute it for the benefit of anybody with an unprejudiced mind. That is the reason why Government do not propose to take any steps in the matter.

Mr. Abdul Qaiyum: Is it the policy of the Government that when allegations are made they are merely to be dismissed as fantastic, and that no committee of enquiry is to be appointed?

Mr. President (The Honourable Sir Abdur Rahim): That is a matter of inference.

Mr. Abdul Qaiyum: This is a question of fact. The Honourable Member dismissed the allegation as fantastic.

Mr. President (The Honourable Sir Abdur Rahim): What you are asking is whether a certain inference is not to be deduced.

Mr. Abdul Qaiyum: There are a very large number of people who believe all that is alleged against the Political Department.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is entitled to hold his own opinion. Next question.

Mr. Sri Prakasa: In view of the fact that definite allegation are contained in the letter which the Faqir of Ipi wrote to Pandit Jawaharlal Nehru, where is the point in Government dismissing the whole matter as fantastic without looking into them and giving a chance to the people at large to sift the truth between that letter and any statement that Government may make?

Mr. President (The Honourable Sir Abdur Rahim): That is a matter of argument. Next question.

DISCONTINUANCE OF DELIVERIES FROM ALLAHABAD CITY AND KUTCHEHRY POST OFFICES.

302. ***Mr. M. Asaf Ali** (on behalf of Mr. Mohan Lal Saksena): (a) Will the Honourable Member for Communications be pleased to state whether the attention of Government has been drawn to the great difficulty that is being experienced by the Allahabad public by the discontinuance of the deliveries from the Allahabad City and Kutchehry Post Offices?

(b) Were any representations submitted by the Hindustani Traders' Association in this connection to the Director General, Posts and Telegraphs, in March and June last, as published in the *Leader*, dated the 20th June, 1937 and 15th July, 1937? If so, why were they not even acknowledged?

(c) Was the attention of Government drawn to the large number of letters published in the *Leader* on this subject during the last twelve months? If so, did Government institute any enquiries into the grievance of the Allahabad public?

(d) What is the total amount of saving, if any, effected by the discontinuance of the deliveries from the aforesaid post offices?

(e) Is it not a fact that in Benares, Lucknow, Cawnpore and other important cities in the United Provinces there are more than one post office from which deliveries of money orders and insured articles are made?

(f) Has there been a fall in the number of money orders and insured articles transmitted because of the discontinuance of the deliveries from the two post offices?

(g) Do Government propose to consider the question of restoring the old system of deliveries in Allahabad City?

The Honourable Sir Thomas Stewart: (a) Government understand that certain criticisms have been made by a section of the public of Allahabad regarding the revised delivery arrangements introduced from the 1st February, 1937.

(b) Government also understand that no representations were received by the Director-General; but a representation and copies of certain resolutions were received by the Postmaster-General, United Provinces Circle, who duly replied to them.

(c) No. The matter was within the competence of the local authorities who enquired into the complaints.

(d) None. The changes were not made in the interests of economy but of public convenience.

(e) Yes.

(f) No.

(g) No.

EXPENDITURE ON ADVERTISEMENTS BY STATE RAILWAYS.

303. *Mr. M. Asaf Ali (on behalf of Mr. Mohan Lal Saksena): (a) Will the Honourable Member for Railways be pleased to state the total amount of money spent during the last twelve months by the State Railways over advertisements in newspapers?

(b) Will he please state the names of the papers, with the respective amounts paid to them on account of cost of advertisement?

(c) Have any instructions been issued by the Railway Board regarding advertisement in newspapers by the State Railways? If so, what? If not, is he prepared to consider the feasibility of issuing instructions on the subject?

(d) Do the various railways maintain any list of approved newspapers to which advertisements are sent? If so, on what basis are the lists prepared and are they revised every year?

The Honourable Sir Thomas Stewart: (a) Government have no information, but I will see if it is practicable to get the figures required for the twelve months ending 31st March, 1937, if they can be conveniently compiled.

(b) The information is not available, and its compilation would involve a considerable amount of clerical labour which, I fear, I could not justify.

(c) and (d). The State-managed Railways have been asked to follow the list of newspapers prepared by the Government of India which is based on commercial considerations so as to secure the maximum value for advertisements.

Dr. Sir Ziauddin Ahmad: Do the Department of Communication ever contemplate the utilisation of the services of the Information Bureau attached to the Home Department for doing publicity work?

The Honourable Sir Thomas Stewart: I am afraid I do not quite understand what the Honourable Member says. Is he referring to the Communications Department or is he including the Railway Department also?

Dr. Sir Ziauddin Ahmad: I am talking chiefly of the Railway Department. Instead of advertising directly, may I know whether they avail themselves of the services of the Information Bureau attached to the Home Department for doing publicity work?

The Honourable Sir Thomas Stewart: So far as I am aware, it is not the function of the Public Information Department to undertake commercial publicity.

Mr. Abdul Qaiyum: With reference to part (c), will the Honourable Member assure the House that political considerations do not enter into this question of giving advertisements?

The Honourable Sir Thomas Stewart: That is my information.

Mr. M. Asaf Ali: Am I to understand that the Honourable Member is not aware of a certain expression of opinion made by the Wedgwood Committee in regard to this matter? They said that certain newspapers which from a commercial point of view would be far better for advertisements are on the black list, and they are not being utilised. There is a definite recommendation of the Wedgwood Committee to that effect. I want to know whether the Honourable Member is aware of that fact?

The Honourable Sir Thomas Stewart: I do not understand the purport of the Honourable Member's question.

Mr. M. Asaf Ali: I am drawing the attention of the Honourable Member to the fact that the Wedgwood Committee have gone into this question, and they have come to the conclusion that you have excluded certain newspapers which from a commercial point of view are definitely beneficial, but they have been excluded, because political considerations have entered into your decision on the question. Have you considered this remark of the Wedgwood Committee?

The Honourable Sir Thomas Stewart: I would draw the Honourable Member's attention to a series of questions which were addressed to the representative of the Home Department regarding the policy followed in giving advertisements to newspapers. A revision of the policy has occurred since the Wedgwood Committee reported. The report, therefore, in that respect is out of date.

Mr. Ram Narayan Singh: Is the Honourable Member aware of the fact that certain newspapers are regarded as friendly and certain others as unfriendly?

The Honourable Sir Thomas Stewart: If the Honourable Member would refer to the answer that I gave to parts (c) and (d) of this question, he would realise that there is no question of friendliness or unfriendliness when these advertisements are placed and that commercial considerations are the only ones that weigh with the Government.

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

304. ***Mr. H. M. Abdullah:** (a) Will the Honourable Member for Railways please state the names of stations on the North Western Railway, where public electric supply is available and still the Railway is running its own power house, generating cost at each of these stations, and the approximate rate at which current from public supply company is available?

(b) Is it a fact that at some stations the Railway has got old and out-of-date machinery, and generating cost is generally high as compared with rates offered by public supply companies?

(c) If old sets are still serviceable, have Government considered whether they can be usefully utilized at out of the way places where public supply is not available?

(d) Do Government propose to consider the advisability of stopping all old power houses and buying electricity in bulk wherever available at cheap rates?

(e) Are Government prepared to expedite negotiations for purchase of electricity in bulk?

(f) Will Government please state the names of stations on the North Western Railway where electricity from companies is being purchased, the rates per unit, the maximum demand, load factor and the number of units consumed?

The Honourable Sir Thomas Stewart: Enquiries are being made from the Railway Administration, and a reply will be laid on the table in due course.

Dr. Sir Ziauddin Ahmad: Will Government also inquire about the cost of production per unit and the cost at which they can purchase from the town?

The Honourable Sir Thomas Stewart: I think that that inquiry would be implicit in part (d) of the question.

Mr. Manu Subedar: With regard to part (d), will Government be pleased to state what action they have taken or propose to take with regard to the Kalyan Power House in the Bombay Presidency?

The Honourable Sir Thomas Stewart: That does not arise out of a question relating entirely to the North Western Railway.

Mr. Manu Subedar: May I point out that clause (d) of the question relates to "all old power houses" and is not confined to the North Western Railway only?

The Honourable Sir Thomas Stewart: The whole of the question refers to the conditions on the North Western Railway.

STATIONS NOT ELECTRIFIED ON THE NORTH WESTERN RAILWAY.

305. ***Mr. H. M. Abdullah:** Will the Honourable Member for Railways please state the names of stations on the North Western Railway that are junctions or district headquarters but are not electrified so far, and the budget at each of these stations for lights, fans and pumps?

The Honourable Sir Thomas Stewart: Government are not in possession of the necessary information and do not consider that the value of this information justifies the cost and labour entailed in obtaining it.

Mr. Lalchand Navalrai: Will the Honourable Member please inquire if the railway junction at Rukh is electrified?

The Honourable Sir Thomas Stewart: I think it is likely that the Honourable Member himself could give the House the information at once.

Mr. Lalchand Navalrai: In that case I would ask the Honourable Member why it is not electrified and how much the electrification would cost?

The Honourable Sir Thomas Stewart: In that case I should have asked for notice of his question.

Dr. Sir Ziauddin Ahmad: Is it not desirable that Government power houses should be established at places where no supply of electricity exists?

The Honourable Sir Thomas Stewart: I think the Honourable Member is asking me for an expression of opinion.

DUTIES OF AN ASSISTANT AERODROME OFFICER.

306. ***Mr. H. M. Abdullah:** Will the Honourable Member for Communications please state if it is an integral and essential part of the duties of an Assistant Aerodrome Officer in the Civil Aviation to deal with cash and accounts?

The Honourable Sir Thomas Stewart: Not in all cases.

TRANSFERS OF ASSISTANT AERODROME OFFICERS.

307. ***Mr. H. M. Abdullah:** (a) Will the Honourable Member for Communications please state whether Assistant Aerodrome Officers are liable to transfer from one station to another?

(b) Is it a fact that some Assistant Aerodrome Officers have been very frequently transferred while others have remained in the same station since their appointment to their present grade? If so, will Government please state the names of officers in the latter class?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) Some officers have had more transfers than others. Four officers have not had any transfers since their first appointment early in 1936, *viz.*, Messrs. Sequeira, Ghosh, Warrier and Rana D. S. Jung.

INDIANS IN PALESTINE.

308. ***Maulvi Abdur Rasheed Chaudhury:** Will the Foreign Secretary please state:

(a) the number of Indians in Palestine;

(b) whether, in the disturbed state of Palestine, the Indians are undergoing any hardship, and what measures have been taken for their protection; and

(c) whether his attention has been drawn to the resolution of the All-India Muslim League passed at its Lucknow session in last October, vehemently protesting against the policy of Britain to partition Palestine and, if so, whether he has taken any steps to inform the Government of Britain that Mussalmans of India in a body oppose such partition?

Sir Aubrey Metcalfe: (a) and (b). The attention of the Honourable Member is invited to my answer to Mr. George Joseph's starred question No. 15 on January 31st, 1938.

(c) Government have only seen a report of the resolution in the Press.

Maulvi Abdur Rasheed Chaudhury: May I know whether Government have communicated the views of the Mussalmans to the Government of Great Britain with reference to this question?

Sir Aubrey Metcalfe: From time to time there have been, as already stated in this House, communications made by the Government of India to His Majesty's Government on the subject.

Mr. Abdul Qaiyum: When was the last communication addressed on this subject?

Sir Aubrey Metcalfe: I should like to have notice of this question.

Maulvi Abdur Rasheed Chaudhury: Did they get any reply from His Majesty's Government?

Sir Aubrey Metcalfe: I cannot say without notice.

Mr. Manu Subedar: How long does it generally take to get a reply from His Majesty's Government?

Sir Aubrey Metcalfe: That depends entirely on the subject.

CONSTRUCTION OF A CART ROAD FROM BHOWALI TO MUKTESWAR.

309. ***Mr. Badri Dutt Pande:** Will the Honourable Member for Railways and Communications be pleased to state if it is a fact that the Director of the Imperial Research Institute at Mukteswar (United Provinces) has asked for a cart road to be made from Bhowali to Mukteswar?

(b) Has a survey been made?

(c) What is the total amount of estimated cost of this road?

(d) Has any provision been made for the building of this road in the near future?

The Honourable Sir Thomas Stewart: I am afraid I have no information.

Mr. Badri Dutt Pande: Am I to understand that there has been no correspondence about the road to the Mukteswar Institute?

The Honourable Sir Thomas Stewart: Not with any Department with which I am concerned.

ALLEGED MISAPPROPRIATION BY A SUB-POSTMASTER OF BATALA.

310. ***Sardar Sant Singh:** Will the Honourable Member for Communications please state:

(a) if it is a fact that a Sub-Postmaster of Batala misappropriated Government money amounting to Rs. 5,000;

(b) what immediate action, if any, was taken by the Superintendent of Post Offices of the Gurdaspur Division when the defalcation was brought to his notice by the Postmaster, Gurdaspur;

(c) if it is a fact that the Sub-Postmaster concerned was allowed to continue in office for about a week after the misappropriation came to the knowledge of the Superintendent;

(d) if it is a fact that in this interval of one week the Sub-Postmaster misappropriated a further sum of six or seven thousand rupees;

(e) if it is a fact that the investigation of this important case was not taken up by the Superintendent himself but entrusted to a local Inspector of Post Offices; and

(f) what action, if any, Government propose to take against the Superintendent of Post Offices?

The Honourable Sir Thomas Stewart: As the alleged embezzlement by the Sub-Postmaster, Batala City, is *sub-judice*, Government consider that it would not be in the public interest to answer the Honourable Member's question.

CONVERSION INTO BROAD GAUGE OF MADRAS-TRIVENDRUM SECTION OF THE SOUTH INDIAN RAILWAY.

311. ***Mr. Thirumala Rao** (on behalf of Mr. C. N. Muthuranga Mudaliar): (a) Will the Honourable Member for Communications be pleased to state if Government had under their consideration, at any time in the past, the desirability of converting the main metre gauge section of the South Indian Railway from Madras to Trivendrum, or any portion of it, into a broad gauge system?

(b) Are Government aware that the break in gauge causes a lot of inconvenience to passengers proceeding from the north to the south, as well as to the movement of goods and commodities?

(c) Is it a fact that representations have been made before to have the metre gauge on this section converted into broad gauge and if so, what has been the result so far?

The Honourable Sir Thomas Stewart: (a) The whole question of railway extension in Southern India, including the question of gauge, was examined by a State Railway Engineer in 1921-22. He recommended that the country which lies south of the Podanur Madras Railway and east of a line drawn southward from Podanur along the Travancore High Range as far as, say, Quilon, should be served by the metre gauge. His report was accepted by Government. Government have no information regarding any previous discussion on this matter.

(b) A break of gauge always causes some inconvenience.

(c) Government are not aware of any representations since the report mentioned in part (a) of this answer.

PROVISION OF A COVERED PLATFORM AT THE NEW DELHI RAILWAY STATION.

312. ***Mr. Thirumala Rao** (on behalf of Mr. C. N. Muthuranga Mudaliar): (a) Will the Honourable Member for Communications please state if any action has been taken, or is proposed to be taken, in regard to the provision of a covered platform at New Delhi railway station?

(b) Are Government aware that both during the cold and hot seasons and also during the rains, it is very inconvenient for passengers entraining and detraining, as well as for persons who go there to receive or see off passengers, to remain on the platform?

(c) Are Government prepared to issue early directions for fully covering the platforms at this station?

The Honourable Sir Thomas Stewart: (a) No.

(b) Government are prepared to agree that there is some inconvenience.

(c) This is within the competence of the Agent whose attention might suitably be drawn to it either direct or through the Local Advisory Committee for Railways. I will, however, send him a copy of this question.

RAILWAY FREIGHT RATES ON COCOANUTS FROM MADRAS TO PLACES IN NORTHERN INDIA.

313. ***Mr. Thirumala Rao** (on behalf of Mr. C. N. Muthuranga Mudaliar): (a) Will the Honourable Member for Communications state what the present rate of freight per maund is on cocoanuts from Madras to places in Northern India, like Delhi and Lahore, and whether full or half parcel rates are charged on such consignments?

(b) Are Government aware of the fall in the price of cocoanuts, and do Government propose to consider the desirability of charging quarter parcel rates on consignment of cocoanuts from South India in bags or in full wagon loads as is done in respect of certain other perishable articles?

(c) Are Government prepared to consider the desirability of charging quarter parcel rates on cocoanuts consigned directly from Bombay or Calcutta to Delhi and the Punjab? If not, why not?

The Honourable Sir Thomas Stewart: (a) The freight rates per maund from Madras are as follows:

By goods train:

	Rs.	a.	p.
to New Delhi	3	1	0
to Lahore	3	11	1

By passenger train, at full parcel rates (as half parcel rates do not apply):

	Rs.	a.	p.
to Delhi or New Delhi	11	8	0
to Lahore	12	6	0

(b) and (c) The quotation of rates for individual commodities is a matter within the discretion of the Railway Administrations concerned, subject to such rates not exceeding the prescribed maximum or infringing the prescribed minimum. I will, however, communicate the Honourable Member's suggestion to the Agents of the various Railways concerned for such action as they may consider desirable.

RECRUITS TO THE POLITICAL AND EXTERNAL AFFAIRS DEPARTMENTS.

314 ***Babu Kailash Behari Lal:** Will the Secretary for External Affairs be pleased to state:

(a) what percentage of the annual recruits to the Political and External Affairs Departments were expected to be Indians after the Lee Commission Report;

(b) what is the total number of recruits to the Political and External Affairs Departments since 1924 and how many of them are Indians;

(c) if it is a fact that a *communiqué* was issued in 1921 that Indians chosen for the Political Department would be selected from the Indian Civil Service, the Indian Army and the Provincial Service; and

(d) if it is a fact that of the twelve Indians in the Department at present only one is a civilian?

Sir Aubrey Metcalfe: (a) 25 per cent. subject to suitable candidates being obtainable.

(b) Total recruits—137;

Indians —23.

(c) Yes.

(d) No.

PUTTING ON SALE OF ALPHABETICAL LISTS OF POST OFFICES.

315. ***Mr. Sri Prakasa:** Will the Honourable Member for Communications state:

(a) if it is a fact that the Department publishes periodically a pamphlet giving the lists of post offices alphabetically arranged in each district;

(b) if this document is treated as confidential and not sold to the public; and

(c) if Government are prepared to consider the desirability of putting this on sale, or, in the alternative, of adding the list arranged district-wise to the Postal Guide itself?

The Honourable Sir Thomas Stewart: (a) No.

(b) Does not arise.

(c) The first part of the question does not arise. The reply to the second part is in the negative.

Mr. Sri Prakasa: With reference to the reply to part (a), will he kindly make sure that such a pamphlet is not published, because I have seen one myself?

The Honourable Sir Thomas Stewart: I am quite certain that no such pamphlet is published.

Mr. Sri Prakasa: Is it not a fact that there is a publication which gives the names of post offices in each district along with information which is used by the postal authorities, and that is regarded as confidential, in other words, not sold to the public?

The Honourable Sir Thomas Stewart: No, Sir; there is no compilation by districts. There is a departmental compilation by circles and not by districts.

Mr. Sri Prakasa: I am not learned in the technical language of the department: by districts I mean "circles". Will the Honourable Member consider the desirability of putting this publication on sale in order that the public may conveniently be able to know the names of the various post offices in each circle?

The Honourable Sir Thomas Stewart: There is already in existence an alphabetical list of post offices which is published in the Post and Telegraph Guide. I am not aware, except from the Honourable Member's request, that any public desire for anything further exists.

Mr. Lalchand Navalrai: May I know if that list of all post offices will be found in the Library of the Assembly?

The Honourable Sir Thomas Stewart: Yes, Sir, there is in the Library a copy of the Post and Telegraph Guide. At the end of that, the Honourable Member will find the list of all post offices in India.

Mr. Sri Prakasa: In view of the fact that there are similar names of post offices in different circles, do not Government think that it would be convenient for the public to know the name of the circle of each post office also, so that it can be mentioned along with the name of the post office when they are addressing letters?

The Honourable Sir Thomas Stewart: If the Honourable Member will refer to the list at the end of the Post and Telegraph Guide, he will find there is no reason why there should be any ambiguity.

Non-Carriage of Mails by the Down Delhi Mail from Delhi to Moghul Sarai.

316. ***Mr. Sri Prakasa:** Will the Honourable Member for Railways and Communications state:

(a) if it is a fact that while postal articles are brought by the 1 Up Delhi Mail from Moghal Sarai to Delhi, they are not taken by the corresponding 2 Down Mail from Delhi to Moghal Sarai;

(b) if it is not a fact that letters from Delhi to Benares take a longer time to reach their destination than from Benares to Delhi; and if so, whether this is not due to the fact that postal articles are not sent from Delhi to Moghal Sarai by the 2 Down Delhi Mail;

(c) if Government are aware that the Mail-van that is attached to 1 Up Delhi Mail from Moghal Sarai carries a large intermediate class compartment for passengers, and that its not going by the 2 Down Mail diminishes the carrying capacity of the corresponding Down Mail; and

(d) if Government propose to consider the desirability of arranging to take the mails by the 2 Down as well?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) The Honourable Member is correct so far as the actual transit time from Delhi station to Benares station is concerned, but the time

taken between posting and delivery both ways of mails carried by the trains referred to is the same.

(c) Yes; but although the intermediate class accommodation on 2-Down Mail is less than on the corresponding 1-Up Mail it is adequate to meet public requirements.

(d) No.

Dr. Ziauddin Ahmad: Is it convenient from the administrative point of view not to send mails by 2-Down Mail?

The Honourable Sir Thomas Stewart: It is.

Dr. Ziauddin Ahmad: What is the convenience?

The Honourable Sir Thomas Stewart: The convenience, Sir, is that the train No. 118, which takes the mail, leaves in the evening and thus is enabled to take the whole day's postings. But No. 2-Down Mail leaves at about 8 or 8-30 in the morning and would only be able to take the postings between six and eight in the morning, which, I think, you will agree, are not large. The rest of the day's postings would have to wait over until next morning.

Dr. Ziauddin Ahmad: The Honourable Member is considering the convenience of Delhi Station only. What about letters from the Punjab and Simla: they are detained and lie over for a whole day at Delhi?

The Honourable Sir Thomas Stewart: No, Sir, if I consider the convenience of towns other than Delhi and Benares, then the case for using 118 is overwhelming, *e.g.*, if one takes the position of intermediate towns such as Cawnpore.

Mr. Sri Prakasa: Is it a fact that the mail van that comes from Kalka is detached at Delhi? Why does not the Honourable Member allow it to run along carrying mails further down the line?

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

Mr. Sri Prakasa: With reference to the Honourable Member's reply to part (c) of the question, may I know how he is sure that there is adequate intermediate class accommodation in the down mail even after the intermediate class compartment is taken off?

The Honourable Sir Thomas Stewart: I have given the information which was acquired from the officials responsible for seeing that adequate accommodation is provided.

Mr. Sri Prakasa: In view of the fact that I am a passenger, will he take my statement that the accommodation is not adequate.

The Honourable Sir Thomas Stewart: No, Sir, I am afraid I cannot take his statement as generally true.

Mr. Sri Prakasa: How many times has the official referred to travelled by the intermediate class in these trains?

POSTAL INSURANCE.

†317. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Honourable Member for Communications be pleased to state if originally the Postal Insurance was meant for employees of the Postal Department only?

(b) Will the Honourable Member be pleased to state if subsequently it was opened to all Government employees and, if so, will the Honourable Member be pleased to state the date and the year when this was opened to all Government employees?

(c) Will the Honourable Member be pleased to state if originally it was decided that Post Office Insurance Policies were to be confined within the maximum value of Rs. 4,000, and subsequently this maximum was raised to Rs. 20,000 at which the maximum value of Post Office Policy stands at present? If so, when was this raising of policy value sanctioned by Government?

(d) Will the Honourable Member be pleased to state if the Post Office Insurance affair was passed through a Bill into an Act in the Central Legislature? If so, when?

(e) Will the Honourable Member be pleased to state if Post Office Insurance fixes lower rate of premium than other insurers?

(f) Will the Honourable Member be pleased to state why there should be two different categories of insurers under one Government controlled by two separate Insurance Acts?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) Yes. With effect from 1st February, 1898.

(c) Yes. The limit was raised to Rs. 10,000 with effect from the 5th November, 1920, and again to 20,000 from the 26th April, 1932.

(d) There is no act regulating postal insurance. The latter part does not arise.

(e) The insurance premiums in force were fixed with reference to the mortality experienced by Government servants insured with the Fund. So far as the whole life policies are concerned, the rates of the Fund are generally intermediate between the with-profit and non-profit rates of insurance companies while in the case of endowment assurances those rates are slightly lower than the non-profit rates of companies.

(f) Postal insurance is a class of insurance business carried on by the Central Government, and both Chambers of the Legislature have now agreed to the inclusion in the Insurance Bill of a clause providing that nothing therein shall apply to any insurance business carried on by the Central or by a Provincial Government. It is not the case therefore, as the Honourable Member appears to suppose, that postal insurance as such has been treated differentially from other classes of insurance. Nor is it the case that there are two Acts. There is no Act regulating postal insurance or any other form of insurance carried on by Government.

† Answer to this question laid on the table, the questioner being absent.

POSTAL INSURANCE FUND.

†318. ***Mr. Amarendra Nath Chattopadhyaya:** Will the Honourable Member for Communications be pleased to state the present Post Office Insurance Fund accumulated and how it is invested? What is the expense ratio incurred by Post Office Insurance Department?

The Honourable Sir Thomas Stewart: Seven crores forty-five lakhs at the end of the year 1936-37. This amount is treated as part of the unfunded debt of the Government of India. It bears interest at 3½ per cent. The expense ratio for the year ending 31st March, 1937, was 4·69 per cent.

DIFFERENTIATION RESPECTING GRADES OF CERTAIN RAILWAY EMPLOYEES IN JHANSI DIVISION.

319. ***Mr. N. M. Joshi:** (a) Will the Honourable Member for Railways be pleased to state whether it is not a fact that there is a difference in the grades of certain categories of employees, such as Number-Takers, Booking Clerks, Goods Clerks, Assistant Goods Clerks etc., in the Jhansi Division and those of similar workers in other divisions, such as Jubbulpore, Bhusawal, Sholapur etc. on the Great Indian Peninsula Railway?

(b) Is it not a fact that such difference does not exist with regard to other categories of employees?

(c) If the answers to parts (a) and (b) be in the affirmative, will the Honourable Member be pleased to state the reasons for this differentiation?

(d) Will the Honourable Member be pleased to state whether he proposes to take early steps to remove this differentiation? If not, why not?

The Honourable Sir Thomas Stewart: These are matters of detailed administration entirely within the competence of the Agent, Great Indian Peninsula Railway, to deal with. I am, however, sending a copy of the question to the Agent for such action as he may consider necessary.

Mr. N. M. Joshi: May I ask if the Government of India have considered the question of standardising conditions on Indian railways or at least standardising conditions on one Railway throughout?

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

PROVISION OF BOARDING AND LODGING FACILITIES TO RELIEVING STAFF OF THE GREAT INDIAN PENINSULA RAILWAY.

320. ***Mr. N. M. Joshi:** (a) Will the Honourable Member for Railways be pleased to state if it is not a fact that at many road-side and other small stations on the Great Indian Peninsula Railway there is neither provision for decent sheltering of the relieving staff in the event of their necessity to stay there nor facilities of independent lodging and boarding?

(b) Is it not a fact that in view of the above state of things the relieving staff were given card passes to enable them to return to their headquarters after the close of the day's work?

† Answer to this question laid on the table, the questioner being absent.

(c) Is it not a fact that this practice was in vogue for a number of years?

(d) Is it a fact that duty card passes that were being issued to the relieving staff on the Great Indian Peninsula Railway have lately been withdrawn?

(e) Are Government aware that by reason of the sudden withdrawal of the duty card passes the relieving staff have been greatly inconvenienced and put to pecuniary loss?

(f) Is it not a fact that many representations by the staff concerned demanding the restoration of the passes have been made?

(g) Will the Honourable Member be pleased to state the reasons that led to the withdrawal of the passes?

(h) Will the Honourable Member be pleased to state whether he proposes to take steps to restore the passes? If not, why not?

The Honourable Sir Thomas Stewart: I understand the Honourable Member's question refers to conditions on the Great Indian Peninsula Railway. I am calling for particulars from the Agent of that line and will place a reply on the table of the House when these have been received.

HOURS OF DUTY OF SORTERS ON THE DELHI-MOGHUL SARAI FAST PASSENGER.

321. ***Mr. Sri Prakasa:** Will the Honourable Member for Railways and Communications state:

(a) if it is a fact that mails are carried from Delhi to Moghul Sarai by the 118 down fast passenger and that the men working in the mail-van have a continuous duty of over 14 hours upto Allahabad; and

(b) if Government are prepared to consider the desirability of giving the men concerned relief by providing fresh relays from Etawah onwards?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) No.

Mr. Sri Prakasa: Is the Honourable Member satisfied that men can be continuously on duty for 14 hours and keep their efficiency the whole time?

The Honourable Sir Thomas Stewart: Yes, Sir.

Mr. Sri Prakasa: Will the Honourable Member seriously consider this point because I know, Sir, that men are over-worked?

The Honourable Sir Thomas Stewart: The question has already received consideration.

Mr. Lalchand Navalrai: Does the Honourable Member say that they get any tonic from the Railways to keep up their energy for so long?

CO-ORDINATION BETWEEN THE RAILWAY AND POSTAL DEPARTMENTS FOR CONVENIENT TIMINGS OF TRAINS.

322. ***Mr. Sri Prakasa:** Will the Honourable Member for Railways and Communications state if Government are considering the desirability of co-ordination between the Railway and Postal Departments so that the trains may be more conveniently timed?

The Honourable Sir Thomas Stewart: The instructions already issued provide for the requisite degree of co-ordination between the two Departments.

Mr. Sri Prakasa: Is it a fact that the Post Office has to adjust its arrangements because of sudden changes in railway timings causing inconvenience to all those it serves?

The Honourable Sir Thomas Stewart: My information, Sir, is that when Railways propose any alterations in the timings of railway trains, they do not carry into effect any such alterations without consultation and discussion with the postal authorities.

Mr. Sri Prakasa: In view of the fact that not only mail trains but also passenger trains carry mails, will the Honourable Member consider this point a little more closely?

The Honourable Sir Thomas Stewart: My reply, Sir, was in respect of all trains carrying mails, not technically mail trains.

DESIRABILITY OF CHANGES IN THE INSIDE ARRANGEMENT OF MAIL-VANS.

323. ***Mr. Sri Prakasa:** Will the Honourable Member for Railways and Communications state:

(a) if Government are considering the desirability of making any changes in the inside arrangement of mail-vans on railways;

(b) if they are aware that the mail-vans are almost in the nature of sealed carriages and that even the electric fans cannot be used as postal articles, while being sorted, are likely to get mixed up;

(c) if Government propose to consider the desirability of so arranging the pigeon-holes that postal articles may be put in cases set down from the side tables and not in the cases arranged like a chest of drawers above these tables; and

(d) if Government propose to consider the desirability of having cement floors to these vans?

The Honourable Sir Thomas Stewart: (a) No.

(b) If the suggestion is that the electric fans provided cannot be utilised freely during the process of sorting mails, this is not correct.

(c) and (d). No.

Mr. Sri Prakasa: In view of the fact that the process of sorting goes on all the time, and, therefore, the electric fans cannot be used at all, will the Honourable Member consider the point a little more closely?

The Honourable Sir Thomas Stewart: I have never suggested that the fans cannot be used.

Mr. Sri Prakasa: The Honourable Member, I think, Sir, said that they could not be used while sorting was going on and that at other times they could be used.

The Honourable Sir Thomas Stewart: No, Sir.

APPOINTMENT OF AN INDIAN AS THE DEPUTY AGENT, SOUTH INDIAN RAILWAY.

324. ***Mr. Thirumala Rao** (on behalf of Mr. C. N. Muthuranga Mudaliar): (a) Will the Honourable Member for Communications please state whether it is a fact that the present Deputy Agent, South Indian Railway, is proceeding on furlough in March next or thereabout?

(b) Is it a fact that the last four Deputy Agents on the South Indian Railway have been recruited from the ranks of officers in the Engineering Department?

(c) With reference to the answer to part (a) of starred question No. 304, dated the 11th September, 1936, do Government propose to consider the advisability of drawing the attention of the South Indian Railway administration to the condition under which the post of Deputy Agent was sanctioned and asking them to appoint an Indian officer from the Engineering Department as Deputy Agent?

The Honourable Sir Thomas Stewart: (a) and (b). These are matters of detailed administration within the competence of the Agent, South Indian Railway, which is a Company-managed Railway.

(c) I am sending a copy of the question to the Agent, South Indian Railway, for such action as he may consider necessary.

CURTAILMENT OF FREE PASS CONCESSION OF WORKMEN ON THE EAST INDIAN RAILWAY.

325. ***Babu Kailash Behari Lal:** Will the Honourable the Railway Member be pleased to state:

(a) if it is a fact that before 1st January, 1937, a workman who completed 25 years' service in the East Indian Railway Company was allowed one set of railway free pass in a year;

(b) if it is a fact that from 1st January, 1937, the authorities have so changed the rule that the period of 25 years has been extended to 30 years to entitle a workman to claim a free railway pass; and

(c) if it is a fact that those workmen who completed their 25 years of service and earned the privilege of getting free railway pass before coming into effect of the changed rule have also been brought within the purview of the changed rule and were refused free pass on that score?

The Honourable Sir Thomas Stewart: (a), (b) and (c). I assume that the Honourable Member's question has reference to employees of the East Indian Railway, who have retired from railway service. Under the orders issued by the Railway Board in September, 1935, retired subordinates of over 25 years' but less than 35 years' service were allowed four

single journey passes each year. These orders were revised with effect from 1st January, 1937, limiting the issue of passes to retired subordinates with not less than 30 years' service to two single journey passes each year and with not less than 35 years' service to four single journey passes each year.

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member inform this House whether or not it is a fact that the privilege of railway passes formed part of the conditions of transfer of the employees when the East Indian and other Company Railways were taken over in 1925 from the Company by the State? If the answer is in the affirmative, will the Honourable Member please state why this privilege has been restricted, indeed violated?

The Honourable Sir Thomas Stewart: The Honourable Member has the advantage over me of knowing the history of the Railway. I say I must ask for notice of that question.

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member please inform the House whether the same restriction has been exercised in the granting of passes to serving and retired officials as has been done in the case of subordinates in 1937?

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

Babu Kailash Behari Lal: May I know whether employees who had completed at least 25 years' long before this rule came into effect are affected by that circular?

The Honourable Sir Thomas Stewart: I am unable to say whether the rule had retrospective effect. I shall obtain the information for the Honourable Member.

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member inform this House whether it is under contemplation to grant, if not in entirety at least in part, the former pass privileges to serving and retired railway servants, *i.e.*, as obtained in 1933?

The Honourable Sir Thomas Stewart: I think it appears from the answer I have given to this question that retired railway servants do enjoy in part at least the privileges they previously enjoyed.

Lieut.-Colonel Sir Henry Gidney: I am sorry I did not quite catch what the Honourable Member implied by that reply. I quite understood the first part, but what I want to ascertain is this: whether the Railway Board are contemplating a return, if not in entirety, at least in part, to the original 1933 of pass rules—not one as it is now, but a little more as before?

The Honourable Sir Thomas Stewart: I can inform the Honourable Member that the question of the issue of passes is under the consideration of the Railway Board at the present time.

Lieut.-Colonel Sir Henry Gidney: I thank you, Sir, for that comforting assurance.

RESTORATION OF THE OLD PASS RULES ON RAILWAYS.

326. ***Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to refer to the assurance given by his predecessor Sir Saiyid Sultan Ahmad, in response to supplementary questions to starred question No. 672, dated the 21st September, 1937, that he would go into the question of the restoration of the old pass rules to the railway men after 27th September, 1937, and to state what action has been taken in the matter since then?

(b) Is it a fact that the revised rules for passes were issued in November 1936, and are Government aware that there has been grave discontent on the promulgation of these rules?

(c) Is it a fact that several telegrams and memorials have been sent by the railway employees to the Railway Board, His Excellency the Viceroy and the Members of the Executive Council requesting restoration of the old pass rules?

(d) Do Government propose to restore the old pass rules? If not, why not? If so, to what extent?

(e) Is it a fact that the All-India Railwaymen's Federation has been raising this point at every meeting with the Railway Board and each time it is said that the matter is under consideration? If so, when do Government propose to issue final orders in the matter?

The Honourable Sir Thomas Stewart: (a) The matter was discussed with the Agents of principal railways in October, 1937, and they were asked to submit their views after further examination.

(b) and (c). The Pass Rules now in force had effect from the 1st January, 1937. Several representations have been received asking for a reconsideration of these rules.

(d) The extent, if any, to which the rules now in force should be modified is under consideration.

(e) The reply to the first part is in the affirmative: and as regards the second, I regret it is not practicable to say when a decision will be reached.

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member inform this House what actually he means by the words "if any" in his reply to part (d)?

The Honourable Sir Thomas Stewart: I think the English is perfectly clear.

Lieut.-Colonel Sir Henry Gidney: Does the Honourable Member imply by that "perfect clarity" that it is under contemplation to improve the situation as regards passes or does it supply him that loophole of escape usually provided and exercised by the railway authorities when they see those convenient words "ordinarily" and "if any" while in practice means that there will be no change?

The Honourable Sir Thomas Stewart: I regret I cannot anticipate the decision of the Railway Board and the Government of India in this matter.

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member state whether his Department is sympathetic towards this concession and whether it is the Finance Department that is the bug-bear?

The Honourable Sir Thomas Stewart: I am reluctant to give expression to my sentiments here.

Mr. Lalchand Navalrai: May I know, as regards clause (d), whether Government are considering the question of restoration of the old passes or modifying them?

The Honourable Sir Thomas Stewart: I think it follows from my reply to part (d) that a restoration of the old rules may be regarded as a modification of the existing system.

Dr. Sir Ziauddin Ahmad: Is it not a fact that the Railway Board and the Government were requested to restore the passes as they existed in 1933. Are they considering that matter?

The Honourable Sir Thomas Stewart: I must refer the Honourable Member again to my answer to part (d), which seems to me to cover all possible contingencies.

Dr. Sir Ziauddin Ahmad: Charges may be positive or negative: I want to know whether they are considering a return to the conditions that existed in 1933?

The Honourable Sir Thomas Stewart: I have already said that I am unable to anticipate the decision that may be taken in the matter.

DENIAL OF RENT-FREE QUARTERS TO CERTAIN TEMPORARY EMPLOYEES ON THE NORTH WESTERN RAILWAY.

327. ***Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that prior to 1st April 1928, certain classes of employees on the North Western Railway drawing above Rs. 30 per mensem were entitled to rent-free quarters or house allowance in lieu thereof?

(b) Is it a fact that employees who were temporary in posts carrying the concession of rent-free quarters before 1st August, 1928, are entitled to rent-free quarters when continued in service and confirmed?

(c) Is it a fact that they were denied the concession of rent-free quarters on the ground that during their temporary service they had proceeded on privilege leave?

(d) Does privilege leave constitute a break in service? If not, why are the employees referred to in part (c) above denied the concession of rent-free quarters?

(e) Do Government propose to mitigate their hardship?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) Yes.

(c) The concession is denied only when the leave exceeds a month and is granted otherwise than on medical certificate.

(d) Privilege leave does not constitute a break in service, but this has no relevancy in determining the justification for the grant of the concession in question. Concessions of this nature are not granted or continued merely because service has been continuous.

(e) Government do not see any hardship in the existing rule. They have considered the matter fully and come to the conclusion that no further liberalisation of the rule is called for

Mr. Lalchand Navalrai: Has the Honourable Member received representations to the effect that it is a hardship?

The Honourable Sir Thomas Stewart: I am not aware of any representations but I cannot give a definite answer in the matter.

Mr. Lalchand Navalrai: Will the Honourable Member then make inquiries from the Agents that it is really a hardship?

The Honourable Sir Thomas Stewart: I have told the Honourable Member that the Government have considered the matter fully and come to the conclusion that there is no hardship.

Tribal, Excluded and Partially Excluded Areas.

328. ***Mr. Badri Dutt Pande:** (a) Will the Foreign Secretary be pleased to state what is the total population of:

(i) tribal areas,

(ii) excluded areas, and

(iii) partially excluded areas?

(b) What is the amount of expenditure incurred on them?

Sir Aubrey Metcalfe: (a) (i). The population of all the tribal areas included in India is approximately two millions.

(a) (ii) and (iii). These do not concern the Governor General in Council and the Government of India have no information.

(b) Expenditure incurred from Civil Estimates on tribal areas amounts to approximately two crores per annum. Separate figures for Defence Services are not available

Mr. Badri Dutt Pande: Are these areas under the rule of the Governors or directly administered by the Government of India?

Sir Aubrey Metcalfe: In one case there is direct administration by the Government of India. The remainder are administered by the Governor as the agent of the Government of India.

Mr. Kuladhar Chaliha: May I know which province has the largest excluded areas?

Sir Aubrey Metcalfe: I have no information about excluded areas: as I have already explained they are not the concern of the Governor General in Council.

LOSS SUFFERED IN STATUS AND SENIORITY BY STAFF ON KATNI-BINA SECTION OF THE GREAT INDIAN PENINSULA RAILWAY ON TRANSFER TO THE JUBBULPORE DIVISION.

27. **Mr. N. M. Joshi:** (a) Will the Honourable Member for Railways be pleased to state if it is a fact that the Katni-Bina Section of the Great Indian Peninsula Railway was transferred from the 1st May, 1933, from the control of the Jhansi Division to that of the Jubbulpore Division?

(b) Is it not a fact that there is a difference of Rs. 5 or Rs. 10 in the grades of certain categories of the employees, such as, Assistant Goods Clerks, Number-Takers, Booking Clerks, etc., between the Jhansi Division and other similar Divisions of the same Railway?

(c) Is it not a fact that due to this difference the men working on the Katni-Bina Section and transferred to the Jubbulpore Division in May, 1933, have been suffering loss in respect of their status and seniority?

(d) Is it not a fact that an Assistant Goods Clerk in the grade of Rs. 50 from this section has to work as a Foreman—the next lower grade if and when he happens to be transferred to any other section of the Jubbulpore Division where the grades for the Assistant Goods Clerk and Foreman are Rs. 60 and Rs. 50, respectively?

(e) Is it not a fact that when the Generalganj Goods Depot was handed over by the Great Indian Peninsula Railway to the charge of the East Indian Railway, the Goods Foreman working at that Depot in the grade of Rs. 45 were at once absorbed in the Jubbulpore Division in the grade of Rs. 50 in accordance with the grade prevalent on that Division?

(f) Will the Honourable Member be pleased to state why the above procedure could not be adopted also in the case of staff working on the Katni-Bina Section?

(g) Will the Honourable Member be pleased to state whether he proposes to take the necessary action with a view to right the wrong done to the staff concerned? If not, why not?

The Honourable Sir Thomas Stewart: These are matters of detailed administration entirely within the competence of the Agent, Great Indian Peninsula Railway, to deal with. I am, however, sending a copy of the question to the Agent for such action as he may consider necessary.

DRIVERS ON THE GREAT INDIAN PENINSULA RAILWAY.

28. **Mr. N. M. Joshi:** Will the Honourable Member for Railways be pleased to lay on the table of this House a statement giving particulars on

the following lines with regard to the number of drivers on the Great Indian Peninsula Railway?

Division.	Number of Drivers.								
	"A" Grade.			"B" Grade.			"C" Grade.		
	1929.	1933.	1937.	1929.	1933.	1937.	1929.	1933.	1937.
Bombay . . .									
Sholapur . . .									
Bhusawal . . .									
Jubbulpore . .									
Jhansi . . .									

The Honourable Sir Thomas Stewart: I lay on the table of the House a statement giving the particulars required by the Honourable Member.

Statement giving particulars with regard to the Number of Drivers on the Great Indian Peninsula Railway.

Division.	Number of Drivers (Sanctioned).								
	'A' grade.			'B' grade.			'C' grade.		
	1929	1933	1937	1929	1933	1937	1929	1933	1937
Bombay . . .	102	71	63	82	56	45	44	78	77
Sholapur . . .	30	20	28	51	43	35	27	37	18
Bhusawal . . .	121	147	153	80	90	91	63	65	66
Jubbulpore . .	46	46	46	23	19	18	57	50	32
Jhansi . . .	106	106	101	51	51	35	32	44	43

FAILURE OF THE HOME MEMBER TO MEET A DEPUTATION FOR PROTESTING AGAINST GOVERNMENT'S SUPPORT TO THE CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL.

Mr. President (The Honourable Sir Abdur Rahim): I have received notice of a motion of adjournment from Babu Baijnath Bajoria for discussing a specific matter of urgent public importance, namely, "failure of the Home Member to meet the deputation of leading citizens of Delhi for protesting against the Government support to the Child Marriage Restraint (Amendment) Bill by Mr. B. Das". Is there any objection?

The Honourable Sir Henry Craik (Home Member): Sir, I do not think this really can be called a matter of urgency, and I doubt very much whether it is correct to say that I failed to meet a deputation of leading citizens of Delhi. I received a telegram signed by the Secretary of the Varnashram Swarajya Sangh, "care of Swarajya", Delhi. I made inquiries of the local administration and found that the local administration knew nothing about this body. I therefore simply replied to the effect that the attitude of the Government on the matter in question had already been announced, *viz.*, that it accepted the motion for reference to a Select Committee, and that all objections to the Bill would no doubt be carefully considered by the Select Committee. I cannot see why my action, which appears to me to be strictly proper and in accordance with the position which Government have taken up on this private Member's Bill, should be the occasion for a motion for adjournment.

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member said that he ascertained who were the leading citizens.

The Honourable Sir Henry Craik: No names were given at all. It was sent by the Secretary of the Society, and I could not find out anything about the Society.

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): Sir, may I say a word about the telegram in question? Some leading citizens of the city came to me and informed me that they had sent a telegram to the Honourable the Home Member in the name of the Secretary of Varnashram Sangh. It is a well-known All-India organisation. *(Some Honourable Members*: "Where is it?"). It is in Delhi. You cannot deny it.

Mr. Badri Dutt Pande (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Financed by you?

An Honourable Member: When was this Sangha started?

Babu Baijnath Bajoria: Even in the opinions you will find the opinion of this Sangh . . . .

Mr. President (The Honourable Sir Abdur Rahim): Even the name of the Sangha is not given here in the notice.

Babu Baijnath Bajoria: The telegram was sent in the name of the Secretary of that institution, but the leading citizens were anxious to meet the Honourable the Home Member and to discuss the matter with him. The telegram was sent in one man's name. The matter was urgent, because if the Honourable the Home Member had seen the deputationists his view might have changed.

Mr. President (The Honourable Sir Abdur Rahim): This motion must be disallowed. I am doubtful whether a subject like this should be discussed on a motion for adjournment. Further, the Honourable the Home Member says that he had not been able to find out who the men were referred to in the telegram, and the motion itself does not mention the names of any of the leading citizens who wanted to wait on the Honourable the Home Member.

CONSTITUTIONAL CRISIS OCCASIONED BY EXERCISE OF POWERS CONFERRED BY SECTION 126 OF THE GOVERNMENT OF INDIA ACT.

Mr. President (The Honourable Sir Abdur Rahim): I have also received another notice of motion for adjournment from Mr. Asaf Ali to this effect,—he wants to discuss a definite and specific matter of urgent public importance of recent occurrence, namely, "the dangers of the constitutional crisis occasioned by the exercise of the powers conferred by section 126 of the Government of India Act". I would like to know whether this section 126 of the Government of India Act refers partly to the action of the Governors of the Provinces or to the action of the Governor General in Council. One portion refers to the action of the Governor General in Council. The Honourable Member does not refer to sub-section (5).

Mr. M. Asaf Ali (Delhi: General): No, I don't refer to it.

Mr. President (The Honourable Sir Abdur Rahim): Then as regards the action of the Governors, this House has nothing to do with it.

Mr. M. Asaf Ali: I have not mentioned the action of the Governors there.

Mr. President (The Honourable Sir Abdur Rahim): You mention section 126 generally, and not any specific portion of it?

Mr. M. Asaf Ali: Exactly.

Mr. President (The Honourable Sir Abdur Rahim): What are these actions, and taken by whom?

Mr. M. Asaf Ali: Sir, according to news that has appeared in the press today, it appears that a situation of an unprecedented character has arisen in the country by the resignation of Ministries in two major provinces, and the action, it appears, has been taken by the Governor General in his discretion under section 126, sub-section (5). It is a matter of recent occurrence, and it has certainly given rise to a serious political crisis in the country. It is a wholly unprecedented situation, because nothing of this nature has happened before. This is the very first occasion that under the Government of India Act the Governor General has taken action . . . .

Mr. President (The Honourable Sir Abdur Rahim): I have seen all that in the papers. I want to know how you justify this motion for adjournment.

Mr. M. Asaf Ali: It would be a very serious dereliction of duty if we did not place before the Government of India and the Governor General, who is the head of the Government of India, the views of the elected Members . . . . .

Mr. President (The Honourable Sir Abdur Rahim): Does it arise out of the action of the Government of India? You know that adjournment motions can be moved with reference only to the action of the Governor General in Council, and not of the Governor General.

Mr. M. Asaf Ali: Exactly. I am now proposing to discuss this question as an action which relates to the Government of India really, because section 126 reads as follows:

"The executive authority of every Province shall be so exercised as not to impede or prejudice the exercise of the executive authority of the Federation, and the executive authority of the Federation shall extend to the giving of such directions to a Province as may appear to the Federal Government to be necessary for the purpose."

Now, the executive authority of the Federation may be looked for in section 17 of the Government of India Act . . . .

Mr. President (The Honourable Sir Abdur Rahim): There is no Federation now.

Mr. M. Asaf Ali: I really do not know whether it is a sort of an anomaly . . . . .

Mr. President (The Honourable Sir Abdur Rahim): There is no Federation or anything of the kind referred to in the Act . . . .

Mr. M. Asaf Ali: Then where are we? It is some sort of central authority, and, Sir, even if you refer back to the Government of India Act of 1919, you will find that this particular section is equivalent to section 41 of the Government of India Act, if I am not mistaken. The language is more or less the same . . . .

Mr. President (The Honourable Sir Abdur Rahim): I am trying to find out whether this is an act of the Governor General acting in his discretion.

Mr. M. Asaf Ali: Sir, it is certainly an act of the Governor General in his discretion; he is the head of the Government of India, and as such . . . . .

Mr. President (The Honourable Sir Abdur Rahim): We know that the Act makes a very clear distinction between the Governor General and Governor General in Council.

Mr. M. Asaf Ali: My point is slightly different, Sir. It is not the act of the Governor General that I want to discuss. I want to discuss the dangers which are likely to flow from that act, which is a different subject altogether.

Mr. President (The Honourable Sir Abdur Rahim): You mean the action itself?

Mr. M. Asaf Ali: The action itself is separate, but there are certain other consequences which are likely to follow.

Mr. President (The Honourable Sir Abdur Rahim): What the House is concerned with is about the action itself, whether the action is justified or not,—and the action is the resignation of the Ministers following upon certain alleged instruction given by the Governor General to the Governors.

Mr. M. Asaf Ali: This is only just the immediate result, but there are other results which are likely to follow, and I think it is our duty to discuss here and place them before the Government of India and the Governor General also. We are not questioning his discretion. We must place before him all the material . . . . .

Mr. President (The Honourable Sir Abdur Rahim): Then you will have to go to another place, and not here.

Mr. M. Asaf Ali: Personally, I think, Sir, if we are debarred . . . . .

Mr. President (The Honourable Sir Abdur Rahim): I do not know if the Honourable Member is aware of the rulings on the point.

Mr. M. Asaf Ali: I should like to know which particular ruling you are referring to.

Mr. President (The Honourable Sir Abdur Rahim): The Act also is clear.

Mr. M. Asaf Ali: I think the only limitations on the debate in the House are mentioned in paragraph 57 of the Manual, which says that:

"The matter of every speech shall be strictly relevant to the matter before the Assembly, and (2) a Member while speaking shall not (i) refer to any matter of fact on which a judicial decision is pending"—*that is not the question before us now*,—(ii) shall not make a personal charge against a member",—*we are not doing it*,—"(iii) make use of offensive expressions regarding the conduct of the Indian or any local Legislature,"—*we are not doing it either*,—*but the only relevant sub-rule is this*—"reflect upon the conduct of His Majesty the King or the Governor General or any Governor (as distinct from the Governments of which they are respectively the heads) or any Court of Law in the exercise of its judicial functions" . . .

Now, according to this limitation, I am certainly within my rights to discuss even the actions of the Governor General, because I am not referring to him as distinct from the Government of which he happens to be the head. He is the head of the Government of India and he has taken that action.

12 NOON.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is confusing the two—the Governor General and the Governor General in Council. These are two distinct constitutional entities.

Mr. M. Asaf Ali: I am not confusing the two. There is no reference to the Governor General in Council. The only limitation upon discussion of this nature is that I should not reflect upon the conduct of the Governor General as distinct from the Government of which he happens to be the head.

Mr. President (The Honourable Sir Abdur Rahim): The Governor General in Council, so far as I can see, has nothing to do with it.

Mr. M. Asaf Ali: I am not aware of any other limitation which is imposed upon the subject which I propose to raise.

Mr. President (The Honourable Sir Abdur Rahim): Do you suggest that the action of the Governor General in his discretion can be discussed in this House?

Mr. M. Asaf Ali: I see absolutely no bar to it. If it is pointed out by the Government or anybody else I shall certainly be grateful for that reference. I see no bar anywhere, either in the Act or in the Rules. The only bar is the one which I have pointed out and it certainly does not cover the kind of discussion which I propose to raise here today.

The Honourable Sir Nripendra Sircar (Law Member): The point is very simple. My Honourable friend by his motion raises questions about an act done under section 126 (5) of the Government of India Act. A reference to section 126 will show that the action was taken under section 126 (5) and the action was taken by the Governor General acting in his discretion. Therefore, this cannot be the subject matter of an adjournment motion. Again, as you pointed out, a Member shall not reflect upon the conduct of His Majesty the King or the Governor General or any Governor or any Court of Law in the exercise of its judicial functions. You will find this on page 20 of the Manual of Business and Procedure. Now, Sir, I would like to point out to you that the whole object of this adjournment motion is to complain of the act of the Governor General acting in his discretion. The position is too clear and too well-established by precedents to require a long speech.

Mr. President (The Honourable Sir Abdur Rahim): There is no doubt at all that this motion is entirely misconceived. The action taken in this case is purported to have been taken by the Governor General acting in his discretion under sub-section (5) of section 126 of the Government of India Act and there cannot be the least doubt that any such action cannot be discussed or criticised on the floor of the House. A matter like this cannot be discussed here without calling in question the action which has been taken by the Governor General acting in his discretion, and the very intention of the Government of India Act in permitting the Governor General in certain matters to act in his discretion is that such action cannot be called in question by the Legislature or by the Government.

There is also a ruling by Sir Frederick Whyte with reference to the old Act, where the words "Governor General acting in his discretion", so far as I remember, did not occur. His ruling is to be found in 'Decisions from the Chair', 1921-1930, pages 18 and 19, Ruling No. 20:

"Dewan Bahadur M. Ramachandra Rao sought to move the adjournment of the House to discuss the action of the Government of India in according sanction to the Burma Governments proposals to impose a tax on sea passengers. Then the President ruled :

The Honourable Member is not entitled to raise it in order to discuss the action of the Governor General. Any action taken by the Governor General apart from the Government of which he is the head—these are the words that appear in the rule—is outside the scope of debate in this House. Where the Government of India have any responsibility in the matter then immediately it is brought within the scope of this

House. The Governor General, in the discharge of any of his functions or in the exercise of any of his powers as Governor General and not as Governor General in Council, cannot be brought into debate in this House."

I had also recently to consider a similar question in connection with Standing Order 29, and there I pointed out that you cannot discuss, for instance, any act of the Governor of a Province by means of an adjournment motion, without criticising and reflecting upon the conduct of the Governor, which is prohibited by Standing Order 29. That ruling is to be found on page 379 of the Legislative Assembly Debates of 1936, Volume VI.

There can be no doubt that the resignation as reported in the papers of the Ministries of the United Provinces and of Bihar is a matter of considerable public significance. It might lead to a constitutional crisis as suggested by Mr. Asaf Ali, but the question whether the Ministers were justified or not in tendering their resignations because of the action alleged to have been taken by the Governor General acting in his discretion under sub-section (5) of section 126, however important, cannot certainly be discussed in this House on a motion for adjournment. The motion is, therefore, disallowed.

THE CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL.

Mr. President (The Honourable Sir Abdur Rahim): Legislative Business. Further consideration of the motion* moved by Mr. B. Das on the 10th February:

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): I was in the midst of my speech when the discussion of this motion was adjourned last time in this House. I was pointing out that the attitude of the Muslim community towards the Sarda Act and any Bills or enactments intended to further strengthen and consolidate the provisions of that Act was sufficiently indicated by several facts, one of which was that at the present moment there is notice of a Bill by Mr. Muhammad Ahmad Kazmi seeking to enact an amendment to the Sarda Act to the effect that it shall not apply to Mussalmans. Sir, when the original Sarda Act was passed in 1929, there was a lot of agitation carried on by Muslims in all parts of India and a very representative and influential deputation of Muslims, the members of which belonged to all parts of India, waited on His Excellency Lord Irwin, the then Governor General, and it was led by a leader of very great popularity and a gentleman who is still credited with having been one of the soundest of Muslim leaders in India, the late Maulana Mahomed Ali. Well, that deputation prayed that Lord Irwin should withhold his assent to the Bill which had been by that time passed by both the Chambers, the Legislative Assembly and the Council of State. Of course through a combination of circumstances the deputation was not successful in its object and the assent of the Governor General was given all the same, but it was very clearly indicated that the Muslim community did not

*"That the Bill to amend the Child Marriage Restraint Act, 1929, be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable Sir Henry Craik, Mr. J. A. Thorne, Mr. E. Conran-Smith, Mr. N. M. Joshi, Mr. F. E. James, Mr. Lalchand Navalrai, Sardar Sant Singh, Sir Abdul Halim Ghuznavi, Mr. M. Ghiasuddin, Mr. Abdul Qaiyum, Mr. Sri Prakasa, Mr. N. V. Gadgil, Mr. M. Asaf Ali, Mr. Govind V. Deshmukh, Seth Govind Das, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

[Syed Ghulam Bhik Nairang.]

approve of this Act. In fact after this assent had been given and the Act had become law, men of the position of the late Maulana Abdul Majid of Badaun, a very eminent divine and other gentlemen undertook to court imprisonment by violating the provisions of the Sarda Act. (*An Honourable Member*: "How, by marrying"?),—by publicly performing in the Juma Masjid of Delhi the *nikha* of girls under age according to the Sarda Act. Now, it was owing to occurrences of this kind and not without reason that that remarkable event took place that in the Punjab, on the very first conviction of a man under the Sarda Act who was sentenced to imprisonment for one month, a telegram from the Government of the Punjab went forth releasing the offender and deciding not to take any action. Whatever the objections of the Hindu community to the Sarda Act may be, with which of course I am not sufficiently well acquainted and with which I cannot deal—the attitude of Muslims all over India is also responsible for the fact that today we have an open admission in speeches and opinions received on this Bill that the Act remains practically a dead letter.

Sir, when a piece of legislation goes against the deeply cherished sentiments of the vast multitude of the population of a country, it is sure to remain a dead letter. In fact it is not uncommon for statutory enactments to remain dead letters; we have the most outstanding instance of the Rowlatt Act which was passed in the teeth of universal opposition on the part of Indians, and yet the consequences which would have ensued from its being enforced were so grave that for the six months of life which were then allotted to it, it remained a dead letter on the Statute-book and then passed away unwept unhonoured, and unsung. The same fate has so far overtaken the Sarda Act, and we have a very significant, long, written opinion by the author of that Act in the "opinions" which have been received on the present Bill in which he deplores and bewails the fate of his pet child, this Act. Anyhow, I have already made it clear that I am speaking purely from the Muslim point of view. If my Honourable friends, the Hindu Members of this House and other non-Muslim Members, think that this piece of legislation, considering the interests of the community whom they represent, is necessary, and would be useful, certainly I have no right to object so far as their community is concerned; but I cannot afford to remain silent, being a Muslim Member representing a purely Muslim constituency; knowing full well the sentiments of the Muslims on the subject, and having been myself a member of the deputation which waited on Lord Irwin. I know the whole thing and cannot afford to remain silent at a moment when the Sarda Act is now being further strengthened and more links of the chain are being forged with a view to making it more drastic and more successful. In fact in spite of certain figures that have been quoted in this House by some speakers I find it almost impossible to believe that this Act is at all needed for the Muslims as far as its alleged necessity for preventing child widowhood is concerned, and as far as its alleged necessity for preventing the distress which child widows incur on account of their inability to remarry is concerned. Sir, in my community, in the first place, it is very very rare indeed that any ridiculously early marriages are at all celebrated.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Why not remove that rarity?

Syed Ghulam Bhik Nairang: There can be no such thing as perfection in this world. You cannot have Utopia. In the second place, suppose the parties to a marriage are not of the age prescribed in the Sarda Act and the marriage takes place and after a time the husband dies and the wife becomes a widow, well, under Muslim law, there is a clear injunction —we have not only got the premission but a clear injunction—to marry our widows. So, for us the best course is not to come to this House and to ask this House to legislate; but to go to our own people, carry on propaganda amongst them, remind them of the injunctions of the Holy Koran, remind them of the duties of Muslims, and persuade them to relieve the distress of child widows in that way, especially when we find that the course of legislation is full of dangers, and that it arouses so much public opposition and creates such a situation.

While on this subject, I may also refer to certain remarks of my Honourable friend, Sir Henry Craik, as to the opinions of the Muslims in the Papers containing opinions on this Bill. He said he had carefully analysed all the opinions received and he found that the majority of the Muslims were in favour of this Bill. I am afraid the matter has not been properly understood. I have myself seen those opinions and I find that taking them province by province the largest number of Muslim names in support of this Bill occurs in the Frontier Province where the opinions of seven Muslims are referred to, but it will be noticed that out of those seven six are judicial officers in active service. Sir, I do not think a man in Government service can afford to make any adverse remarks about an Act which was passed long ago and to which only an amendment is sought at the present time. He will say, "well, as a Government servant, especially as a member of the judicial service, my function is to administer the law as it stands; I am not here to legislate or to object to legislation or to denounce a statutory enactment which is already on the Statute-book and which I am charged with the duty of carrying out as a judicial officer." So if those six out of seven gentlemen do not offer any remarks whatsoever about the Sarda Act and simply say, "well, this Bill is useful", one can easily understand that. Even in the case of the seventh gentleman, Khan Bahadur Saaduddin Khan, who is a retired Judicial Commissioner, I think his official mentality still remains and, the popular point of view never occurs to him. Similarly, if you examine the opinions further you will find that in Coorg no Muslim opinion was obtained at all and also in Ajmer-Merwara no Muslim opinion was obtained at all. Similarly, in Sind, in the Central Provinces and in Bombay.

No special question was addressed to any of those who gave the opinions to the effect whether the Sarda Act was a desirable piece of legislation and whether that being a desirable piece of legislation it was now desirable to supplement the deficiencies of that legislation. As that was not the question put to the people, it is not at all strange that they did not on this occasion express their opinion against the Sarda Act. All the same, I find from page 25 of Paper I that there is the Soorti Muhammadan Association of Burma which has clearly referred to the objection of the Muslim community to the Sarda Act and has, therefore, objected to this Bill as a whole. Then, there is the Burma Muslim Association which has said: "Let the Sarda Act remain as it is: do not further strengthen it". Then, there is the Chulia Muslim Association of Burma. They have refused to give any opinion at all. On page 39 of the same Paper you

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will find the opinion of Khan Sahib Haji Rashid Ahmad of Delhi. He has very clearly referred to the objection of the Muslim community to this Bill. In Madras, a very important gentleman, Sir Muhammad Usman, K.C.I.E., *ex*-Governor of Madras, has objected to this Bill. So, the attitude of the Muslim community is as clear as anything can be. I know that in this Honourable House one or two Muslim gentlemen may stand up . . . . .

An Honourable Member: There are more than one or two Muslim Members.

Syed Ghulam Bhik Nairang: I know the impatient one. In spite of all that, I am perfectly positive that the Muslim community as a community from one end of the country to the other has all along objected to the Sarda Act and will continue to object till it is actually repealed. As I said in the beginning, my Honourable friend, Mr. B. Das, will have my blessings and, subject to the remarks I have made just now, of course, I have no objection to the Bill being referred to the Select Committee.

Mr. Thirumala Rao (East Godavari and West Godavari *cum* Kistna: Non-Muhammadan Rural): Sir, I rise to support this measure which is comprehensive in its range and drastic in its effects and which has been necessitated on account of the widespread, consistent and wilful evasion on the part of the people at large and on the part of the Government servants particularly. When the House listened with great patience to the speech of my Honourable friend, Mr. Bajoria, who seems to be absent just at this moment, for two hours about the Hindu Shastras and the sanctions of the Hindu Shastras, one gasped in despair because the Hindu religion has fallen upon such evil days as to take shelter under the championship of friends like Mr. Bajoria. My friend has come out as the champion of Sanatan Dharma. Sanatan Dharma was no doubt a system of castes which was conceived several centuries ago in India to keep the Hindu society intact, but the onslaught of several civilizations from abroad has brought about a change in it. The Varnashram Dharma as he calls it, has divided the society into four divisions—the Brahman, the Kshatriya, the Vaishya and the Shudra. The Brahman has given up his duties; the Kshatriya has also given up his duties because he is rendered unfit by foreign occupation and the Vaishya, I think, is the only Ashram that has remained in this country and they pursue their business with relentless vigour in making money. Therefore, all that has remained of the Varnashram Dharma is the Dharma of the Vaishya which is being followed by the other castes as well. To say that the Vaishya Dharma is in danger and that it is only embedded in child marriage is a travesty of truth because the advance in science has opened our eyes to many of the things that have been practised in the name of religion. One may tell lies, one may cheat the people, one may swear with Ramayana on his head and yet may say all sorts of lies in the Court, one can do all that but what he must do to call himself a true Hindu is that he must marry his girl at the age of 8 and keep child widows in his house. A man of 60, whose daughter is a widow and who is rotting in the house being consigned to the kitchen and to the dusty mushrooms, can marry for the third time and enjoy his young wife without having any thought of his child widow in his house. Such is the

state of the Hindu society these days and it is no wonder that the women of India have realised their duty. They have realised how the Hindu man has tyrannised over woman and has done an incalculable harm to her progress. When the Hindu religion is divided into so many compartments and when all that remains of it is to marry young girls, is it not better that we should get rid of this religion or reform it on proper lines? When the whole race is being emaciated and emasculated and when we feel that the Hindu community is disintegrated, this measure is brought forward to save us from further disintegration and therefore deserves the support of all well-meaning friends.

The demonstrations that are staged here today outside the Assembly Chamber are, I think, the result of some mischievous propaganda that is being carried by designing persons that the police will have a sort of unrestricted power in harassing the people by this Act. The clause that is wrongly interpreted and wrongly propagated is this:

"The Court may, if it is satisfied on information laid before it through a complaint or otherwise . . ."

If you read the clause properly, it means this:

"The Court, if it is satisfied on information laid before it through a complaint or on information laid otherwise . . ."

That is the construction of the sentence. That means that a proper complaint may be preferred or some other people may bring to the notice of the Court or some respectable people may bring to the notice of the Court as to what is happening outside. No power is given to the police in this clause and it is not made cognizable at all. Even if the police may come to know of it, they must approach the Court and appraise the Court of the proper facts, and if the Court is satisfied that such a thing is happening, then it may take the initiative and move in the matter. It is only preventive. If the Court is satisfied that a breach of the Act is being committed or is being attempted to be committed, then it can step in and prevent such a breach.

Then, with regard to the last clause. There may be certain portions which may appear to be drastic, but there is the Select Committee which will go into every detail and will make suitable alterations and bring about the necessary changes which will not work really as a hardship upon those that do not evade the Act and defeat the purpose of the Act.

Sir, last time when we were supporting my Honourable friend, Mr. Lalchand Navalrai's Bill which was a very modest one, being only an amendment of a single clause in the original Act, we were told how many girls were rotting on account of ill-health and early motherhood. I would just like to read a small paragarph from the views expressed by the Principal of the Maharani's College for Women, Mysore, Mrs. Hensman, who has depicted in very beautiful words the joys of college life for girls. She says:

"I think few can realise the feelings of the girl as she stands at the threshold of her womanhood. It is a definite stage in her life and like the early dawn which, with its lovely hues of rose, pink, amber and crimson holds out the promise of the beautiful day, she stands waiting, eager, anxious for the curtain to lift. Her school-girl life passed within its prescribed limits, is now left far behind and full of expectation and hope, she is about to enter the sacred portals of college with its promise of deeper knowledge and deeper understanding. College life, conducted as it

[Mr. Thirumala Rao.]

should be, is the most delightful time of a woman's life. The light-heartedness and unbounded vitality of girlhood is deepening into the sweet seriousness of womanhood. The joy of living is not less but deeper and fuller. The love of beauty enters the soul almost to hurting point. The ideals of life, embroidered by the imagination, seem altogether possible. The mind is ready to receive and assimilate. Do teachers and mothers, who perhaps have forgotten by now their own early ecstacies, try to understand the student and lead her gently as she should be led."

These pleasures are denied to our girls who are asked to undertake the responsibilities of household and motherhood at the early age of 14 or 15. In order to evolve women side by side with man and make them enjoy a glorious life, this Act is intended and it is not intended to penalise any section of the community. Nor is it an innovation into our religion which is misconceived only in marriage. Sir, with these few words, I commend the Bill for the support of the House.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Mr. President, I do not want to take up much of the time of the House in discussing the present Bill of Mr. B. Das to any such length which would make the House tiresome. Of course, it is a subject so controversial in nature that arguments can be advanced on different lines as probably Honourable Members are aware of the feelings aroused and the criticism made by the general public in India when the original Bill, in the name of Diwan Bahadur Harbilas Sarda, was introduced in 1929 of which the present Bill is only a supplement or a corollary, to strengthen the clauses of the same. The wide discontent which it spread all over India is neither unknown to the House nor to the Government and to give details of those happenings and events would be taxing too much the patience of this House and will amount to repetitions of incidents which are to their knowledge, and which are known to everybody here.

Now, I only want to point out that this Bill although of a social reform in nature is really interfering with the rights and liberties of religions. I speak at least for Muslims and those sections of Hindus who believe in the spiritual side of religion. My Honourable friend, Syed Ghulam Bhik Nairang, has already enlightened the House on this subject and he has stated how we Mussalmans feel that the Sarda Act has been a definite encroachment on our rights and liberties and we, Muslims, would not tolerate any further infringements of our religious laws.

Mr. M. Asaf Ali (Delhi: General): Not the entire Muslim community. You are not talking on behalf of the entire eight crores of Muslims.

Mr. Muhammad Nauman: I have got numerous telegrams and letters from Muslims all over India. This is a telegram from Sukkur which I read here and I think I am speaking on behalf of the entire Indian Mussalmans. The telegram reads:

"The Muhammadans of Sukkur unanimously protest seriously against the Sarda Act and the corollaries which affect seriously our community. For the benefit of other communities it should not be the law of the country."

Then, there are many other telegrams and letters and one is from Delhi from which my Honourable friend, Mr. Asaf Ali, hails. Probably he is not aware of the feelings of Muslims in Delhi as he never cares to know about same.

Mr. M. Asaf Ali: Leave it to me to represent Delhi. You need not bother about Delhi.

Mr. Muhammad Nauman: The Central Jamiat-ul-Ulema-i-Hind have sent the following letter:

"I understand that the Bill brought by Mr. B. Das to tighten the Sarda Act is under discussion in the Central Assembly. As every body knows all sections of Ulemas and practically all the Musalmans in India are opposed to the Sarda Act in itself and look upon it as the greatest interference in the *shariat* of Muslims."

If these people have got any say in the explanations of tenets of religion, if they are considered to be at all experts in religion, then I think we ought to be guided by their opinion. The letter goes on:

"It is therefore quite natural that the Bill introduced to strengthen further the provisions of the Sarda Act is yet a more elaborate interference in the religion of Islam and I would therefore ask you kindly to oppose the Bill vehemently in due representation of Muslim feeling and sentiment."

Mr. M. Asaf Ali: Will you follow them everywhere?

Mr. Muhammad Nauman: That is not necessary at all. If you tell a lie, would it be right for another man to ask him to commit other crimes as well because he tells lies. It is not necessary for you to commit two crimes on the plea that you have committed one. It is a new philosophy that my Honourable friend preaches here that I should follow these Ulemas everywhere and in every direction because I am following them in religious matters.

Mr. B. Das (Orissa Division: Non-Muhammadan): Have you read the opinion of Justice Khwaja Muhammad Noor?

Mr. Muhammad Nauman: He is not an expert in Muslim law and religious tenets of "Quran and *Siasita* and other *Hadis*".

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will address the Chair.

Mr. Muhammad Nauman: I am sorry, Sir. Definitely I feel I cannot convince the Group of "No religion" as represented by my Honourable friend, Mr. B. Das, or my Honourable friend, Mr. Sri Prakasa. The Honourable Member from Benares said the other day in this House that he did not believe in religious dogmas as heavenly or supernatural instructions or inspirations. He said that religion was invented by different men at different times to suit different ages and conditions. I think this statement of Mr. Sri Prakasa was shocking to many people inside and outside the House. To him, religion and its tenets are nothing holy in nature, nothing sublime or supernatural and not at all heavenly. We, the Muslims, at least do not entertain this view of religion. To us it is holy, sublime and heavenly and the tenets of our Faith are the heavenly orders of the Creator himself for regulation of the world and the lives of His creations.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Then why are there so many religions in the world?

Mr. Muhammad Nauman: There have been so many Prophets and for the same reason there are so many religions. Religion to us is neither the invention of a single human being nor a man's creation, but

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is the Divine Order through such Prophets as God chose to send to this world from time to time. It is for this reason that we believe that Koran is a revelation and not compiled or written by our Prophet, and I hope our Hindu brethren do believe the same about the Upanishads and the Gita.

My Honourable friend, Mr. Das, has brought this Bill further to strengthen the Sadra Act which we wanted to remain as a dead letter. In the name of civilization or social reform or to become the pioneers of women as invoking a sense of independence in them, I do not know how many evils have to be introduced in this country. It has been just said by the Honourable Member who spoke before me that child widowhood is something very abhorrent and inspires pity. To him a widow of less than 14 years is abhorrent and requires all the sympathy, but probably he has no sympathy for widows above 14 years. There is the Widow Remarriage Act, which will safeguard any widows whether under 14 or over 14. You should preach widow marriage and not restrict the marriage even at major age.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should address the Chair.

Mr. Muhammad Nauman: My submission to the House is that if widowhood is so abhorrent in the eyes of my Honourable friends, on the opposite, then they should logically sympathise not only with widows under 14 years of age, but also with widows above 14 years of age. It looks as if my Honourable friends have no sympathy with widows of say, between 15 and 30 years. If they remain neglected and un-cared for, there is no national outlook in their uplift. What safeguards my Honourable friends opposite will suggest for avoiding widowhood at fourteen or over, which in my opinion is more important. The Widow Marriage Act still exists and the Hindus can enforce it without fear of opposition.

My Honourable friend, Mr. Das, and his friends said that they want this in the name of civilization. Civilization might one day demand the entire abolition of "the marriage institution" and let people adopt animal life of Nature's guidance, as I hear Russia is trying to give a practical demonstration to the world on these very lines. The Leftists in the Congress Group have probably the ideal of Soviet Russia and are trying to drift things in India in a way which would create conditions equal to Russian socialism. They do not believe in private ownership of property and they do not probably believe in the private and individual union of one man and one woman. But the majority of people in this country in which they have been born have not drifted to that ideal as yet. Mr. Das and his friends probably believe that in the name of civilization anything can be enacted which to them appears natural and has nothing to do with the so-called religion which to these pioneers of civilization appear old-fashioned and requires overhauling of the entire society based on "No religion" maxim.

Mr. Sri Prakasa: You cannot have private ownership of wives

Mr. Muhammad Nauman: Yes, by contract of marriage for that period the husband and wife are identical partners and husbands do claim a

certain right of exclusive nature. I think Mr. Sri Prakasa will not challenge this statement.

Mr. B. Das' Group has succeeded in creating discontent and hatred towards the British Government by accusing that Government, wherever possible, of passing such laws as interefere with their religion, and they cite the example of the Sarda Act. The ignorant masses of this country do not understand the process of introduction and passing of Bills and therefore they accuse Government of having passed such laws. I think Government ought to have been more cautious in interfering with the religious rights of the people here. In India religion is the most predominating influence in men's lives and in spite of all good intentions of the Government an impression has been created in the minds of the general masses that Government have sponsored a Bill like the Sarda Bill and enacted same against their will. I think Government would have been well advised not to have lent their support to that Sarda Act as a result of which they are being accused of interfering with the religious tenets and feelings of certain important sections, if not of the entire country. I personally believe that if a plebiscite were taken and an election fought on this issue alone probably my friend, Mr. Das, and his Group would not get even the support of 10 per cent of their own communities. We know the fate of R. B. Sarda in the last election. The Opposition group has of course one satisfaction and it is this that they have succeeded in creating discontent in this country against the British Government here, because the masses do not know who are the people responsible for making such laws, and they begin to hate this Government for interfering with their religious rights and liberties innocently believing the British Government responsible for all Bills passed and enacted.

The Honourable Sir Nripendra Sircar (Law Member): We did not know that you have become such a strong champion of the British Government

Mr. Muhammad Nauman: I think I should advise Government according to what I think proper. And personally I should inform the House of what the masses feel. It is a matter which Government should have well considered even at the time of the introduction of the Sarda Bill, and I would request Government to reconsider their decision, if they have at all arrived at any, and see whether it is in the interest of the country or of Government to support this present Bill at all. I have made clear statement of facts and I hope Government will use all such means which would help them in ascertaining the views of the majority of the people in this country. With these few remarks, Sir, I oppose the Bill and I resume my seat.

Mr. Umar Aly Shah (North Madras: Muhammadan): Sir, I rise to support this Bill which was introduced by Mr. B. Das. On this subject several Honourable Members have been giving lengthy speeches, but I shall make a very short speech. There are two communities in India, the Hindus and the Mussalmans, and they have got their own marriage laws. Among the Muslims there is the law given by the Holy Prophet Mohammad, and all laws social and political were completely told by Him. There is no mention of marriage age. They are performing many kinds of marriages. This Muslim religion has been going on and will be going on without reform till the Judgment Day. There is no necessity to reform them in any Legislature, through any Act or any agitation by

[Mr. Umar Aly Shah.]

Mr. Sarda or Mr. B. Das. Among the Hindus there are the laws given by Manu and Parasara and Vignaneswareya and others. There is no difference between those laws and the laws of Mr. Sarda. Our Mr. B. Das's Bill strengthens Mr. Sarda's. My Honourable friend, Mr. Bajoria, brought the Ramayana. I will also quote that authority. Rama with his wife Sita went to the forest and they met Anasuya in the Baratwaja Asramam. Sita told Anasuya her marriage history from the beginning to the end. In that connection she said:

"Pathi samyoga sulabham vayodushtaratu me Pitha
Chinta mabhyagamath dinu Vitta nasa divadhana."

It means:

"I was in my father's house for many years after maturity. I was at an age when I ought to live with a husband. My father could not get a match for me. He was crying like a poor man, plundered by robbers."

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): I have not followed one word.

Mr. Umar Aly Shah: That is your ignorance. Sita told Anusaya again:

"Mama Bharta mahateja vayasa pancha vimsaka.
Ashtadasani varshani vayasa mama ganyateh."

It means:

"When I was married to Rama my age was 18 and my husband's age was 25."

This is from Valmiki Ramayana. There are many other authorities for aged marriages. Vashishta was a great Brahmin, and a noted Guru and Gothrathipathi. He was married to a Paraiah girl, Arundhathi, aged 30 years:

"Vivahakala vayasa thrimsath varshe Arundhathi."

When Brahma married Saraswathi she was 18 years of age. She was Viswakarma's daughter. Viswakarma had five daughters. Ahalya married Gautama, Sachi married Indra, Mandodari, Ravana; Saraswathi, Brahma; and Chaya, Sun. All these marriages were aged marriages. This is all from the Vedas and so is authority, not like Narada Purana and other Mythologies. The next thing is Vedas clearly say:

"Brahmacharyena Kanya Yuvanam vindathe patim."

It means: "a girl has to observe Brahmacharya", of which there are three kinds:—of 18 years (*Brahmacharya*), 28 years (*audithya brahmacharya*), and 38 years (*Rudra Brahmacharya*). After any one of these stages, she can marry a good and noble youth. As this is all Vedic authority if a Hindu fails to observe it, he becomes a *chandala*:

"Veda bahyena chandala."

The next thing is there are four stages of girls, 8 years, 9 years, 10 years and over 10 years:

"Ashta varshe bhavet kanya nava varshetu bharathi.
Dasavarshe bhavet Gouri ata urdhvam rajaswala."

8 years old girl is called Kanya, 9 years girl will be called Bharathi, 10 years girl will be called gouri, and after 10 she will be called matured girl.

Mr. President (The Honourable Sir Abdur Rahim): All this is very interesting, but I think the Honourable Member must discuss the Bill.

Mr. Umar Ali Shah: Sir, I will come to the point:

"Thrinivarshanyudiksheta kanya rithu mathi sathi."

After maturity the girl will be reserved for marriage for 3 years. Kanya means unmarried girl. There is no difference between the Sarda Act and this Hindu Law. The other day Mr. Bajoria said:

"Mase mase rajo raktam piranti etc., etc.".

A Hindu who kept his daughter or sister unmarried in his house should be punished by his cast people by making him drink the menstrual discharge of the daughter or sister and then be left on the sea shore. I want to know, why does not the same law apply to widows? But it is not correct. That is, however, what Mr. Bajoria explained the other day before the House.

Babu Baijnath Bajoria: Was I incorrect?

Mr. Umar Aly Shah: That rule should apply to widows also. There are many widows among Hindus. Why not you teach them to marry? You did not show any example of an historical child marriage.

With these observations, I support the Bill.

Mr. Ram Narayan Singh (Chota Nagpur Division: Non-Muhammadan): I strongly support the motion. When the original Bill was passed there was great agitation in the country, some for the Bill and some against it, but it was passed. It has not done much good, and it is accepted on all hands that this Act has remained a dead letter on the Statute-book for all time. The Act has not been very useful, and for this Government has been blamed by all sides. When only the other day Mr. Lalchand Navalrai's Bill was under discussion my friends accused Government for their callous indifference towards our religious problems. I do not know why we should blame Government when there are in the country persons like my friends, Mr. Bajoria and Sir Ghuznavi. It is our misfortune we have a foreign Government, but I do not know why this Government will try to please one party and displease another. So it is not good for us to blame Government, but we should blame ourselves, and especially our friends, like Mr. Bajoria and Sir Ghuznavi. He calls himself a Sanatani Muslim. We see that our friends have opposed the Bill in the name of religion. They say that religion is in danger. But I say that any religion which can ever be in danger has got no right to exist in this world. I am not learned in religion, but I have got my commonsense. Religion is a human institution which is one of the best products of the human mind and it was meant for the good of humanity and to unify the human race. But what do we find? In these days, especially in this country there are people who are proud of saying that India is a land of religions; but so far as I think, instead of religion being for the good of human society, it has proved to be a curse. I find that in this country religion has divided society into so many groups, so many classes and races . . . . .

1 P.M.

Sardar Sant Singh (West Punjab: Sikh): You are absolutely mistaken on that point.

Mr. Ram Narayan Singh: I do not think I am mistaken. Religion was meant for the good of humanity, but in our country all our perils and troubles are due to religion . . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not go into that: he need not discuss it.

Mr. Ram Narayan Singh: I say that because in the name of religion this Bill is being opposed.

Mr. President (The Honourable Sir Abdur Rahim): That is diverging from the point.

Mr. Ram Narayan Singh: Some say that this will be a cause of harassment in the hands of the police. There are so many laws already which help the police in the harassment of the people and there is no harm if this will be one of the causes in their hands. It is a very salutary measure and unless the defects of the original Act are removed I think the Act will be perfectly useless. As I said, this has been a dead letter so far and so I hope our friends who are opposing this Bill will withdraw their opposition and will whole-heartedly support the measure and that the House will carry it.

Mr. N. M. Joshi (Nominated Non-Official): Mr. President, I rise to support the motion moved by my Honourable friend, Mr. B. Das. This morning I saw some placards outside the Chamber suggesting that my Honourable friend, Mr. B. Das, should resign his seat in the Assembly. Instead of resigning I hope that on account of his action in moving this Bill he should be re-elected unanimously by his voters. I have no doubt in my mind that my Honourable friend, Mr. B. Das, has rendered great service to the public, especially to the women of this country. The Bill before the House is a very modest one. It does not seek to alter the age of marriage as provided by the Sarda Act. It only makes some, again very modest, proposals for better enforcement of the Act. Only a few days ago we discussed a Bill which was brought forward by my Honourable friend, Mr. Navalrai. Speaking on that motion I pointed out how the Act has been made a dead letter on account of the various defects that have been allowed to remain in the original Sarda Act. The Sarda Act does not make, as it should have made, a breach of the law a cognisable offence. It has not done so, nor does the Bill moved by my friend, Mr. B. Das, seek to do so. The change which he has proposed is a very modest one, namely, to enable a magistrate or the Court to take cognisance of the offence when a complaint is made privately to the Court and when the Court is satisfied that the complaint is likely to be a genuine one. I do not think that this provision will lead to any harassment. The Bill also seeks to make another change and remove a defect in the original Act. It is no pleasure to any one to penalise those people who break this law after the marriage takes place. What really we are anxious to do is to prevent the marriage. It was, therefore, necessary that the original Sarda Act should have contained some provision for the issue of injunctions when there was a likelihood of such a marriage. Mr. B. Das's Bill seeks to give power to the Court to issue injunctions when a news has been received by the Court and the Court is convinced that there is likelihood of an illegal marriage taking place,

to issue injunction and prevent that marriage. The Bill also seeks to provide that when an illegal marriage takes place, the consummation of that marriage should not take place. The Honourable the Law Member the other day, speaking on this Bill, said that there will be some difficulty in providing for the maintenance of the girl. If the girl is not to remain with the father-in-law or the husband and if they and the father are too poor, it will be difficult to find maintenance for the girl. The Bill does not make it compulsory upon the Court to give effect to this clause. The Court will take into consideration all the circumstances of the case and after having done so, will provide for the separate living of the husband and the wife. The defects of the original Bill were serious and the Bill of my Honourable friend, Mr. B. Das, seeks to remove them. The reform is very urgent and I have no doubt that my Honourable friend, Mr. B. Das, has rendered a great service.

While speaking on this Bill it is my duty to pay a tribute to those women who have shown up the defects of this Act and had also prepared public opinion for the removal of those defects. Among those women I feel that I should mention the name of Miss Rathbone, M. P. My Honourable friend, Mr. B. Das, paid very deserved tribute to Miss Rathbone. I know that soon after the passing of the Sarda Act Miss Rathbone began to take interest in the working of this Act. She collected information as to how the Act was being worked. She wrote a book on that subject. She was not quite satisfied with that. I remember, Sir, when I was in England during the Round Table Conferences she tried to meet Members of the Legislatures who were there at that time and point out to them the defects in the Act, and generally she tried her very best to make us take more interest in the matter. It is, therefore, necessary that we should pay her a tribute on account of the great work she has done for the women of India.

As regards, Sir, the speeches of my friends, Mr. Bajoria and Sir Abdul Halim Ghuznavi, I need not say much. They had the satisfaction of having made speeches, and they may get some credit from the orthodox section for having done their duty. Mr. Bajoria has only used his ordinary parliamentary privilege to put forward his view. Unfortunately, the view which he has put forward is a very wrong one. He really spoke against the Sarda Act. Unfortunately not being in the House at that time, he could not make a speech on the Sarda Act, and he took advantage of his membership today to make a speech, which he would have liked to make in 1929 had he been a Member then. I am quite sure that both my friends, Mr. Bajoria and Sir Abdul Halim Ghuznavi, are law abiding citizens. They ought to be anxious that the law passed by the Government of India should be observed strictly by the people in this country, and this Bill is only intended to see that the law passed by this Legislature shall be observed properly. It does nothing more. I, therefore, hope that my friend, Mr. Bajoria, will give up his opposition and support the measure after having done his duty to ventilate views on behalf of the orthodox section of the population. I hope, Sir, the Assembly will pass this motion.

Mr. Badri Dutt Pande (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, I cannot congratulate my friend, Mr. Bajoria, on his demonstration of today. It was a petty affair . . . . . .

Babu Baijnath Bajoria: I object to it.

Mr. President (The Honourable Sir Abdur Rahim): What was the word used?

Mr. Badri Dutt Pande: I said I cannot congratulate Mr. Bajoria on his demonstration today, and it was a petty affair.

Babu Baijnath Bajoria: I take objection to it. Demonstration has nothing to do with me.

Mr. Badri Dutt Pande: He brought the adjournment motion also this morning.

Mr. President (The Honourable Sir Abdur Rahim): That is another matter. The Honourable Member said that he had nothing to do with demonstration.

Mr. Badri Dutt Pande: I am glad he dissociates himself from those persons among whom I did not notice any responsible person.

Babu Baijnath Bajoria: That shows the resentment.

Mr. Badri Dutt Pande: Those persons outside were shouting "Mr. B. Das *Murdabad*", but after the passing of this measure, I am sure, they will say "Mr. B. Das *Zindabad*" (Long live B. Das) for after all they are ignorant people and know not what they were saying.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can continue his speech after lunch.

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

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

Mr. Badri Dutt Pande: Sir, I was saying that there were placards outside saying "B. Das, *Murdabad*". Those who have cursed him like that will bless him in the end and say "B. Das, *Zindabad*". (Long live B. Das.) Sir, many vices have crept into our society, for instance, child marriage, gambling, drinking, debauchery and other social evils. They have brought about our national ruin and they must be put down with a big hand. There should have been Ordinances for them. In putting down these vices, a Kemal Pasha is required to bring my friend, Mr. Bajoria, and Co. to their senses. (*An Honourable Member*: "You approve of the application of section 144 today.)". No, I said virtues are not to be coerced but only vices.

Sardar Sant Singh: Even with lawless laws?

Mr. Badri Dutt Pande: No, no. Only vices should be put down. We cannot uproot the evil. We can only put signboards saying that this way lies danger. Mr. Bajoria was calling himself Sanatanist. He

is only a Vaish and he cannot be a law giver. For says the Bhagwat Gita:

"Krishi gorakshya wanijyam vaishya karma swabhwayam,
Paricharyatmakam karma shoodrasyapi swabhawajam. (44).
Swe swe karmanyabhiratah samsiddhim labhate narah,
Swakarm niratah siddhim yatha vindanti tatshrunu. (45).
Yatah pravrittir bhootanam yen sarvamidam tatam,
Swakarmana tamabhyarsha siddhim vindati manavah. (46).
Shreyan swadharmo wigunah` paradharmat swanushtitat,
Swabhawa niyatam karma kurwannapnoti kilbisham. (47)."

"Tilling the soil, herding cows, and commerce, are the Vaishya's duties, born of his nature; and of a Sudra service is the proper duty, born of his nature.

As each man is devoted to his duty, so does he win perfection; hear how a man devoted to his duty finds perfection.

Him from whom is the forthcoming of beings, and by whom all this is pervaded, a man worships with his proper duty, and so attains perfection.

Better a man's own duty, though ill-done, than another's duty well-performed; if a man do the duty his own nature bids him, he incurs no stain."

If he is a Sanatanist, he has no right to be a law giver, for a vaishya in olden times could not be a law giver. That is reserved for Brahmins like me. Only they can be law givers and others have to obey.

Mr. Brojendra Narayan Chaudhury (Surma Valley *cum* Shillong: Non-Muhammadan): On a point of order. Can one Honourable Member cast reflections on another Honourable Member and say that he cannot be a law giver because he is a Vaish?

Mr. Badri Dutt Pande: He attacked the Congress saying that they bring in the Harijan Bill, Prohibition Bill, the Child Marriage Bill and other similar Bills that is why I am making a retort. It is because of Congress agitation that Mr. Bajoria has come to this Assembly and become a Manu or a law giver. (Interruption by Mr. Umar Aly Shah.) I am in possession of the House. I am not giving way. What I say is that a Vaish has no right to legislate. We brought Mr. Bajoria into prominence. So he should bless us and not curse us. He should not be a law breaker now

Babu Baijnath Bajoria: Law breaking has been reserved for you.

Mr. Badri Dutt Pande: A Brahmin can do everything. He was immune from all laws just as the bureaucracy is immune from all laws today. So also were the Kazis. We want to be ruled by reasonable men, patriots and statesmen and politicians and not lunatics and fanatics. In this morning's demonstration, there was not a single woman. If there had been a single woman I would have understood the opposition because the Bill refers to them and the tyrannies that men practise over them. Now, in this opposition Mr. Bajoria and Sir A. H. Ghuznavi have joined hands:

"Khub banegi jo mil baithenge diwane do."

He is an up-to-date Muhammadan gentleman, fashionable, well shaved, well dressed and well groomed, but why do these gentlemen behave like Rip Van Winkles and Robinson Crusoes, it is beyond

[Mr. Badri Dutt Pande.]

comprehension. I cannot understand how a man like Sir A. H. Ghuznavi came to oppose this Bill. He is an old friend of Sir Surendra Nath Banerjea. We have heard his patriotic speeches and now he is going back on everything and calls himself a Muslim Sanatanist. I cannot really understand how an outwadly modernised and up-to-date man like him can oppose progressive laws like this. Let him go to Turkey and Kemal Pasha will rejuvenate him with new ideas in five days. See what is that noble Turk doing for the nation? I commend his views to all Mussalmans and not the retrograde views that have brought our nation to ruin. Whoever breaks the law shall bring ruin on himself. Those who did break the law were punished: and if Babu Baijnath Bajoria is earnest, and if some day he or his company violates the Sarda law, they should not be sorry. We broke the law; we were punished; and we suffered imprisonment and *lathi* charges. So if they are prepared to break the laws they should take the consequences of breaking any social, moral or political laws; they should not be sorry if they are punished or criticised for their reactionary ideas. Sir, this is a very reasonable proposition: and all measures that go to build up a nation should be blessed here and not opposed. My friend, Babu Baijnath Bajoria, should remember that; and as for my friend, Sir Halim Ghuznavi, well, he should be a right Ghuznavi, not a wrong Ghuznavi, and he should remember those days when he was called a right Ghuznavi. With these words, Sir, I support the motion.

Mr. Brojendra Narayan Chaudhury: Sir, I rise to support the motion before the House for reference of this Bill to a Select Committee. I need not go into diatribes against religion or caste because that is unnecessary. I hope the entire House is agreed that immature people of such tender age should not be allowed to cohabit. That is the real object of the Sarda Act. The object of this Bill is much more confined. Sir, during the administration of the Sarda Act during the last few years it has been found that its provisions are being evaded. It has been found that the punishment for evading that Act is professedly not deterrent; and rich people like some of the members of the Marwari community do not care for fines. But in the Sarda Act we have also got a provision for imprisonment. If the magistrates could make it a rule that in case a wealthy person who manages to flout that law, such a person would be made to suffer a sentence of imprisonment, I am sure the Act would not be flouted.

Next, there is the question of the detection of the offence of a child marriage. It is not easy for rich people to clandestinely marry their immature wards. They celebrate marriages with pomp and splendour. So the difficulty about detection does not apply in case of rich Sanatanists who according to their own inclinations and reverance for Sastras marry their children early. But it is very difficult to detect any infringement of this law in the rural areas amongst the poor and superstitious people. Naturally, those who favour such marriages are superstitious. There are many villages in which it will be found that the entire population is in favour of child marriages. It is for this reason—that because complainants would not be coming forward in those cases who according to the present law are required to make a security deposit,—it is because such complainants would not come forward that it is proposed in this

Bill that the magistrate can take the initiative on his own motion whenever he gets reliable information. Sir, it has been objected to that this provision will be a paradise for the police. Honourable Members who say so do not realize that the magistrate has got to be responsible; he cannot proceed on any information received before he has himself tested it or before he has had reasonable grounds to believe that the information is correct.

Another object of the Bill is to remove doubts regarding the power of magistrates to issue an injunction against impending marriages. Of course, it is not contended that the magistrate's injunction, if flouted, should nullify the marriage; that we are not going to do; we are not going to do anything against the religious laws of marriage. The meaning of this injunction really is one of increased punishment. So far as this increased punishment is concerned, I have already said that it will have no additional effect on the marriage of rich people. As regards the poorer section of the people, I believe that the fine which can now be inflicted is sufficiently deterrent.

I hope members of the Select Committee will consider—in addition to the defects in the law—the other real obstacles that exist. We have not yet got any effective public opinion against child marriages. Although I know that the educated community almost to a man realizes the dangers and the evils of child marriages, the general public of the poorer section of the people do not, and of those educated few who do, theirs is more or less lip sympathy. How many of those enlightened gentlemen who deliver long harangues against child marriages on the platform and in this Honourable House go out into the country, make inquiries in cases where child marriages are being performed, and agree to be complainants against such cases by making a deposit of Rs. 200? My Honourable friend, Mr. K. S. Gupta, whom I wish to thank but who is not in this House today, related to us the other day cases which show that he has been a very effective instrument in putting down child marriages. So I would ask members of the Select Committee to take into consideration the fact whether merely increasing the stringency of the punishment would be quite sufficient unless and until we have got effective public opinion for active support.

As regards the third object of this Bill, it is to make effective provision for the separation of husband and wife in case of child marriages. Now if that objective could be secured, I think there would be no need to have this Sarda Act on the Statute-book. If we could enact one section which we could believe could be effectively enforced for keeping husband and wife apart, I think there would be no need for having this Sarda Act. In that case we would escape from the odium that that legislation has received and the outcry that English-educated people, heterodox people are forcing this law on the country and against religion. I would particularly request the members of the Select Committee to put their heads together and see if such effective measures could not be devised. The difficulties against an effective injunction to keep the husband and wife apart have been mentioned by Honourable the Law Member and by Mr. Bajoria.

Sir, the Government has lent its support to this Bill and is getting the credit for it. Of course, I thank the Government for this act of

[Mr. Brojendra Narayan Chaudhury.]

kindness but I would give it no credit. So long as the British Government retained in its hands law and order, the foreign Government was mortally afraid of exasperating public opinion, particularly the opinion of the ignorant masses. But as soon as the duty of preserving the law and order was transferred to the indigenous Ministers in the provinces, this foreign Government began to support this Bill knowing full well that the odium, whatever it may be, of this Bill will not fall on them. With these words, I support the reference of the Bill to the Select Committee.

Some Honourable Members: The question be now put.

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

"That the question be now put."

The motion was adopted.

Mr. B. Das: Sir, I am grateful to the House in the way they have received the motion for reference to the Select Committee. Of course, there has been some bad and indifferent criticism but one ought to be prepared for it. In fact, I am surprised that the opposition was so meagre. In my speech I anticipated the support of the Government but not on the grounds which my Honourable friend, Mr. Bajoria, imputed. But I have already thanked the Government in anticipation. I take this opportunity again to thank the Honourable the Law Member and the Honourable the Home Member for their support. The Honourable the Law Member, expert as he is in matters of law, has said that the Select Committee will have to examine in detail some of the provisions that are contained in the Bill. I entirely agree with him and I hope the Members of the Select Committee will assist us in such a way as to make the Bill work mercifully and not harshly even against those very persons who try to break the law, I mean, friends like Mr. Bajoria and others. My Honourable friend, the Home Member, said that he agreed to the extent that there is a great deal of support and here I may say that I do not agree with my Honourable friend, Mr. Brojendra Narayan Chaudhury, when he said that the Government support was due to the reasons which he advocated. All the Provincial Governments have in their opinions made it perfectly clear that there is public opinion to the extent that it is desirable to change the law. Since then, the Honourable the Home Member and other Members of this House have gone through those opinions and they have found, to put in the words of the Honourable the Home Member, there is a great deal of public opinion for implementing the Sarda Act. There will always be minorities. The conservative opinion will always try in the name of Shastras and Shariat to invoke certain conventions that are nowhere to be found in the religion proper. We are not fighting against the religious practice but against the social functions that have grown because of the circumstances of living in this country.

My Honourable friend, Mr. Bajoria, is afraid of the police. I am not very intimate with the police because I do not live in Calcutta nor am I intimate with the Gundas of Calcutta, as was referred to by my Honourable friend, Sir Abdul Halim Ghuznavi. When I drafted the Bill with the help of those who are my sympathisers, we never thought that the police will in any way interfere or be empowered to take action

under the provisions of this Bill. We want the parties to go to the Court and the machinery of the Court need not necessarily be that of police. Of course, accustomed as the ordinary mind is, every inquiry of the Court is understood to be made through the police. It has already been made clear by my friends on this side that nobody desires that the police should step in. It is the Court which should device the necessary machinery to get at the facts.

I was rather unfortunate not to see the demonstration that was organised this morning by certain sympathisers of my friend, Mr. Bajoria. I wish my friend, Mr. Bajoria, had directed those gentlemen to come to my house. I would have not only seen them but welcomed them and would have distributed sweets amongst them in the proper Indian fashion. If Mr. Bajoria and his friends had intimated to me about this previously, I would have asked a few ladies of the very Marwari community to which my Honourable friend, Mr. Bajoria, belongs and the ladies of those so-called Sanatanists and sympathisers who led the so-called procession here would have been present there to receive them in a befitting manner! The other day I saw a cartoon in the *Amrita Bazar Patrika* which showed how the ladies in the galleries of the Assembly received these Sanatanists on the very floor of this House when they came with cart-loads of books. I was sorry to learn that section 144 of the Criminal Procedure Code was applied against those processionists and they had to be dispersed. In my opinion it ought not to have been applied.

Now, my Honourable friend, Mr. Bajoria, showed me a telegram of which I have received a copy and the Honourable the Home Member and other Members have also received copies of it. It says that the Bill which the House is considering is the right Bill for the nation. The name of the gentleman is Captain Ram Rakha Mal Bhandari and he has wired from Lahore. The telegram runs thus:

"As humble practical thanks-giving for noble support by Government, Congress and other Members to Das's Bill to stiffen Sarda Act, I, on behalf of our daughters and sons, offer Rs. 5,000 for erecting a column on Assembly grounds for inscribing in gold names of benevolent supporters and in black of opposers for our progeny to know our saviours and destroyers. I appeal all to stop early marriage which brings sickness, weakness, tuberculosis, early death and emaciates the nation. Cheque of Rs. 1,000 sent to Honourable Home Member, balance to follow on acceptance of proposal."

Babu Baijnath Bajoria: Ask the Honourable the Home Member to distribute that amount amongst you.

Mr. B. Das: If my Honourable friend, Mr. Bajoria, wants a portion of it, he will get his share of sweets when the column is erected.

3 P. M. Sir, I do not wish to reply in detail to the criticisms that have been levelled against the Bill or against me personally or against my other friends in the House. I assure those who think that they will be exploited by goondas that the Select Committee will give its best consideration to all representations and the Select Committee will try to frame the law in such a way that justice will be meted out and there should be scope for mercy. With these few words, I commend my motion for the acceptance of the House.

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

"That the Bill to amend the Child Marriage Restraint Act, 1929, be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable Sir Henry Craik, Mr. J. A. Thorne, Mr. E. Conran-Smith, Mr. N. M. Joshi, Mr. F. E. James, Mr. Lalchand Navalrai, Sardar Sant Singh, Sir Abdul Halim Ghuznavi, Mr. M. Ghiasuddin, Mr. Abdul Qaiyum, Mr. Sri Prakasa, Mr. N. V. Gadgil, Mr. M. Asaf Ali, Mr. Govind V. Deshmukh, Seth Govind Das 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 CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 103.)

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 section 103*) be circulated for the purpose of eliciting opinion thereon."

Sir, in moving this motion to amend the Criminal Procedure Code, I am not enunciating any new principle. I am not advocating any change in the existing law. My object is simply to make the letter of the law more effective, living rather than a dead letter as it is found in the Criminal Procedure Code now. Sir, section 103 of the Criminal Procedure Code is intended for the purpose of making searches of the houses of suspected criminals more regular and decent and in a manner which should regain the confidence of the public in the administration of justice. The provisions are that whenever an officer or any other person who is entrusted with the duty of carrying on search goes to search a house, he should associate with himself two respectable men of the locality to witness the search so that there may be no planting or fabricating of evidence against the person whose house is searched. As I said before, I do not want that any change should be made in the provisions of this law or that any more safeguard should be added to it. What I want is that this provision should be made more effective.

In order to appreciate the necessity for my Bill, with your permission, I shall state how section 103, Criminal Procedure Code, is at present applied. The original intention of the Legislature in enacting this measure was that the confidence of the occupier of the place which is to be searched is to be gained by the method employed for search so as to ensure that the search is conducted with decency and in proper order. How this section was interpreted originally is clear from the various authorities of the higher tribunals of the various provinces. We find an authority about the interpretation of this section in the ruling of the Chief Court of Lower Burma in which it was clearly laid down that the headman of the village—"which was connected with the officialdom" as the expression was used—was not the proper person to be a witness to the search. Later on, the same Court in a Full Bench ruling held that the headman of the Rangoon town was the fit person to be associated. This view was not followed in 5, Rangoon Law Reports. The result was that every sort of individual was associated with the search by the officer who carried on the search under this provision. The provision of "two respectable persons of the locality" was overlooked. The first important point to be observed in appreciating the importance of my Bill is that they must be respectable persons. Now, what does the expression "respectable persons" mean? It means persons who are independent

and impartial and who command the confidence of the occupier of the place which is to be searched, and are not connected with officialdom in every way.

An Honburable Member: Early marriage.

Sardar Sant Singh: I will have to clear the atmosphere of marriage because my Bill does not refer to marriage or engagement, but it refers to search. I was submitting that the original idea of the framers of this provision of law was that independent and impartial persons should be associated with search in order that the occupier may have full confidence in the administration of justice and the rule of law to be maintained in the country. This was a very laudable idea. Nobody will disagree with that. Then the object was to associate these respectable persons of the locality because they happen to be the best judges and they will naturally not be a party to planting of incriminating articles in the place which was to be searched. These were the two fundamental and basic ideas which led the legislature to frame this section.

Now, the present position is that the police officer goes with a number of persons and forms what is technically called a raiding party. The expression used in judicial language namely "raiding party" has come to stay. It means that a party which raids a place without calling in respectable persons of the locality. This raiding party is composed of persons at the headquarters who have distinct inclination towards the police officers who collect them. They go and make the raid and discover the articles and they figure as the most competent witnesses for the prosecution to depose to the discovery or the production of incriminating article from the house searched. And if any person is associated from the locality it is the lambardar of the village who, we all know, has, under the rules framed under the Land Revenue Act of the provinces, certain police duties to perform; and these people are given a share in the collection of land revenue. Naturally these persons have a tendency to support the police officer who conducts the search. In my district of Lyallpur the lambardar is given the additional temptation; he is a mule breeder and for the purposes of mule breeding he is given one square of land which brings him at least about Rs. 500 a year as the produce of that land. It is an additional temptation for him to always side with the police officer who takes him. If he does not, immediately follows a complaint from the police officer that he did not help the administration, with the result that either he is suspended from the post of the headman or dismissed later on; and the result is that that valuable plot of land of about 25 acres is taken away from him. Therefore it is not a rare thing to see articles being planted in the houses of the accused, and generally the defence is that these incriminating articles were either placed by the police or by some informer who is invariably with this raiding party when this raid is made.

The Courts have come now to the conclusion, and it is now more or less the settled law in which all the High Courts have concurred, that if the provisions of this section 103 are not strictly observed it makes the search irregular and not illegal; and this irregularity is curable under section 537 of the Criminal Procedure Code. The only use to which this section was put was in those cases in which the person declined to permit the officer who wanted to carry out the search to enter his house and

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prevented his conducting the search and claimed that he had a right of private defence under the Penal Code, because the officer was not empowered to search the house in the absence of two respectable people of the locality. The provisions of the section are mandatory inasmuch as it lays down that before making the search the officer in charge *shall* call upon two respectable persons of the locality to attend and witness the search. The provision being mandatory the person whose house was to be searched claimed that the officer was not acting in the discharge of his lawful duties as such officer and, therefore, he had a right of private defence against such officer's illegal acts. In some cases this right of private defence was conceded by two High Courts at any rate, but later on this right was denied. In 19 Madras, 349 it was laid down that a search made without the presence of any witness was irregular but that such irregularity does not entitle the occupants of the place to exercise their right of private defence by assaulting the police officer when it was not shown that the officer was acting maliciously and otherwise than in good faith. So in this ruling the Madras High Court has cast upon the owner or occupier of the premises to be searched the onus of showing that the police officer was acting maliciously or was not acting in good faith,—two conditions which are not to be found either in this section or in the Indian Penal Code which gives the right of private defence against illegal acts of even public servants. This ruling was followed later on in 37 Allahabad, 353, where a police officer made a search without a warrant and in the presence of only one witness and a constable entered the house to be searched by scalling the wall. It was held by the Court that the search was grossly irregular but the occupants had no right of private defence and any assault committed by them on the police was punishable under section 323 though not under section 332. Here too, although the police officer had clearly violated the mandatory provisions of this section and the occupier of the house was entitled to protect his rights and defend his property against the illegal acts of a public servant, the Allahabad High Court held that he had not that right, though they made him guilty of the lesser offence than he would have been guilty of if this section had not been there. Later on, the same High Court held that a search without witnesses is absolutely illegal and the occupant of the house is entitled to exercise the right of private defence by assaulting the police officer so as to prevent him from entering the house. Hence, though the intention of the makers of this provision was to give the occupier of the house a right to see that justice is administered to him in accordance with the provisions of the law, yet the High Courts have differed on this point as to whether or not he has a right of private defence against such an illegal act of the officer.

Apart from this question of the right of private defence which only happens when the occupier is brave enough or courageous enough to obstruct the officer carrying on the search in an illegal manner, every occupier of the premises or other man whose house is searched is not so bold nor so courageous nor so well educated as to know and appreciate his own rights under the law. Generally they permit a search to take place and they permit, even with their eyes open, the planting of incriminating articles. And when they go to a Court of law and protest against the illegal acts of the officer who conducted the search or of the raiding party,

they are told that the search may be illegal. It may be argued it may be anything, but the discovery is sufficient to incriminate a man and send him to prison. So, so far as the search is concerned, in spite of its being illegal, the result of the search remains there, and the man is punished. Of course, Honourable Members will agree with me. . . . .

Mr. Deputy President (Mr. Akhil Chandra Datta): Order, order. How is all this relevant to the Bill? There are only two amendments, one about locality and the other about evidence.

Sardar Sant Singh: I am coming to that. May I submit, Sir, that my object in pointing out the present state of law is to show what this Bill is intended for. It is intended for this purpose, namely, that I want to make it obligatory upon the officer who wants to conduct the search, to do so in the presence of persons of the locality—what I call neighbourhood, and that at the same time the evidence for that search should be that which is prepared there. I do not want extraneous evidence brought in by bringing in the word of the raiding party who are living sometimes at a distance of several miles from the place where the house is searched, that is, their evidence should not be sufficient to bring an incriminating article as a sort of evidence against the person who is accused: that is the object.

Mr. M. Asaf Ali (Delhi: General): You are also excluding the corroborating evidence of witnesses. You refer to (ii): the following new proviso shall be added to sub-section (2) namely:

"Provided that no evidence other than the list drawn up in accordance with the provisions of this section shall be admitted to prove the articles discovered during the search."

It means that the corroborating evidence of witnesses cannot be admitted.

Sardar Sant Singh: I will try to explain the provisions of my Bill.

The Honouarble Sir Henry Craik (Home Member): It wants a lot of explanation.

Sardar Sant Singh: My object is that two respectable witnesses of the neighbourhood should be obtained to witness the list which is prepared in accordance with section 103: the provisions of this section are already there, only the list is to be proved by these witnesses and nobody else.

The Honourable Sir Henry Craik: Your Bill provides exactly the opposite.

Sardar Sant Singh: May I submit, Sir, it reads like this:

"Provided that no evidence other than the list drawn up in accordance with the provisions of this section shall be admitted to prove the articles discovered during the search."

It means that the list which is drawn up in accordance with the provisions of section 103 will be signed by two respectable persons of the locality or neighbourhood.

Mr. M. Asaf Ali: Whose evidence will not be admitted.

Sardar Sant Singh: How will it be proved? How is the list to be proved? "Proved" does not mean simply putting in a list, it means proved by the oral evidence of the person.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): It means secondary evidence should not be taken.

Sardar Sant Singh: What I mean is that no evidence of any other person except of two respectable persons of the locality should be admitted.

The Honourable Sir Nripendra Sircar (Law Member): I do not want to interrupt Sardar Sant Singh, but I will show that if this Bill is passed, the accused will be in a terrible position.

Mr. M. Asaf Ali: Even articles discovered need not be proved. The list alone will be good enough.

Sardar Sant Singh: It will not be. My submission is . . . .

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Let us go to the next Bill.

Sardar Sant Singh: There is no question of going to the next Bill. You had better be reading your Shastras.

Mr. Sri Prakasa: I may be a "respectable witness". That is why I am interested.

Sardar Sant Singh: My submission is that, as I explained in my speech, I want that two respectable persons of the neighbourhood should be the witnesses to the search list which is to be prepared under the provisions of section 103 of the Criminal Procedure Code, that the list should be prepared then and there, and that no extraneous evidence should be admitted.

Mr. Deputy President (Mr. Akhil Chandra Datta): There is nothing like that in this amendment.

The Honourable Sir Nripendra Sircar: That is not the Bill.

The Honourable Sir Henry Craik: You can move an amendment to your own Bill.

Sardar Sant Singh: Unfortunately we are reading the povisions with different meanings, but I am making my position very clear. Of course, if there is some defect it can be corrected in the Select Committee.

The Honourable Sir Nripendra Sircar: It is incorrigible.

Sardar Sant Singh: The Bill is nothing like incorrigible. What I am submitting, Sir, is that the provisions already existing in section 103 should be made a more effective and living law and not a dead letter as it is at present. I submitted at the very beginning, and I still hold to it, that the witnesses should be very respectable. Now, I am coming to the word "locality". The word "locality" has been interpreted by various

High Courts as meaning not necessarily the neighbourhood, but that persons living at a distance from that place and unconnected with that place, that is, where the search is carried on, may be obtained as witnesses to the list of goods recovered. If we interpret the word "locality" as meaning a place which is at a very great distance from or beyond a reasonable distance from the place where the premises to be searched are situate, we nullify the healthy provisions of this section. My object is that in order to bring home to the accused the offence of possessing any incriminating article discovered from the place which is under his control, it is essential that only those witnesses in whom he has *prima facie* confidence should come to witness the search, otherwise it is useless to permit a raiding party to come from a distance, from the headquarters of a district, raid the house, bring out certain things which may or may not be there, as it may give a reasonable opportunity to the officer who conducts the search to plant the incriminating article. The interpretation of the section arises in cases where illegal arms or excise articles are discovered. Now, some of these articles are so small that they can be easily carried and placed there. My aim is that this planting should become impossible or almost impossible, and fabricating of evidence should be entirely eliminated from the search of the premises. Coming to the criticism which the Honourable the Law Member has been pleased to direct against this Bill, he adversely criticised the language of the proposed amendment. I want to make it quite clear that I am not wedded to the language of this clause: it is capable of being changed—of course even in official Bills we are changing the language: take the case of the Insurance Bill: how many times ordinary grammatical mistakes were pointed out in the draft Bill introduced by such high authorities as the Legislative Department. . . . .

The Honourable Sir Nripendra Sircar: I am not objecting to your not being wedded to the language, but it seems you are divorced from common sense.

Sardar Sant Singh: I really feel that Bengal and Punjab have different common senses: we in the Punjab have got a reputation of having better common sense than Bengal ever possessed: so we need not be worried on that point . . . .

Mr. M. Asaf Ali: Different standards?

Sardar Sant Singh: It is a standard fixed by the Government of India in various pronouncements . . . .

The Honourable Sir Henry Craik: The standards vary according to the locality or neighbourhood, do they?

Sardar Sant Singh: Coming to this provision about the proviso, I submit that if the language does not convey the proper meaning or is not very definite, as the language of a statute should be, it can be cured when it is referred to the Select Committee. At present I have tried to make my position clear, that in the interests of the accused I want that there should be no chance for fabricating evidence or planting incriminating articles in the premises which are searched. It may be said, as remarked by my Honourable friend, the Law Member,—of course nobody can doubt his ability in law or in interpreting the sections—and if he thinks that the language does not express my real intentions, I will seek

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his help when he is Chairman of the Select Committee to bring out my meaning clearly . . . . .

Mr. Deputy President (Mr. Akhil Chandra Datta): Will the Honourable Member explain what that intention is?

Sardar Sant Singh: I have made my intention very clear, that I want that these mandatory provisions of section 103, where it is made obligatory upon the officer who carries out the search to associate with himself two respectable witnesses . . . . .

Mr. Deputy President (Mr. Akhil Chandra Datta): We are thinking of the second amendment—the proviso. What is the real intention of this proviso?

The Honourable Sir Nripendra Sircar: It has no intention!

Sardar Sant Singh: Let me finish my first point and then I will come to the proviso . . . .

Mr. Deputy President (Mr. Akhil Chandra Datta): The first point is very clear.

Sardar Sant Singh: The second is that I do not want that the evidence of outsiders who come from great distances, whom the officer conducting the search associates with himself, should be admitted to prove that list a genuine list later on, incriminating the accused from whose house the article is discovered. That is what the proviso is intended to express. I want that the evidence of the incriminating article having been found or discovered in the premises from which it is alleged to have been found, should be confined to the persons who are respectable persons of the locality and not outsiders. That is the restriction I want to place . . .

Maulvi Abdur Rasheed Chaudhury (Assam: Muhammadan): On a point of information: do you want to make the search list conclusive evidence?

Sardar Sant Singh: I do not want that: what I want is that the evidence of persons of the locality should be the evidence which should carry conviction later on. From the interruptions I find that it is not the principle of the Bill that is opposed . . . .

The Honourable Sir Nripendra Sircar: There is no intelligible principle in the Bill!

Sardar Sant Singh: There is a principle in the Bill which my Honourable friend will discover very soon; the only point of difference is about the language, which I think can be set right later on when the Bill goes before a Select Committee. I move, Sir, that the Bill be circulated for eliciting public opinion.

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

"That the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of section 103*) be circulated for the purpose of eliciting opinion thereon."

The Honourable Sir Nripendra Sircar: Sir, I desire to meet most of the arguments—possibly "arguments" is not the proper word—but the alleged arguments of my Honourable friend. But, Sir, listening to my friend's speech which occupied forty-three minutes, I have come to one very important conclusion, and that is, if, God forbid, I happen to be accused in Lyallpur I would seek some other lawyer who can put up better arguments. Let us start from the proviso and my submission to the House is that this will be extremely dangerous from the point of view of the accused and it will be of immense help to the prosecution. The proviso says:

"no evidence other than the list drawn up in accordance with the provisions of this section shall be admitted to prove the articles discovered during the search."

That is to say, the list which has been drawn up in pursuance of the provisions of that section, attested by two witnesses and so on, that is the only evidence and no other evidence is admissible. Let us pause and consider what this means. I am now looking at it from the point of view of the accused and not of the prosecution. Supposing a search takes place: two witnesses have prepared the list: they have signed the list and it happens that only two articles are there—two boxes. Sardar Sant Singh happens to pass by, supposing he is in the locality or neighbourhood. About his respectability there is no question. He sees for himself that there are only two boxes and nothing else found. As he passes by, the person whose house has been searched says "They are now trying to plant a revolver and get it into the list: you see it is not here" Sardar Sant Singh says "That is all right: they dare not do that when I have seen what has been seized" and passes on. They produce that list—I am assuming that the police are using the list containing the two boxes and a revolver signed by two witnesses of the locality. In that list are found two boxes and a revolver. Then according to the proviso the accused is not to be allowed to call Sardar Sant Singh to prove that as a matter of fact the revolver was not there. That will be the position. That is to say, the prosecution will have the whip-hand; it produces the list, and that list will be the only evidence. The accused cannot call in evidence to show that that list is a false or manufactured list, because what is the language employed here? "No evidence other than the list drawn up in accordance with the provisions of the section shall be admitted to prove the articles discovered during the search." Therefore, the accused cannot call evidence to show that those were not the articles produced at the search, but there were other articles. As I said, Sir, it will be a terrible position for the accused, and he will have to save himself from his friends like Sardar Sant Singh.

Then let us proceed a step further. Take another case. Supposing the accused makes a confession and says "Yes, the revolver was in my possession". Is that evidence admissible? No, because the only evidence admissible to show what was the article seized is that list, and nothing but the list. Once the police can get hold of two persons who will be willing to sign a false list, then the accused is bound hand and foot, and he cannot get rid of that list, which will be the only evidence for the purposes of proving the articles at the search . . . .

Mr. M. Asaf Ali: In fact, he need not get hold of two persons at all. Forged signatures will be enough.

The Honourable Sir Nripendra Sircar: Therefore, Sir, from the point of view of the accused, the proviso introduces a dangerous provision. It is not a question of clarifying the language, it is a question of clarifying the ideas, if that is possible for my friend, Sardar Sant Singh, to do in connection with the proviso.

Now, let us see what my friend really argued here. First of all, he said that lumbardars ought not to be search witnesses as they will be helping the police. Assuming that it is so, how is it remedied by this Bill? Is there a single word here to say that certain classes of persons cannot be search witnesses? No. Then why advance that argument about officials, lumbardars and non-officials and so on, which is an absolutely irrelevant argument, which does not touch the Bill at all?

Then, Sir, we had a series of learned arguments about the rights of private defence. Whether those rulings are right or wrong, how are they affected by this Bill? In spite of this Bill, if the question arises as to whether an alleged illegal search can be resisted under cover of the right of private defence, those rulings will hold good. I submit, Sir, every argument which has been advanced here, barring the last two, has nothing to do with this Bill. If there are difficulties, they are not removed by this Bill. So I submit again it is not a question of clearing the words, but it is the question of clearing the ideas which my friend wanted to express, and which have not been expressed in the Bill at all. The difficulties that have been pointed out as existing today by reason of section 103 and by reason of the decision of the various High Courts will all continue to exist in spite of this Bill. All that my friend gains is this. He will prejudice very seriously and severely the accused person when he comes before a Court.

Then the other point is about locality and neighbourhood. Now, Sir, what is neighbourhood? What is its definition? How is anything clarified by putting in the word "neighbourhood" instead of the word "locality"? I believe my friend, Sardar Sant Singh, has read some of the cases in the civil Courts about covenants restricting certain things from being done in the neighbourhood in commmercial contracts. Has he appreciated what neighbourhood means there? Has it not been laid down that the word "neighbourhood" must depend upon circumstances and the situation? Again, I speak from my personal experience,—there was a case from Assam in which a high police official was prosecuted for having fired recklessly in a village, and I had to appear for the Crown in the High Court to upset the order of acquittal,—he had been acquitted in the lower Court. The evidence there was that there was in the wilds of Assam a small village consisting of barely 12 wretched huts, and they consisted principally of two or four families. If my friend's idea is, as is apparent from his Objects and Reasons, that it must be the same quarter of the town, how does that apply to the situation I have described? Where is the town? And where is the same quarter? Therefore, neighbourhood must depend upon the situation of the locality where this thing has been searched. My friend is assuming that wherever a search takes place, it must be a town. It is not so. It is practically one quarter so far as the small village is concerned. Therefore, if the object is,—though I say that object will not be gained,—that the two persons must come from the same quarter of the town, that is an impossible position.

Then, Sir, if you have got to find two respectable persons,—of course the word "respectable" has not been defined,—it may not be possible to get a man from the immediate neighbourhood,—I am adding the word "immediate". Possibly, the two neighbouring houses belong to friends, they may belong to persons of the same gang, and therefore the police officer may have to go a little further if technically it may not be the same quarter of the town. I submit that no improvement is made by substituting the word "neighbourhood" for the word "locality". Nothing will be gained. One is as vague or as definite as the other, and as I have already said, the proviso will create an extremely dangerous situation for the accused.

Mr. Lalchand Navalrai: Sir, this Bill aims at two points. One is contained in para. 1 of clause 2, and the other is the proviso. After hearing the arguments of the Honourable the Law Member, I am of the opinion that it is not necessary to spend so much time and labour, as my friend, Sardar Sant Singh, has done, on a Bill of this kind. We can very well understand the meaning of para. 1, and we can find no fault with its phraseology. Lawyers and advocates who have been dealing in Courts fully know the difficulty in practice with regard to searches, and those gentlemen will not quarrel with the object which the Mover of this Bill has in his mind, so far as para. 1 is concerned. I shall briefly explain the object of this Bill. Those who are lawyers know the sections of the Criminal Procedure Code, but those who are laymen and who have to deal with Courts should also know what is meant by this Bill, and I shall explain it briefly. Under section 96 of the Criminal Procedure Code a Magistrate has got power to issue a search warrant for the production of an article or property, which is included in the words "thing and documents". Now, that search warrant goes to the police and certain precautions have been laid down in the Criminal Procedure Code. The precaution is that two respectable persons of the locality should accompany the police officer. Now, the whole question with regard to para. 1 is with regard to the word "locality". It is no use giving long discourses on this. This Bill aims at asking that the word "locality" should be removed and the word "neighbourhood" put in.

Mr. M. Asaf Ali: How does that improve the situation?

Mr. Lalchand Navalrai: I am going to say that. I will give you an example.

Mr. M. Asaf Ali: I know the difficulties.

Mr. Lalchand Navalrai: You are not practising in the mofussil.

Mr. M. Asaf Ali: Delhi is as good as mofussil and I have been to Karachi also.

Mr. Lalchand Navalrai: Neither Karachi is mofussil. The position is this. Take the case where a police thana is far away from the village where the search has to be made. It may be ten miles away. The police officer armed with the warrant takes to that place two persons who are his own chums. (*An Honourable Member*: "Stock witnesses?") Would you allow the word "locality" to cover such a case and allow the police officer to take a man from a distance of ten miles. That is the

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point. I say that mischiefs are being done to this effect. We know in practice how they bring these men from headquarters. I would call them two bull dogs. They are titled persons who are at the beck and call of the police. They come to search the house of a poor man and a list is prepared. The law says that the list must be prepared in the presence of two respectable witnesses. If I show to the House what the police officers actually do, I think there will be sympathy from the House for this Bill and they will allow it to go for circulation. It is not uncommon that they take their own men with them. My Honourable friend, the Law Member, was eloquent in saying "what is the harm done" and he called the Mover's common sense in question. He is not now there in his seat, but I know he would not question my common sense. My learned friend the Law Member was saying that if the list is going to be the only evidence for the search then there will be great harm done to the accused. That is right but actually forging is taking place in the list and that is what we want to remedy. Suppose two boxes are found as my learned friend put it and they want to fabricate the case against a man who may be undesirable to them. They may put a third box of certain stolen property connected with some other theft, and the list might be prepared saying that three boxes were found. The boxes come before the Court. The occupant of the house concerned says that only two boxes were found and not three, but these two chums of the police officer will come forward and say "The list is quite correct. Three boxes were found". I need not elaborate this point. I submit that the House should realise the mischief, the difficulty and the handicap for the accused. Therefore, I am suggesting that the word should be changed from "locality" to "neighbourhood". How are you going to define it A locality may mean 10 or 20 miles away, but I would ask a question of my friend, the Honourable the Law Member. He is not here in his seat but his representative is here. They will give a reply to this. Now, I ask: if a man is taken from 10 miles away will that be covered by the word "locality" or not, or would it be covered by the word "neighbourhood". Neighbourhood would not mean Karachi from this place.

Mr. M. Asaf Ali: It is nowhere defined?

Mr. Lalchand Navalrai: Therefore I say that the Bill should go out for circulation. Some other suitable word may be suggested in the opinions obtained by circulation. Why should you cut away this Bill at this stage? If you send it for circulation, many suggestions will come. They might say that instead of the word "neighbourhood" some other word should be put in, which may be easily defined. I only suggest that the mischief should be remedied. When the opinions are received, the Bill may go to Select Committee and all these suggestions can be considered there.

I now come to the second part. I do realise that the wording of the proviso is not happy. I know what it means. I will tell you what my reading of its meaning is and if it is correct, then no proviso is needed. According to section 103 of the Code, it is incumbent that a list shall be prepared. That is true. When a document is required by law to be put into writing, what does the Evidence Act say in regard to it?

Section 92 of the Evidence Act says:

"When the terms of a contract, or of a grant, or of any other disposition of property, have been reduced to the form of a document, and in all cases in which any matter is required by law to be reduced to the form of a document, no evidence shall be given in proof of the terms of such contract, grant or other disposition of property, or of such matter except the document itself, or secondary evidence of its contents in cases in which secondary evidence is admissible under the provisions hereinbefore contained."

4 P.M. Therefore there should be a distinction between the primary character of the evidence and the corroborative or contradictory. There are two things: evidence given which first of all proves a certain thing, and then there are provisions in which you can give corroboratory evidence. There are also provisions in which you can give contradictory evidence. Therefore, I say, that what my friend, Sardar Sant Singh, meant was this, that the list itself should be the primary evidence and not a pretence merely as is at present being done, when police do not bring the list; but say, "we will not produce the list, but will tender some other evidence". But according to section 92, that evidence will not be admissible because, the original document not having been produced, no secondary evidence can be given in its place. Therefore, he meant that when the list is required to be in writing, that list must come before the Court; *then* you can give evidence corroborative as well as contradictory; but if the list is not exhibited in Court, the mischief will have been done. The police may always say, "well, we found three boxes". When asked for proof, they say, "we won't give you that list, we are not bound to do so, we will give you two witnesses to say that these things were found". Will you allow that evidence? Therefore, the proviso has been put in the Bill, though it is not happily worded, with the intention that the list must be produced; the proviso when paraphrased or analysed comes to this that the list which has been prepared at that time must be produced in Court, and no secondary evidence of the list be accepted unless as it is provided for by the Evidence Act. This is what the Mover of the Bill means. In my opinion, however, that proviso will not be necessary because when we read the Evidence Act along with section 103, it requires compulsorily that the list be prepared in the presence of two respectable men and signed. Then, according to that section, read with sections 91 and 92 of the Indian Evidence Act, it is quite clear that if the list is not given, then no other evidence will be accepted, because that is the primary evidence.

This proviso of course has not been happily worded, rather I would say that it is misleading as has generally been taken to be so by the House. However, let the Bill even with this proviso go for circulation, and let us then see if any men of better common sense put it better. If they consider it in the light in which I take it, they would say that this proviso is not needed at all because the Evidence Act provides for it. We are only asking for the opinion of the public. Therefore, I submit that it is very necessary that this Bill should go for circulation. I think my learned friend has perhaps read I. L. R., 34 Madras, 349, Full Bench, and 11, Criminal Law Journal, 136. They say that "ordinarily the list is proved and exhibited but its contents need not be proved by the list *alone*." Thus the list must be there. These authorities may have prompted the proviso to be inserted by my learned friend, but I say it is quite clear, reading section 103 along with the Evidence Act that this proviso is not necessary, but if the Mover of the Bill wants that

[Mr. Lalchand Navalrai.]

the point should be made more clear, so that the police hereafter may not think that they can only give two or three witnesses to prove the fact without the list, then let the proviso be there to be made better and put in good legal phraseology by the Select Committee. I think that at least the doubt with regard to the point in question will be removed. I submit that this is not a Bill which can be derived at or slighted, or with regard to which it can be said that it is not in consonance with common sense; I say it is a necessary Bill and it would be only wise on the part of the Legislature to take into consideration these matters which are today, in the country, disturbing the people at the hands of the police, and our attitude ought to be very rigid about it and we ought surely to take such Bills into consideration, we ought therefore now to send this Bill for circulation.

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

Mr. J. A. Thorne (Government of India: Nominated Official): Sir, I do not think any speech of mine is required to make it further clear that this Bill is an extremely ill-considered, ill-drafted and I think one might say without exaggeration absurd Bill. But I think it is my duty to warn the House against the insidious appeal of my Honourable friend, Mr. Lalchand Navalrai. He said, in effect, that this Bill is no doubt nonsense.

Mr. Lalchand Navalrai: I never said nonsense.

Mr. J. A. Thorne: My friend, in effect, said that "it has some sense but requires to be put into better sense; the Bill is not happily worded and the good sense does not appear on the surface; well, let us circulate the Bill and we will collect opinions and suggestions, and no doubt they will contain some material on which we shall be able to turn this Bill into something that can be decently put before the Select Committee". Well, Sir, this is a very good-natured House, but I feel it is my duty to show that my Honourable friend, Sardar Sant Singh, has already grossly abused its good nature over this Bill. It has not been previously mentioned, but it needs to be mentioned, that in 1931 Sardar Sant Singh produced in this Assembly a Bill to amend the Code of Criminal Procedure which contained a number of clauses and one of those clauses is identical with the Bill now before the House, with the negligible difference that instead of the word "neighbourhood" which he now favours he then wanted to introduce the word "vicinity". However, in other respects that was exactly the same as the Bill which he has inflicted upon us today, and the Statement of Objects and Reasons was exactly the same, almost word for word,—and certainly exactly the same in substance. Well, Sir, that Bill came before the Assembly and was introduced in February 1932. There was a full-dress debate on it on the 9th February, 1933. Another long debate there was later in February, 1933. That did not finish it, and then the House took it up in Simla and it was discussed in Simla on two days in August, 1933. Now, Sir, in the course of that debate this particular part of his original Bill, that is to say, the Bill which is before the House today, was absolutely riddled with criticism. The Statement of Objects and Reasons was shown to be totally irrelevant and it was demonstrated quite clearly and positively

that this Bill did not in the least express what the Honourable the Mover put before the House as his intention; and that Bill was thrown out by a very handsome majority.

Now, Sir, one has heard about the Bourbons who forgot nothing and learnt nothing. I would say that Sardar Sant Singh has a capacity for forgetting everything and still learning nothing. He has produced identically that Statement of Objects and Reasons which was shown to have been completely unacceptable and completely at variance with the intention he endeavoured to give it. Therefore, I say that the good nature of this House has already been sufficiently abused. I think there is no claim whatever for us to look at this motion with benevolence and to say that circulation does not matter, that we will send the Bill round and see what people think about it and when it comes back we can make up our minds again. Circulation involves a good deal of trouble and a fair amount of expense, and is, I suggest, not a measure to be agreed to in this House as a matter of course. But the main argument, I suggest, against circulation is this, that a Bill which has been demonstrated today once more and on several previous occasions to be irrational and badly expressed and, if I may repeat that word, absurd, should not be circulated because the circulation of a Bill of that kind must inevitably make this House ridiculous and a laughing-stock throughout India.

Mr. M. Asaf Ali: Sir, I have just risen to address a request to my Honourable friend, Sardar Sant Singh—and I hope he will be kind enough to accept it—to withdraw this Bill for further consideration. I regret the various compliments which were exchanged in this House between Sardar Sant Singh and others. They might have been spared. There was no occasion for them. But I would request Sardar Sant Singh to consider the impossibility of anybody really agreeing to his proviso. In fact, I think the learned Law Member did not go far enough to show the dangers of the accused's position if this proviso were accepted. The proviso runs thus:

"Provided that no evidence other than the list drawn up in accordance with the provisions of this section shall be admitted to prove the articles discovered during the search."

If I were a prosecuting counsel and if a dead body were discovered from the house of a person or not discovered, but if I wanted to acuse a person of murder, I would not produce the dead body, I would not produce the witnesses in whose presence that dead body was alleged to have been discovered, because the production of both the corroborative witnesses and the articles discovered, namely, the dead body, would be wholly unnecessary by accepting this proviso. The list prepared on that occasion will be more than enough for my purposes. Now, where will the accused person be if this proviso were accepted? And it is not merely a question of my exercising any option in that matter because you leave me no option. You say no evidence shall be admitted beyond that list prepared in accordance with section 103 as amended by you. I am afraid this is too dangerous a position for the accused person and I am afraid I cannot possibly lend my support to this proviso.

As for the first part of the Bill, I do not think I need dilate upon it because a good deal has already been said on both sides. I have been a practising lawyer for the last 26 years and I know a little bit about criminal law and I can assure Sardar Sant Singh that the substitute

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which he is suggesting is not likely to improve matters in the slightest degree. In fact, I think it may easily lend itself to the very abuses which he has mentioned on an extensive scale, because, for instance, a neighbouring village may be 10 miles away and that may be the very place where the *thana* is situated. In that case, how on earth can you say that that is not a neighbouring place because it is in the neighbourhood of the place of occurrence. As the law stands at present, the investigating officer whoever he may be may find two persons belonging to that particular village or they may belong to the neighbouring village and if they do not happen to be the stock witnesses of the police—they are generally supposed to be respectable witnesses—the case can be proceeded with all right. In so far as the stock witnesses are concerned, it is always open to you in cross-examination to expose their position.

Mr. Lalchand Navalrai: Have you ever found it very easy to do that?

Mr. M. Asaf Ali: I have found it extremely easy to prove it, because you can always find out in how many other cases they have appeared. If the man says that he has not appeared in any case before, you can prove it by previous records that he has done so and, therefore, he is not a person worthy of credit. That is not difficult. So, I personally think that the purpose and the intention of the Bill may be perfectly legitimate. In fact, reading the Statement of Objects and Reasons, I find that it is quite good, but unfortunately the language used in the Bill is diametrically opposed to the Statement of Objects and Reasons. That being so, I would certainly make an earnest request to the Honourable Member to consider the possibility of withdrawing this Bill now and bringing it up again in a more acceptable form.

Sardar Sant Singh: Sir, it is really very unfortunate that I have not been able to persuade the Honourable Members of this House to my point of view in which this Bill was framed and I am thankful to the Honourable the Home Secretary, Mr. Thorne, for showering abuses on me. However, I take it in the sense that everything is fair in love and war. So far as the objections of the Honourable the Law Member are concerned, I will like the Honourable the Law Member to be the resident of a village at Lyallpur.

The Honourable Sir Nripendra Sircar: God forbid!

Sardar Sant Singh: Then he will come running to me for defending him in Court. I am sure of that. Then he will see how harmful this provision of section 103 is in the way in which it is worked by the police. I am not aware of the conditions prevailing in Bengal. Perhaps the police there may be better and I hope they are better though the reports in the newspapers do not say so. But I know, Sir, how things are planted, how stock witnesses are employed to commit raids upon innocent people's houses. Incriminating articles are alleged to have been discovered and such discovery is proved by evidence of persons imported from long distances when as a matter of fact the person was not at all present there and that the incriminating article was found from a place which was not in his possession. These are facts which nobody can challenge. The only difficulty is to make the law effective.

That is what I said in the opening remarks of my speech. I said that the object of the legislation is to prevent fabrication of evidence, the provisions contained in the Criminal Procedure Code are healthy provisions and the framers of these provisions were actuated by a desire to see that no fabrication or no planting of incriminating article was possible by the officer who conducts the search. There can be no two opinions about this. The point is that these are not at present living provisions. They are merely dead letters. I want to make these provisions living ones and not dead letters in the Code itself. Doubt was raised as to how the insertion of the word "neighbourhood" would solve the difficulty. My submission is that the substitution of the word "neighbourhood" for the word "locality" will make the intention of the Legislature more clear. The word "neighbourhood" does not necessarily mean the house adjoining or adjacent to the house which is searched. It may be at a distance and yet it may be in the neighbourhood. The Honourable the Law Member has given an illustration. Supposing there is a single hut and there is no other hut.

The Honourable Sir Nripendra Sircar: I did not say that.

Sardar Sant Singh: Supposing there is only a single house where there are ten persons living and that no witnesses are available in the locality. In that case of course, neighbouring place means the nearest place where people live and persons from that place would be persons in the neighbourhood though they may not come within the definition of "locality" as it exists now. The word "neighbourhood" certainly conveys a narrower meaning than the word "locality" which has a wider meaning.

An Honourable Member: Question.

Sardar Sant Singh: The other objection raised is about the proviso, that it makes the provision more stringent against the accused than I intended that it should mean. It is alleged, Sir, that it will debar the evidence as to the fact. The Honourable the Law Member put it that a person calls in a respectable person to see that nothing was recovered from a house; well, the list is prepared that these two boxes have been recovered and this proviso will debar the admission of this evidence. My submission is that it does not debar at all. The question of discovery and the question of fabrication are two questions which are quite distinct from each other. It cannot be said that because an accused takes the plea that nothing was discovered from his person or his house, while the list says that it has been discovered, will that make the evidence irrelevant or will it exclude that evidence. Nothing of the sort. One can certainly prove that this list which is said to contain the fact that this thing has been discovered in my house is a fabricated list and that nothing was discovered. As regards discovery, evidence will be confined to the list prepared, but as regards the plea that nothing was discovered, that would be taken up in spite of this proviso if it is there. So the distinction between the plea of fabrication and the proving of a thing by the list still remains open to the accused. The Honourable the Law Member stated that this Bill does not touch the question which I tried to state that some official persons like the

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lambardars or persons connected with the police will be debarred from giving evidence. There is no doubt that this will not debar it. This is right, but at the same time it will make it obligatory in proving a case of discovery that two respectable persons of the locality have come in. If there is contradiction in the statement of the two sets of witnesses, one set of respectable witnesses saying that nothing of the kind was discovered therefrom and the other official witnesses saying that it was discovered, the prosecution will find it very difficult to prove the case against the accused. Therefore, though directly it does not touch that point, yet still indirectly it will help the accused considerably by associating independent and impartial witnesses of the locality, in so far as the evidence of the witnesses of neighbourhood will have helped the accused by making it very difficult to fabricate or plant incriminating articles in the house of the accused. Those of us who have seen cases, particularly of the discovery of arms and the cases in which excise articles are discovered, know that it is extremely difficult for the accused to meet a case where the persons associated with the police or the excise officers are hauled up. Most of these cases are what they call trumped up cases in which one member of a faction wants to get a member of the other faction imprisoned on account of private malice or private enmity. It is in the interest of the administration of justice that the fountain of justice should be pure and everybody should feel that he has security in his place. In order to create that feeling it is the duty of the Government themselves to see that the law is so amended that it should put an end to all sorts of planting and fabrication of evidence.

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

"That the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of section 103*) be circulated for the purpose of eliciting opinion thereon."

The motion was negatived.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 167).

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 section 167*) be circulated for the purpose of eliciting opinion thereon."

This Bill relates to the grant of remand to the police after a suspected offender is arrested. According to the state of the present law, an accused person after he has been arrested cannot be detained by the police for more than 24 hours. After 24 hours, he is produced before a Magistrate and he can be remanded to custody up to a limit of 15 days. The remand is taken in this way. The police brings the accused in handcuffs to the magistrate's Court or to his house to get a remand. In accordance with the provisions of section 167, the magistrate if he remands the accused back to the police custody is bound to give reasons for the remand, and those reasons must be reduced to writing in his order of remand. And if the magistrate granting the remand is other than the District Magistrate or the Sub-divisional Magistrate, a copy of

his order with his reasons for making it is to be forwarded to the magistrate to whom he is immediately subordinate. These are the existing provisions of section 167 of the Criminal Procedure Code. But these provisions are not observed when the remand order is obtained from the magistrate. What happens generally is that the magistrate is sitting at ease either in his home or in Court, if he is there at all; in the midst of his other duties the police place the papers before the magistrate who, without even reading the case or acquainting himself with the facts as collected by the investigating officer, signs the order of remand according to the wish of the police and sends the accused back to custody. In most cases the terms of the order have been written by the police officer who wants the remand and in some cases even the accused is not brought before the magistrate; he is kept either outside the Court or outside the house where the magistrate is living. The result is that the poor accused has no opportunity to make his position clear before the magistrate and cannot raise any objection to the remand being granted and explain why he should not be sent back to police custody. The provisions clearly are that the object of getting the remand is that the accused should be given an opportunity to plead before the magistrate and to inform him how he has been treated by the police during the 24 hours that he has been in police custody. The object of my Bill is that the accused should be brought before the magistrate at the place where the magistrate ordinarily holds his Court, that is to say, that the proceedings of remand should have some solemnity attached to it,—solemnity of a nature which is due to the Courts,—and sufficient publicity should be given to the question of remand so that the accused or his relations may have an opportunity of putting their objections to the Courts as to why the remand should not be granted; secondly, that it should be made obligatory upon the magistrate to hear the accused or his counsel if the accused so desires. This is the object of my Bill.

There are many cases in which a game of hide and seek is played at the time of getting the remand. If a counsel is engaged to oppose the remand, he has to keep a man watching when the police brings the accused and to what magistrate he is taken for the purpose of getting the remand. And it often happens that before the information is received by the Counsel that the accused has been produced before such and such magistrate, the magistrate had written the order of remand and the police has got back the accused to the lock-up. I am sure some of the Honourable Members have been on the Bench and they know how they have been giving remands to the police when remand papers were placed before them. And I am also sure that some of the Counsel here who practise on the criminal side will bear me out as to the difficulties they have when they have to oppose a remand which is to be obtained by the police. It is in the interest of the sound administration of justice to create confidence among the litigant public and among the public at large; and these remand orders should have due publicity, and fair opportunity should be given to the accused to have his own say before he is remanded to police custody. These are the two principles which underlie my Bill. In my Statement of Objects and Reasons I have stated that the presumption of all law is that every accused person should be presumed to be innocent till he is convicted by a competent Court of law. At the time of getting the remand the accused should

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not be considered a guilty person until the evidence is recorded and he is proved by the prosecution to be guilty. Till then he possesses all the rights and privileges which an innocent man possesses. In these circumstances, it is but fair that an opportunity should be given to the accused to have his say and that opportunity can only be given if the remand orders are passed in open Court and not in the manner of a game of hide and seek played by the police.

Sir, I move.

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

"That the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of section 167*) be circulated for the purpose of eliciting opinion thereon."

Mr. J. A. Thorne (Government of India: Nominated Official): Sir, this is another of my Honourable friend's remarkable Bills which seem specially designed *not* to produce the effects mentioned in the Statement of Objects and Reasons. But no one can fail to sympathise with the professed objects of the Bill. The position of an accused person who has been arrested and is under detention is one which the law should make as easy as is consistent with the performance of justice. One must presume sufficient reasons for arrest, but it must often happen that the case is eventually not proved, and it is proper that nothing should be done to cause unnecessary hardship to any person who is under detention during the investigation of a case. Therefore, in opposing the motion I do not question the Honourable the Mover's principles, but I oppose on the grounds that his remedies are not feasible in practice. Where the police arrest a person and cannot complete their investigation within a period of 24 hours, they must send the accused at once to the nearest magistrate along with the information against him. That is the law as it stands—section 167. That section, I would remind the House, was amended by this Legislature in 1923, and it contains various safeguards: for instance, there is a proviso in sub-section (2) that no magistrate of the third class, and no magistrate of the second class not specially empowered in this behalf by the Local Government, shall authorise detention in the custody of the police; there is a further provision that no magistrate shall authorise detention without recording his reasons in writing. Well, the Bill proposes that the prisoner should be sent, not to the place where the magistrate is likely to be found, but to the place where the magistrate ordinarily holds his Court. I would remind the House that a great number of magistrates throughout India spend a great deal of their time on tour, and if the Honourable the Mover's amendment were accepted, the whole duty of the police would be performed if they took the prisoner to the Court house at the headquarters of the magistrate although he may be many miles away. The prisoner might in fact have been brought from a place within a mile of where the magistrate was known to be, or he may be brought from the very place where that magistrate is actually staying, but the prisoner could not be taken to him there. He must be taken right off to headquarters, where the magistrate will not be found. What should happen then the amending Bill does not provide. In the interests of the accused and of every one else concerned the important thing is that within 24 hours of arrest a prisoner should be produced

before the nearest magistrate. My experience is and has been that pains are taken to ensure this, and that magistrates at no little inconvenience to themselves give their earliest attention to the prisoner and the case against him. Now, I have an analogy which I believe is exact, and which I hope will commend itself to the House. Suppose a person is in urgent need of attention from a doctor. Should you require him to be taken, not to where the nearest doctor will certainly be found, but to a place where between certain hours—it may be the following morning—a particular doctor holds his surgery? I think the House will recognise that as a perfectly good analogy and one which destroys, at any rate in those parts of the country where the magistrate has to perform his duties frequently on tour, the basis of this Bill. So much for the first part of the Bill.

The second part would require that when the prisoner is produced before the magistrate, the prisoner or the counsel on his behalf shall be heard before the magistrate authorises further detention. Well, Sir, in my own magisterial days it was my practice to hear anything that the prisoner had to say when he was produced before me, and if as sometimes happened, a lawyer came with him, I heard the lawyer also. I have no doubt that most magistrates do in fact adopt the same practice. But what I suggest is that as a rule there is very little light that can be thrown on a case when the prisoner is brought before you by an examination of the prisoner or by listening to his counsel. If the information sent along with the prisoner gives good grounds for his arrest, it is unreasonable, I suggest, that that should be brushed aside, and immediate release ordered merely on the strength of the prisoner's own version. What is necessary in the interests of the accused himself is to get on with the investigation as speedily and thoroughly as possible. It is the magistrate's duty to see that continued detention is not ordered without good *prima facie* grounds. Government in their attitude towards this Bill cannot accept a provision for imposing more elaborate duties on magistrates at the rudimentary stage of investigation. May I, Sir, in conclusion, remind the House that this measure also was included in my Honourable friend's pantechnicon Bill which was inflicted on the House both in Delhi and in Simla in 1933 and debated threadbare. The debate on this section may not have been quite as destructive as the debate on section 103, but at any rate it did show the absurdity of the first part of my Honourable friend's Bill. The Bill had a thorough airing then, it was fully ventilated, and it was defeated by a very large majority—I think the voting was 49 to 27. I suggest that as regards this Bill, equally with the lost Bill, it would be an unwarranted infliction on the provinces to send the Bill for collection of opinions.

Mr. Abdul Qaiyum (North-West Frontier Province: General): Sir, I rise to support the motion for the circulation of this Bill. I submit that the relevant section, section 167, of the Criminal Procedure Code is not being satisfactorily worked in practice by magistrates. The Honourable gentleman who spoke immediately before me, remarked that there was a practical difficulty if the police had to conduct the prisoner to the place where the magistrate ordinarily holds his Court, and he gave as an instance the case of magistrates who may be on tour. Now, it is not necessary that there should be only one magistrate in a station—as a rule there are several magistrates, and it is not

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usual for all magistrates to be on tour, and I think this tour difficulty has been magnified by the Honourable speaker. I can inform him and also the House that the practice followed by the police in such cases is far from satisfactory. It always resolves itself into a game of hide and seek between the defence counsel and the police. Those who have practised on the criminal side have a very unfortunate experience in this respect. Whenever the police come to know that an accused person has engaged a counsel, then they see to it that they do not produce the man in Court at a time when it would be convenient for his counsel to be present; and generally the unfortunate counsel has to wait all day if he wants to be present at the time when the police come and ask for a remand. I know that in the Frontier Province such prisoners are brought in at 3-30 or even at 4 with a view to force the counsel to leave the Court room and his patience is taxed to the utmost. There is no reason why this should be so and I think that the provision in Sardar Sant Singh's Bill making it obligatory on the police to produce the accused or the prisoner in the Court of the magistrate where he ordinarily does his work is a very wholesome provision. I really fail to see the force of the contention of the Honourable Member who preceded me who took exception to this very reasonable proposal.

Then, as far as the second part of the Bill is concerned, *viz.*, clause 2(*ii*), I really fail to see how anybody can take exception to these words "after hearing the accused or his counsel if the accused so desires". Why should there be any objection on the part of the magistrate to hear the prisoner or his counsel? After all when a remand is being obtained there is absolutely no reason why the accused person should not be heard and why his counsel should not be given an opportunity to put his case before the magistrate. The magistrate will hear both sides and will be in a better position to decide whether the prisoner's case is a fit case for remand or not. We know that as a result of the unsatisfactory provisions in section 167 of the Code, the hands of the police have been considerably strengthened and they come to Courts and obtain remands in succession without any rhyme or reason, even in the absence of the accused. There are many instances where the accused is either in the *hawalat* or he is being brought to the Court room when, the *naib*-court writes the order and the magistrate simply signs it. This state of affairs is absolutely unsatisfactory, and as far as the long wait which it involves is concerned, I know as counsel, it has been my unfortunate experience that we have to put in more work by waiting in Court day after day to frustrate this game of hide and seek of the police. The actual case does not take very much time and does not cause so much trouble to the unfortunate counsel as these remands do. Therefore, I think that Sardar Sant Singh's Bill will remove a long felt difficulty and that it is very necessary: the provisions are absolutely wholesome and satisfactory; and I am really surprised why the Government have taken up such an unreasonable attitude in opposing this motion for circulation of this Bill. I am sure that if this Bill is circulated and if opinions are invited from the various bar associations and even from the magistrates and the High Courts, it will be found that section 167 is being very much abused in practice by the prosecuting agency, and the accused persons and prisoners are being put to needless expense. I know of instances where these unfortunate prisoners engage counsel and the counsel sits there all day

and just when he is tried and leaves the Court, suddenly the case is brought before the magistrate and the accused person is remanded to custody; and afterwards they have to engage another counsel and sometimes they have to spend much more money in order to get bail during remands than in getting themselves defended at the time of the trial. I strongly submit that this Bill deserves to be circulated and to be brought on the Statute-book, because then only these abuses which are very much in evidence at present will disappear. I support this motion for circulation.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan): Sir, I shall say only a few words. I do not think the Government really means to take any objection to the second part of the Bill. I was very glad to learn from my Honourable friend, Mr. Thorne, that he as a magistrate behaved very well; but then the point is if the other magistrates will take a leaf from his book. In practice we know that they ordinarily do not allow counsel to appear. They say this is a stage when an order has to be made to give some time to the police for investigation and that it is premature for counsel to come and put the case of his client there. But it should be remembered that, at any rate at that time, there is a great necessity to bring to the notice of the magistrates that an accused person against whom there is no case at all is being kept in custody only for the purpose of putting him to difficulty and hardship; and there may be certain points that could be brought to the notice of the magistrate at that time. From that point of view I submit that it would be very necessary that this second proviso should be provided for because unless and until that is done it is more or less being left to the mere discretion of the magistrates to allow representation or not. But if this proviso is enacted then it would be incumbent on the magistrate to hear the accused or his counsel. If the accused is able to bring counsel, why should he not be heard? I do not think there is any reason why help should be refused to the accused.

There have been many occasions in which accused persons are taken before magistrates and, as has been put by my learned friend, Mr. Abdul Qaiyum, it is no wonder that they are generally taken before magistrates with whom there is no difficulty for the police to get a remand. But if counsel is present then I am sure that there will be some safeguard and the counsel could be bold enough to say that the order should not be such as merely written by the police officer present and simply signed by the magistrate. These alliances cannot possibly happen when these remands are not given in camera. I admit there is some efficacy in leaving to the magistrate discretion to give this remand in his own private residence as well, because it may happen that the accused may be brought up at an unearthly time and not during the Court time; and in such a case if he is taken before the magistrate and he says "No, bring him up tomorrow", a respectable man may suffer very much. Therefore, I do not say that there should be no such exceptions, but what is wanted and is aimed at by my learned friend is that ordinarily a man should be taken before a magistrate in his open Court. I think that is very reasonable. Ordinarily it should be so. But at times it may be necessary—there may be holiday and there may be some places other than the Court room where he has to hold his Court, as sometimes they are held on railway stations. In those cases, if a man is brought before the

[Mr. Lalchand Navalrai.]

magistrate at his private residence or where he actually works in his off-day time, then there will be no objection to that at all. But to say that they should be taken at the pleasure of the magistrate and the police to any places where it is easy for them to do harm to the prisoner, then in that case I would certainly say that this Bill requires circulation . . . .

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member has more to say I think he will have to resume his speech the next day.

Mr. Lalchand Navalrai: All right, Sir.

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

LEGISLATIVE ASSEMBLY.

Thursday, 17th February, 1938.

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

MEMBER SWORN:

Mr. Arthur Eric Tylden-Pattenson, M.L.A. (Government of India: Nominated Official).

The Honourable Sir Nripendra Sircar: May I, with your permission, be permitted to answer question No. 353 first, as I have to go to the Council of State in connection with the Insurance Bill? Dr. Sir Ziauddin Ahmad is here, and if you have no objection, he may be allowed to put his question.

Mr. President (The Honourable Sir Abdur Rahim): I will allow it as an exceptional case.

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

ELECTION TO THE CENTRAL LEGISLATIVE ASSEMBLY FOR THE SEAT VACATED BY THE HONOURABLE SIR MUHAMMAD YAKUB.

353. ***Dr. Sir Ziauddin Ahmad:** (a) Will the Honourable the Law Member be pleased to state whether the Government of India or the Provincial Government fixed the date of the nomination of candidates for election to the Indian Legislative Assembly for the seat vacated by the Honourable Sir Muhammad Yakub?

(b) Was the date notified in the constituency as required under Electoral Rule 11(2)?

(c) How, when and in what manner was the date notified in the constituency?

(d) Were the provisions of the Electoral Rule 11(2) complied with?

(e) Were the hours fixed by Government duly notified, as required under Regulation 12?

(f) Were the hours notified in the United Provinces Government Gazette?

(g) Were they advertised in any other manner in the constituency? If so, in what manner were they advertised?

The Honourable Sir Nripendra Sircar: (a) The Provincial Government.

(b) Yes.

(c) The date was notified in the United Provinces Gazette of the 22nd January. For the rest, the date was notified in the constituency on and from the 25th January by various normal methods, details of which are given in a telegram from the Provincial Government, of which a copy is placed on the table.

(d) Yes.

(e) and (f). Yes.

(g) Regulation 12 refers to hours of polling, and as the only nominated candidate was returned unopposed, the question of notifying the hours of polling otherwise than in the Gazette would not appear to have arisen.

Copy of Telegram from the Government of the United Provinces, No. 342, dated the 11th February, 1938.

Reference your telegram 592/38-C. & G., February 5. Date fixed for nomination candidates to fill seat Central Legislative Assembly duly notified in constituency on and from January 25, by posting on notice boards through Tahsildars Sub-Divisional Officers. In Budaun also through District Gazette and in Bareilly through press. In Moradabad and Pilibhit notice circulated among Muslim gentry also and in Pilibhit also notified through Local Boards Rural Development Staff and District Congress Committee. In Moradabad date notified on 29th and 30th in Tahsils and on 28th in Sadar and in Garhwal on January 26th, 28th and February 1.

Sir Muhammad Yamin Khan: Will the Honourable Member read that telegram?

The Honourable Sir Nripendra Sircar: The telegram reads thus:

Reference your telegram 592/38-C. & G., February 5. Date fixed for nomination candidates to fill seat Central Legislative Assembly duly notified in constituency on and from January 25, by posting on notice boards through Tahsildars Sub-Divisional Officers. In Budaun also through District Gazette and in Bareilly through press. In Moradabad and Pilibhit notice circulated among Muslim gentry also and in Pilibhit also notified through Local Boards Rural Development Staff and District Congress Committee. In Moradabad date notified on 29th and 30th in Tahsils and on 28th in Sadar and in Garhwal on January 26th, 28th and February 1.

Sir Muhammad Yamin Khan: What is the press mentioned in Bareilly?

The Honourable Sir Nripendra Sircar: I certainly have no knowledge. I want notice.

Sir Muhammad Yamin Khan: The Honourable Member referred to the Muslim gentry in Moradabad? May I know who they were?

The Honourable Sir Nripendra Sircar: I believe there are gentlemen in every town.

Sir Muhammad Yamin Khan: Can the Honourable Member give the list of the Muslim gentry to whom this was circulated?

The Honourable Sir Nripendra Sircar: I have not got it. I want notice.

Sir Muhammad Yamin Khan: Will the Honourable Member make an inquiry and take this as a notice?

The Honourable Sir Nripendra Sircar: To make an inquiry into the gentility of certain gentlemen?

Sir Muhammad Yamin Khan: The names of the gentlemen to whom this was circulated?

The Honourable Sir Nripendra Sircar: I want notice.

Mr. Sri Prakasa: Is it not a fact that the same procedure was followed at Moradabad as at Bijnor and other bye-elections?

The Honourable Sir Nripendra Sircar: I have no information. I am not prepared to contradict my Honourable friend.

Dr. Sir Ziauddin Ahmad: The last date for nomination was the 1st February, and the Honourable gentleman mentioned the date 1st February, I have got the notification here. This is what it says:

"Constituency to elect in accordance with the said Rules a person for the purpose of filling the said vacancy on or before the 31st March, 1938."

Mr. G. H. Spence: The notification which the Honourable Member is referring to is the notification of the Governor General calling upon the constituency to elect, and in that notification the date by which the constituency has got to complete the election is specified. That is the date specified must be such as to ensure that the election is completed by that date in the event of a contest. The date specified was on or before the 31st March. That is to say, the election was required to be completed by the 31st March. Following that notification, the Provincial Government issued its own notification appointing dates for the various stages.

Sir Muhammad Yamin Khan: Were the Government of India ever informed of the date of nomination and the different stages of the election?

The Honourable Sir Nripendra Sircar: That is entirely a matter for the Provincial Government.

Dr. Sir Ziauddin Ahmad: Was this fact advertised in any daily paper of the United Provinces?

The Honourable Sir Nripendra Sircar: I have no information beyond what I have said; but surely if the election is invalid by reason of the rules not having been followed, Dr. Ziauddin Ahmad can file an election petition.

Mr. Lalchand Navalrai: May I know from the Honourable Member how long Sir Muhammad Yakub has to continue in the place to which he has been appointed?

The Honourable Sir Nripendra Sircar: That does not arise.

Dr. Sir Ziauddin Ahmad: As there was no second candidate, by whom can the petition be filed?

The Honourable Sir Nripendra Sircar: Surely the Honourable Member can file an election petition, as any other person.

Dr. Sir Ziauddin Ahmad: May I know whether the Honourable gentlemen will inquire whether the facts mentioned in the telegram are correct or whether the Local Government will give the details as to the manner in which notices were circulated in the electorate? My information obtained by local inquiry is that this was kept strictly confidential.

The Honourable Sir Nripendra Sircar: The Government of India have no desire to make any further inquiry into these matters.

Mr. Sri Prakasa: Is the voting confined entirely to the gentry?

The Honourable Sir Nripendra Sircar: All those who were entitled to vote were taken to be the gentry.

Dr. Sir Ziauddin Ahmad: This is the first occasion when these dates were kept confidential. They were only published in the Gazette. They were not published in any daily paper, Hindi or Urdu or English, and my information is that they were not advertised in any local papers or anywhere else.

The Honourable Sir Nripendra Sircar: So far as that question is concerned, I do not admit that a thing which is published in the official Gazette is kept confidential.

Sir Muhammad Yamin Khan: Was the attention of the Associated Press of India and the United Press drawn to the fact that these elections were going to be held on such and such dates. There was no report in any paper?

The Honourable Sir Nripendra Sircar: There is no duty cast upon the Government of India. Sir Yamin Khan can do it if he likes.

Dr. Sir Ziauddin Ahmad: Will the Honourable the Leader of the House make further inquiries as to the correctness of the statements mentioned in the telegram which has just been read out, and will he find out whether facts are correct?

The Honourable Sir Nripendra Sircar: All I can do is to send a copy of this question and of the thirty supplementaries which have been put and ask them to make any observations they like.

Mr. M. A. Jinnah: May I know what steps were taken by the Local Government to notify the constituencies besides this being published in the provincial Gazette?

The Honourable Sir Nripendra Sircar: Those were answered before Mr. Jinnah was here.

TRADE NEGOTIATIONS BETWEEN INDIA AND FOREIGN COUNTRIES.

329. ***Mr. Govind V. Deshmukh:** (a) Will the Commerce Secretary please state if policies in connection with trade between India and any foreign country have to pass through the High Commissioner for India in London, the India Office, the Foreign Office in London and the British Embassy in that foreign country, before being placed before the Government of that foreign country?

(b) What are the reasons for this procedure?

(c) Have there been instances of the proposals of the Government of India in respect of trade with foreign countries which were either modified or over-ruled and, if so, by whom and for what reasons?

Mr. H. Dow: (a) and (b). Correspondence with Foreign Governments on matters of trade policy has to pass through the usual diplomatic channels, which means in the case of India, the Secretary of State and the Foreign Office.

(c) It is not the practice of the Government of India to disclose the nature of, and details regarding, such proposals.

Mr. Govind V. Deshmukh: Why not, Sir? Are there any grounds for that?

Mr. H. Dow: It is not in the public interest to do so.

Mr. Govind V. Deshmukh: Not even in commercial interests?

TRADE NEGOTIATIONS BETWEEN INDIA AND BRITISH COLONIES.

330. ***Mr. Govind V. Deshmukh:** (a) Will the Commerce Secretary please state whether as a result of articles 9 and 12 of the Ottawa Trade Agreement between India and the United Kingdom, reciprocal tariff preferences have been granted by India to the British colonies.

(b) Why was it necessary to have these articles 9 and 12 included in the Trade Agreement between India and the United Kingdom?

(c) Could India not contract Trade Agreements directly with the British colonies? Can she do so now?

(d) Have there been any instances of colonies with which the Government of India have entered into Trade Agreements directly? If so, which and when?

(e) Are any terms concerning the trade between India and the British colonies going to be included in the Indo-British Trade Agreement that is being negotiated between India and Great Britain?

Mr. H. Dow: (a) Yes, Sir.

(b) The Honourable Member's attention is invited to Chapter V of the Report of the Indian Delegation to the Imperial Economic Conference, held at Ottawa, in 1932, particularly to paragraphs 61 and 63. The Agreements concluded by the Dominions with the United Kingdom at Ottawa similarly included provisions relating to the grant of reciprocal tariff preferences to the non-self-governing British Colonies.

(c) The reply to the first part is in the negative. As regards the second part, the Honourable Member is referred to the reply given to part (a) of Mr. Satyamurti's starred question No. 773 on the 24th September, 1937.

(d) No, Sir.

(e) Government are not yet in a position to give a reply on the point.

Mr. Manu Subedar: With regard to (e), have any instructions been given to the Government representative to embody a special term referring to British colonies in these agreements?

Mr. H. Dow: I am not prepared to disclose the nature of any instructions given to the Government delegate.

EVICTION NOTICE SERVED ON KANDAPOLA INDIAN IMMIGRANTS IN CEYLON.

331. ***Mr. Govind V. Deshmukh** (on behalf of Seth Govind Das): Will the Secretary for Education, Health and Lands please state:

(a) whether it is a fact that Mr. E. W. Abeygunasekira at a meeting of the State Council of Ceylon gave notice of a motion for the suspension of and extension to the notices served on Indian labourers at Kandapola till such time as Government can offer a suitable crown allotment as an exceptional measure in view of their long residence in the island;

(b) what has been the action of the Government of Ceylon thereon;

(c) the reason why the eviction notice was served on Kandapola Indian immigrants;

(d) what the strength of the Indian population in Kandapola is;

(e) whether a deputation waited on His Excellency the Governor for the purpose;

(f) what the decisions of His Excellency the Governor were; and

(g) whether Government offered any suggestions in the matter?

Sir Girja Shankar Bajpai: (a) Yes.

(b) The motion has not yet been moved.

(c) The Indian lessees in Kandapola have held the Crown lands in question on annual leases, the terms of which do not require any reason to be assigned for the termination of the leases. Government understand that the Honourable Minister for Agriculture and Lands stated that the lands were required for the purpose of settling the people of Kandapola itself on the land.

(d) The population of Kandapola Sanitary Board Town at the Census of 1931 was 881. Separate figures are not available to show the strength of the Indian population in this township.

(e) and (f). So far as Government are aware no deputation waited on His Excellency the Governor in this connection.

(g) The Agent of the Government of India in Ceylon has made suitable representations to the Government of Ceylon who have the matter under consideration.

Mr. Ram Narayan Singh: May I know what is the purport of the notice referred to in part (a) of the question?

Sir Girja Shankar Bajpai: The purport of the notice, Sir, is that the lessees shall at the end of the term of the lease leave their lands.

FIRING ON INDIAN WORKERS IN MAURITIUS.

332. ***Mr. Govind V. Deshmukh** (on behalf of Seth Govind Das): Will the Secretary for Education, Health and Lands be pleased to state:

(a) whether it is a fact that in a certain estate of Mauritius firing was resorted to on Indian workers sometime in October or beginning of November to quell rioting;

(b) the reason for the rioting;

(c) whether Government called for detailed information in the matter;

(d) the number of Indian workers at present in that Colony; and

(e) the average wage they are paid per month?

Sir Girja Shankar Bajpai: (a) Yes. The incident occurred in August last.

(b) The reported causes of unrest were (1) dissatisfaction with the reduction in the price offered by estates for a certain variety of cane widely planted in the area affected, (2) wage rates, and (3) the widely prevalent system of recruiting and paying casual labourers through a contractor.

(c) The attention of the Honourable Member is invited to my reply to part (b) of Mr. S. Satyamurti's starred question No. 837 on the 28th September, 1937.

(d) and (e). Government are informed that the Indian labour population in the Colony numbers about 80,000, of whom about 30,000 reside on estates. Resident estate labourers earn about Rs. 20 per month and casual labourers about 75 cents a day during the non-reaping season and Re. 1 a day during the reaping season.

ORDER FOR VACATION OF SEATS ON THREE INDIAN MEMBERS OF THE FIJI LEGISLATIVE COUNCIL.

333. ***Mr. Govind V. Deshmukh** (on behalf of Seth Govind Das): Will the Secretary for Education, Health and Lands be pleased to state:

(a) whether it is a fact that on 24th September last three Indian members of the Fiji Legislative Council did not attend the first session of the Council as a mark of protest against the Governor's action in giving precedence to a nominated member over those who had been directly chosen by the Indian community;

(b) whether it is a fact that on the 28th September the three Indian members attended but were not sworn in and the Governor ordered them to vacate their seats;

(c) whether the Indian members so ordered to vacate their seats appealed to Government against the arbitrary action of the Governor;

(d) whether Government represented the matter to His Majesty's Government in the Colonial Department for a guarantee against a recurrence of such arbitrary actions;

(e) if so, what the results are; and

(f) if the reply to part (d) be in the negative, what are Government's reasons for not doing so?

Sir Girja Shankar Bajpai: (a) Yes.

(b) and (c). The attention of the Honourable Member is invited to the reply given in the Council of State on the 15th November, 1937, to the Honourable Raja Yuveraj Dutta Singh's question No. 317.

(d) to (f). Do not arise.

MONOPOLISTIC TRADE POLICY PURSUED IN AFGHANISTAN.

334. ***Mr. Govind V. Deshmukh** (on behalf of Seth Govind Das): Will the Commerce Secretary please state:

(a) whether it is a fact and Government are aware that the Afghanistan Government have defined their policy of monopolising all Indo-Afghan trade for the benefit of some particular concerns by establishing a special department at Peshawar for the sale of Afghan produce;

(b) whether it is a fact that the Afghanistan Government started a Bank at Peshawar, styled as the Afghan National Bank, fully empowered to settle exchange questions and fix rates for the exchange;

(c) whether Government are aware that the Afghanistan Government with a view to pursuing the policy to monopolise the entire dry-fruit trade in this country, have floated a company, thus throwing Indian merchants out of the field;

(d) whether Government raised any objection to this monopolistic policy of trade pursued in that country to the exclusion of Indians from the field;

(e) whether representations were made to Government on the matter either by the mercantile community of the North-West Frontier Province, or from the Government in that Province or from both;

(f) the action taken by Government, if any; and

(g) the extent to which Indian merchants will be involved in loss, if the Afghan monopolistic trade policy in that country is carried out?

Mr. H. Dow: (a) No, Sir.

(b) The Afghan National Bank has a branch at Peshawar. So far as Government are aware, the Branch has no power to settle exchange questions or to fix rates of exchange.

(c) The Honourable Member is referred to the reply given by me to part (e) of Mr. Abdul Qaiyum's starred question No. 69 on the 1st February, 1938. I should add that I have taken the words "in this country" in that part of the question to mean "in that country". If the Honourable Member is under the impression that the Afghan Government have set up any such organisation in India, he is entirely in error.

(d) The Government of India have not considered it possible to object to the Afghan monopoly system which is not discriminatory against Indians.

(e) Yes, by the mercantile community.

(f) The matter is under consideration

(g) It is not possible to frame any estimate.

Mr. Lalchand Navalrai: May I know if the Afghan Government have set up such an organisation in Afghanistan against India?

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

Mr. Lalchand Navalrai: With respect to the monopoly that is being made either here or there?

Mr. President (The Honourable Sir Abdur Rahim): This is between Afghanistan and India.

Mr. Abdul Qaiyum: How long will the Government take to come to a decision on this point about making representations to the Afghan Government,—because the situation is very acute?

Mr. H. Dow: There is a later question on today's paper about that.

Maulvi Syed Murtuza Sahib Bahadur: Is it not a fact that the interests of bankers in Peshawar were depreciating the exchange value of Afghan money, and, therefore, the Afghan Government were put to the necessity of setting up a National Bank there and carrying on their own business in the interests of Afghanistan but not against the interests of India?

Mr. H. Dow: I am afraid that is asking me for an expression of opinion which I am not prepared to give.

Maulana Zafar Ali Khan: May I ask whether it is not a fact that in the matter of the dry fruit trade the capitalists in Northern India buy fruit at the rate of Rs. 3 a maund and sell it at the rate of Rs. 15 a maund and thereby deprive Afghanistan of the right of natural development and commercial evolution?

Mr. H. Dow: I am aware that allegations have been made to that effect, and that probably they do buy cheaper than they sell, but if I am required to give details of prices, I shall require notice.

Maulana Zafar Ali Khan: May I know whether the Government of India propose to enter into a trade agreement with the Afghanistan Government at the earliest possible moment?

Mr. H. Dow: That is not a matter which arises out of this question.

Mr. Abdul Qaiyum: Is it not a fact that possibly under competitive conditions the sellers in Afghanistan could get much better prices than under a system of monopoly?

Mr. H. Dow: That is a purely hypothetical question.

RESTRICTIONS ON INDIAN RESIDENTS AND TRADERS IN AFGHANISTAN.

335. ***Mr. Govind V. Deshmukh** (on behalf of Seth Govind Das): Will the Commerce Secretary please state:

(a) whether it is a fact that the Afghanistan Government do not buy anything from India and realise huge custom duty, ranging between 25 and 60 per cent. on Indian export;

(b) whether it is a fact that no import duty is levied in India on goods from Afghanistan;

(c) whether it is a fact that the Afghan Government have imposed severe restrictions on the Indian residents in the country in the matter of purchasing property and doing independent trade;

(d) whether it is a fact that no Indian is allowed to set up a commercial concern in Afghanistan until he deposits a specified security with the Government of Afghanistan;

(e) whether it is a fact that an Indian merchant doing business in Afghanistan cannot leave that country without the permission of that Government;

(f) whether Government have taken any action in matters relating to the position of Indian residents and traders in Afghanistan, if so, what they are?

Mr. H. Dow: (a) The reply to the first portion is in the negative. Exports of Indian produce to Afghanistan during the seven months, 1st April to 31st October, 1937, amounted to about Rs. 36 lakhs. As regards the Afghan customs duties, the rates vary from one to 50 per cent.

(b) The Honourable Member's attention is invited to the reply given by me to the latter part of Mr. Abdul Qaiyum's starred question No. 70 on the 1st February, 1938.

(c) The restrictions referred to are imposed on all foreigners resident in Afghanistan.

(d) It is believed that any foreigner wishing to set up a private business in Afghanistan is called upon to furnish security to ensure payment of any debts that may be incurred.

(e) No foreigner is permitted to leave Afghanistan without first obtaining an exit *visa* from the Government authorities.

(f) Representations have been made to Afghan Government from time to time on behalf of individual Indian residents or traders who have suffered hardship from these regulations. It should be understood, however, that the position of Indian residents and traders in Afghanistan does not, so far as Government are aware, differ from that of any other foreign residents and traders.

Mr. Abdul Qaiyum: With reference to part (f) of the question, may I know how long the Government of India will take to come to a decision on this point, I mean the point which I mentioned with reference to the previous question?

Mr. H. Dow: I am not sure what point the Honouralbe Member is referring to, but I have stated that we have already made representations to the Afghan Government authorities.

Mr. Abdul Qaiyum: May I know if the Government will consider the desirability of imposing similar conditions as are imposed on Indian merchants and Indian nationals in Afghanistan?

Mr. H. Dow: I have stated repeatedly that no discrimination against Indians is made by the Afghan Government, and, therefore, the question of any retaliation obviously does not arise.

Mr. Abdul Qaiyum: Is it not a fact that the Indian motor drivers are not allowed to stay for more than five days at a time and that this restriction does not apply in the case of non-Indian foreigners?

Mr. H. Dow: I am not aware of that.

Mr. Abdul Qaiyum: Will the Government make inquiries on this point?

(No answer.)

Mr. Abdul Qaiyum: May I know if it is a fact that only Indian drivers are not allowed to ply their lorries on roads other than those which are between Kabul and Peshawar and Kandhar?

Mr. H. Dow: I am not aware of that.

Mr. Abdul Qaiyum: Is it a fact that a similar discrimination is not applied in the case of other British subjects?

Mr. H. Dow: I replied to the former question that I was not aware of it The second question which I am asked assumes that I have answered the former question in an entirely different manner.

Mr. Abdul Qaiyum: I take it that the Government of India do not take enough interest in the matter and have not made inquiries in the matter. Will the Government of India now take a serious step and inquire into this matter?

Mr. H. Dow: That is not a question but an insinuation.

Mr. Abdul Qaiyum: It is not an insinuation. The Honourable Member has admitted that he has not made inquiries . . . .

Mr. President (The Honourable Sir Abdur Rahim): Therefore, the Honourable Member (Mr. Abdul Qaiyum) is suggesting that they are not taking any interest in this question. That is a matter of inference or argument.

Maulvi Syed Murtuza Sahib Bahadur: Is it not a fact that in spite of all these restrictions more than 40 per cent. of traders are Indians in Kabul?

Mr. H. Dow: I am not aware of that.

Maulana Zafar Ali Khan: May I ask whether the Honourable Member is aware that a publication has been issued recently by the Pashto Company in Delhi in which it has been declared that they want the relations between India and Afghanistan to be harmonious, and that they are not guilty of any mal-treatment of the Indian public in Afghanistan?

Mr. H. Dow: I have received a copy, and I imagine that every other Member of the Assembly has received a copy, of the communication which the Honourable Member refers to.

INDIA'S FOREIGN TRADE AND TRADE AGREEMENTS WITH FOREIGN COUNTRIES.

†336. ***Seth Govind Das:** Will the Commerce Secretary please state:

(a) whether Government have examined the notes submitted by Sir Purshotamdas Thakurdas, leader of the Indian trade delegation to Great Britain, in respect of India's foreign trade and particularly with Germany;

(b) whether it is a fact that between the years 1928-29 and 1936 exports from India to Germany have fallen to the tune of nearly 200 million rupees;

(c) whether Government are aware that Germany has made arrangements with Roumania and Yugoslavia whereby the two latter countries will bring special areas under cultivation for oil seeds for supply to Germany under barter-arrangements, and similar barter-arrangements have been concluded by Germany with the Argentine, Egypt and South America for other materials;

(d) the extent to which Persia and Turkey have ousted India from the field of export of short stapled cotton to Germany;

(e) the action or actions Government have taken for counteracting the effect of such arrangements and fulfilling Germany's urgent need for such produce as oil-cake, etc.;

(f) whether Government, while pursuing negotiations with the United Kingdom, have examined the possibilities of concluding profitable bilateral arrangements with other countries; if so, what they are; if not, the difficulties of Government for not doing so;

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

(g) whether Government have examined the feasibility of trade agreements with Italy, Germany and other countries who were good buyers of Indian material;

(h) whether Government have arrived at any decision or concluded any agreements with any of those countries;

(i) if not, their difficulties for not doing so;

(j) whether Government propose giving publicity to the results of such endeavours on their part in view of the strong public opinion on the matter; if so, when and, if not, their reasons therefor?

Mr. H. Dow: (a) I do not know to what notes exactly the Honourable Member is referring, but if he has in mind the letters sent by Sir Purshotamdas Thakurdas, Chairman of the Committee of Un-official Advisers for the Indo-British Trade Negotiations, which appeared in the Press, the reply is in the affirmative.

(b) Yes.

(c) Germany imports her requirements of oil seeds very largely from certain countries, such as Roumania and Yugoslavia, with whom she has entered into special trade agreements. As regards the latter portion of this part, I would refer the Honourable Member to the reply given by me to part (b) of Mr. Govind V. Deshmukh's starred question No. 217 on the 14th February, 1938.

(d) The Honourable Member is referred to the quarterly report of the Indian Government Trade Commissioner, Hamburg, for the period July-September, 1937, and to Appendix B thereto. The information contained therein does not show that India has lost any ground to Iran and Turkey in respect of exports of this type of cotton to Germany. The report is published in the *Indian Trade Journal* of the 30th December, 1937, a copy of which is in the Library.

(e) Government have not found it necessary to take any action besides keeping the trade position under constant review.

(f) to (i). Government have independently examined the matter and have come to the conclusion that as a general matter of policy the conclusion of bilateral trade agreements with foreign countries is not likely to be in the interests of India.

(j) A series of Press Notes were issued in 1936 relating to the foreign trade policy of India.

Fall in the Imports of Zanzibar Cloves.

337. ***Mr. M. Asaf Ali** (on behalf of Mr. T. S. Avinashilingam Chettiar): Will the Secretary for Education, Health and Lands state:

(a) whether he is aware that attempts have been made to induce merchants in Madras and Bombay to take Zanzibar cloves;

(b) what has been the percentage of fall in imports of Zanzibar cloves into India after the starting of the passive resistance struggle in Zanzibar; and

(c) if so, to what extent?

Sir Girja Shankar Bajpai: (a) Government have no information beyond what has appeared in the Press.

(b) and (c). The figures of imports of cloves into British India from Kenya, Zanzibar and Pemba during the period from July to December, 1937, indicate a fall of about 90 per cent. as compared with the imports during the corresponding period of 1936.

Mr. M. Asaf Ali: May I know what steps Government are taking to rectify this position? There seems to be a serious dislocation of cloves trade, and may I know what steps are Government taking to rectify it?

Sir Girja Shankar Bajpai: I thought the dislocation of the clove trade was the result of the boycott which my Honourable friends opposite favour.

Mr. M. Asaf Ali: Precisely: but what steps are you taking to rectify the position?

Sir Girja Shankar Bajpai: To rectify which position?—the clove trade or the dispute in Zanzibar?

Mr. M. Asaf Ali: The dispute in Zanzibar?

Sir Girja Shankar Bajpai: As regards the dispute, I have already answered questions in the early part of this Session to the effect that some representations from the Resident have been received and are under consideration now.

MARKETING SURVEYS STARTED ON CERTAIN ARTICLES.

338. ***Mr. M. Asaf Ali** (on behalf of Mr. T. S. Avinashilingam Chettiar): Will the Secretary for Education, Health and Lands state:

(a) on what articles marketing surveys have been started;

(b) in how many cases the surveys have been completed; and

(c) what steps Government propose to take to make the knowledge of the surveys popular?

Sir Girja Shankar Bajpai: (a) and (b). I lay on the table a statement giving the information required.

(c) The All-India reports on marketing surveys are published for general information. The Provincial Governments also intend to print their local survey reports subsequently along with a summary of the general All-India reports. Abridged versions of the latter are being published in Hindi and Urdu. Experimental grading and marking stations have been established at 25 centres and several trade conferences have been held with representative associations with a view to the adoption of standard contract terms in respect of particular articles. Marketing demonstrations are being given at various exhibitions, and daily and weekly broadcast market news services have been started.

Statement.

(a) Marketing surveys have been undertaken in respect of the undermentioned commodities and subjects:

Wheat, tobacco, linseed, grapes, cattle, eggs, coffee, rice, hides and skins, groundnuts, bananas, milk, ghee, fruits (various), cocoanuts, potatoes, Brassica, oilseeds, barley, gram, maize, sheep, wool, jute, lac, sugar, co-operative marketing and markets and fairs.

(b) The surveys on wheat, tobacco, linseed, grapes, cattle, eggs and coffee have been completed.

ORDERS PLACED BY THE INDIAN STORES DEPARTMENT FOR MATERIAL OF INDIAN AND NON-INDIAN ORIGIN.

339. ***Mr. Manu Subedar:** (a) Will the Commerce Secretary be pleased to state what percentage of the orders placed by the Indian Stores Department in India consisted of material made in India, and what percentage was of non-Indian origin?

(b) Are Government taking any steps to secure the production in India of material at present imported as of necessity?

(c) Was there any material of non-Indian origin brought in, which is being made in this country, and which was not ordered either because it was not of satisfactory quality or for any other reason?

Mr. H. Dow: (a) and (b). The Honourable Member will find the information he requires in the annual Administration Reports of the Indian Stores Department, Industrial Research Bureau, and in the book "The Indian Stores Department and assistance to Indian Industries (1931)", copies of which are available in the Library of the House. I should like to add that if the Honourable Member has any difficulty in finding his way about these publications, I shall be only too pleased to give him any assistance he may require.

(c) Owing to the undeveloped state of some industries in this country, it is sometimes found necessary to purchase imported articles in preference to indigenous substitutes that may be available, either for reasons of efficiency or economy, in spite of a measure of preference being given to indigenous products in all possible cases.

Mr. Manu Subedar: Have Government on hand any inquiry with regard to articles which are required for defence purposes but which are not at present produced in India, an inquiry as to how and in what way the production of these articles can be brought about in India?

Mr. H. Dow: I believe a certain number of such inquiries are in progress in other Departments.

Mr. Manu Subedar: Will Government be pleased to inform this House at an early date how far the inquiry has progressed?

Mr. H. Dow: That is a matter of which I shall require notice.

DISCRETION GIVEN TO THE INDIAN STORES DEPARTMENT TO PAY A CERTAIN PREMIUM TO ARTICLES MADE IN INDIA.

340. ***Mr. Manu Subedar:** (a) Will the Commerce Secretary be pleased to state in which cases the discretion given to the Indian Stores Department to pay a premium up to fifteen per cent. in favour of an Indian-made article, when it is of the quality which will serve the purpose, as against the price of an imported article, has been used?

(b) What is the total amount, of which full accounts are available, spent during the last three years from Government funds towards such a subsidy?

Mr. H. Dow: (a) As has been repeatedly stated on the floor of this House and of the Council of State, no definite percentage of price preference which may be given to articles produced or manufactured in India,

over imported articles, has been laid down. Each case is considered on its merits in consultation with the using Departments, and in arriving at a decision to grant a price preference, the principles enunciated in the Stores Purchase Rules are followed.

(b) Cases in which a preference in price is given to articles produced or manufactured in India are treated as confidential, and Government do not consider that it will be in the public interest to discuss any details relating to such cases on the floor of the House.

Mr. Manu Subedar: Can the Honourable Member contradict my statement if I say that 15 per cent. preference has not been given in many cases?

Mr. H. Dow: I am not prepared to discuss that matter at all. If the Honourable Member will ask a question, I will do my best to answer it; but in so far as he is volunteering information, it is not my purpose to deal with it now.

Mr. Manu Subedar: Can the Honourable Member assure the House that the discretion given to the Chief Controller of Stores to give price preference in favour of Indian articles has been actually exercised to the extent to which discretion has been given?

Mr. H. Dow: Yes, Sir. The discretion has been very frequently used.

LABOUR LEGISLATION IN PROVINCES.

341. ***Mr. Manu Subedar:** (a) Will the Labour Secretary be pleased to lay on the table a summary of labour legislation in different Provinces?

(b) Have Government taken any steps to secure a co-ordination of, or, uniformity in, such legislation?

(c) Have there been any communications received by the Government of India from the Provincial Governments on this subject?

Mr. A. G. Clow: (a) A bulletin No. 61 of the Bulletins of Indian Industries and Labour, which is entitled 'Indian Labour Legislation (1932-37)', summarises labour legislation up to the introduction of Provincial Autonomy. A copy is in the Library of the House.

(b) Only in respect of unemployment statistics.

(c) No, with the exception of the replies relating to unemployment statistics.

MEASURES OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR ASSISTING AND SUBSIDISING EXPORT OF COTTON.

342. ***Mr. Manu Subedar:** Will the Commerce Secretary be pleased to state:

(a) whether they are aware of the various measures taken by the Government of the United States of America for assisting and subsidising the export of cotton from that country;

(b) what is the measure of such subsidy;

(c) whether Government have considered that such action will affect the export of Indian cotton from India; and

(d) what steps Government propose to counteract this effect?

Mr. H. Dow: (a) Government have received reports about certain measures of assistance granted by the Government of the United States of America to cotton growers in that country.

(b) So far as Government are aware, a subsidy is paid in respect of the 1937 crop equal to the difference between 12 cents a lb., and the average market price of middling cotton subject to a maximum of three cents a lb. payable on two thirds of the crop. It also appears that an additional subsidy of about two cents a lb. is paid to the grower if no cotton is grown on part of his land.

(c) and (d). It is impossible to estimate in isolation the precise effect of any one factor which may affect the export of Indian cotton, but Government are carefully watching the situation.

Mr. Manu Subedar: Have Government heard of the apprehension in the cotton trade in Bombay that on account of the American subsidy, the habitual buyers of Indian cotton are now being diverted to the purchase of American cotton of like quality?

Mr. H. Dow: Yes, Sir. Government are in touch with the trade and they have heard of such apprehension. I know that it exists.

Mr. Manu Subedar: In view of the distress caused to cotton cultivators on account of the low price which cotton is fetching now, what steps do Government propose to take to subsidise the export of Indian cotton in order to counteract the effect of American Government's action?

Mr. H. Dow: I have stated that the matter is under consideration of Government, but I am unable to indicate the nature of the steps which may be found necessary.

Colliery Landslides at certain Places.

343. ***Mr. Brojendra Narayan Chaudhury:** Will the Honourable Member in charge of Labour please state:

(a) if there were landslides in South Alkusa Colliery in Kenduadih Police Station and in Lodna Colliery in November and December last, as a result of which buildings have been damaged and people have been ordered to vacate houses;

(b) if colliery landslides are more frequent now than formerly;

(c) the reasons for these landslides; and

(d) the further steps, if any, proposed to be taken to minimise chances of landslides?

Mr. A. G. Clow: (a) In November cracks appeared in a small portion of the Police Station at Kenduadih owing to a subsidence of the surface. Part of the building was declared to be unsafe and was required to be vacated. There was also a collapse of the surface at Lodna colliery in December due to the crushing of pillars in some old workings. The

crushing had been noticed some weeks before the collapse and all the buildings were ordered to be vacated and were fenced off. Neither of these subsidences can be properly termed "landslides".

(b) Since April, 1936, when the Indian Mines (Amendment) Act, 1936, gave the Mining Inspectorate additional powers, the number of collapses involving occupied buildings has decreased considerably.

(c) The attention of the Honourable Member is invited to paragraphs 68 and 69 of the Report of the Coal Mining Committee.

(d) Action is constantly being taken by the Mines Department under section 19 of the Indian Mines Act to minimise the chances of accidents due to subsidences. The recommendations made by the Coal Mining Committee relating to the control of first workings and the introduction of a scheme of sand stowing are under consideration, and these recommendations, if adopted, should substantially reduce the risk of premature collapses.

Mr. Brojendra Narayan Chaudhury: Are there Government Inspectors to visit these mines and to see that the rules are obeyed?

Mr. A. G. Clow: Certainly; there are Government Inspectors charged with the duty of inspecting the mines.

Mr. Brojendra Narayan Chaudhury: Are these accidents due in any way to negligence on the part of any of these Inspectors?

Mr. A. G. Clow: No. Sir,

Mr. Ram Narayan Singh: Have any rescue stations been established in that area?

Mr. A. G. Clow: I think there is a small private one in one colliery.

MAKING INDIA SELF-SUFFICIENT IN THE MATTER OF FOOD CROP.

344. ***Mr. Brojendra Narayan Chaudhuri:** Will the Secretary for Education, Health and Lands please state:

(a) if any survey has been made during the last ten years to find out the quantities of different food crops raised annually in British and Native India;

(b) if any survey has been made during the last ten years to find out the total actual consumption of those food crops in British and Native India;

(c) if any survey has been made to find out the requirements of those food crops for consumption by the present population of British and Native India; and

(d) if India is at present self-sufficient in the matter of food crop supplies?

Sir Girja Shankar Bajpai: (a) Figures of area and yield of the principal food crops are collected and published every year by the Director-General of Commercial Intelligence and Statistics.

(b) and (c). No.

(d) I would refer the Honourable Member to the reply given to starred question No. 158 on the 7th February, 1936.

Mr. Brojendra Narayan Chaudhury: Will the Honourable Member make an enquiry about parts (b) and (c) about the actual requirements?

Sir Girja Shankar Bajpai: That is a matter for Local Governments.

Maulvi Abdur Rasheed Chaudhury: Is India self-sufficient in the matter?

Sir Girja Shankar Bajpai: According to the answer which I gave in 1936 in reply to starred question No. 158, the Government of India have no reason to believe that there is not sufficiency.

Mr. Brojendra Narayan Chaudhury: Can any Local Government make a survey all over India?

Sir Girja Shankar Bajpai: I am not saying that the Local Governments have jurisdiction all over India; but surely a Local Government have jurisdiction over its own territories.

REPUDIATION OF CONTRACTUAL LIABILITY IN RESPECT OF COTTON BY JAPAN.

345. ***Mr. Manu Subedar:** (a) Will the Commerce Secretary state whether Government are aware of a resolution passed by the Japan Cotton Spinners Association in respect of high-priced cotton contracts to the effect that full value will not be remitted to India?

(b) Are Government aware that the loss to Indian exporters and cotton merchants ranges from half a crore to one crore of rupees on account of this repudiation of contractual liability by the Japanese?

(c) Have Government made any representation to the Japanese Government, pointing out the inequity of this action?

(d) Would the action of the Japan Cotton Spinners Association, which is a semi-Government body, not involve a material breach of the Indo-Japanese Trade Agreement, entitling the Government of India to terminate that Agreement without any further notice?

Mr. H. Dow: (a) Government are aware that difficulties exist in regard to the remittance of funds for cotton bought above current market prices.

(b) Government are not aware of any repudiation of contractual liability.

(c) No, Sir. Government are making further inquiries into the facts, and are in correspondence with His Majesty's Government on the subject.

(d) On the facts at present in possession of Government, it does not appear that any breach of the Indo-Japanese Agreement has been involved.

Mr. Manu Subedar: With reference to part (b) are Government aware that there are other difficulties, apart from the high priced contracts in connection with consignments of cotton which have been sent and full value thereof is being retained?

Mr. H. Dow: I am aware that there are other difficulties, particularly relating to the provision of adequate shipping freight.

Mr. Manu Subedar: With reference to part (c), when do Government expect to have a reply from His Majesty's Government to the communications which have been sent?

Mr. H. Dow: I am afraid I cannot answer that question, but His Majesty's Government are aware of the urgency of the matter.

Mr. Manu Subedar: With reference to part (d), is the matter under examination—the matter as to whether this will or will not constitute a breach of Indo-Japanese Trade Agreement—by the Department and the Legal Advisers of the Department?

Mr. H. Dow: The matter has been examined by Government and on the facts that are at present before Government, as I have stated, we are of opinion that no breach of the Agreement is involved.

SUGAR-CANE CROPS IN THE DELHI PROVINCE.

346. ***Mr. M. Asaf Ali:** Will the Secretary for Education, Health and Lands please state:

(a) whether Government are aware that the sugar-cane crops in the Delhi Province, and particularly those in the irrigated area, have suffered from a pest, and the yield has been reduced by nearly 80 per cent; and

(b) if so, what steps Government are taking (i) to remit the revenue demand and (ii) to grant *taqavi* to the agriculturists of the affected area?

Sir Girja Shankar Bajpai: (a) Yes, but the extent of the damage is probably not more than 50 per cent.

(b) The question of granting relief to the agriculturists of the affected areas is receiving the attention of the local administration. Relief in the shape of suspensions of revenue in the Dabar areas has already been given.

WELLS TAX IN THE DELHI PROVINCE.

347. ***Mr. M. Asaf Ali:** Will the Secretary for Education, Health and Lands please state:

(a) whether Government are aware that the wells tax in the rural area of the Province of Delhi has been protested against at a series of agriculturists conferences during the last three years; and

(b) if so, what steps Government have taken to investigate the hardships complained of, and to abolish these taxes?

Sir Girja Shankar Bajpai: (a) and (b). The attention of the Honourable Member is invited to the reply given by me to parts (a) and (b) of his question No. 346 on the 14th September, 1936.

Mr. M. Asaf Ali: May I know what steps have Government taken to remit these taxes?

Sir Girja Shankar Bajpai: Sir, if my Honourable friend will refresh his memory, he will recollect that what I said was that Government did not admit that this was a separate tax; it was part of the ordinary land revenue leviable by reason of the irrigation advantage gained by these particular tracts.

Mr. M. Asaf Ali: I am referring to the professional tax and not to the wells tax. What steps have the Government taken, since my question was answered last time, to relieve the distress caused by the profession tax which falls very heavily on the poor professions, like the cobblers', the carpenters' and smiths' and so on who are affected by these things?

Sir Girja Shankar Bajpai: My Honourable friend in the first part of his question referred to wells tax, and I confess that I have limited my reply to wells tax. As regards professional tax, I am quite prepared to take up the matter with the Local Administration and to get up-to-date facts.

Mr. M. Asaf Ali: I should be grateful if you would kindly do so.

INDO-BRITISH TRADE AGREEMENT.

†348. ***Mr. Manu Subedar:** (a) Will the Commerce Secretary state the policy of Government with regard to the Indo-British Trade Agreement as to the period for which such agreement is intended to be made?

(b) Will there be a provision that the Federal Ministry, immediately on assumption of power, would be in a position to terminate such an agreement if it was, in their opinion, not in the best interests of India?

(c) Is it the intention of Government not to make any agreement for the next few months in view of the declaration of His Excellency the Viceroy that the date of the establishment of the Federation is being expedited?

Mr. H. Dow: (a) and (b). The Honourable Member's attention is invited to the answer given by Sir Saiyid Sultan Ahmed on the 29th September, 1937, to parts (b) to (h) of Mr. Satyamurti's starred question No. 880 in this House.

(c) No, Sir.

X-RAY SKIAGRAM CHARGES IN THE LADY HARDINGE INSTITUTE, NEW DELHI.

349. ***Mr. Badri Dutt Pande:** (a) Will the Secretary for Education, Health and Lands be pleased to state what the charges are for X-Ray Skiagrams in the Lady Hardinge Institute, New Delhi?

(b) Did the Medical Council recommend to Government that the charges are very high and that they be reduced?

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

(c) What action, if any, have Government taken on the representation of the Medical Council? If none, why not?

Sir Girja Shankar Bajpai: (a) Details of charges for X-Ray examination at the Lady Hardinge Hospital are given in the "Memorandum of Association Rules and Regulations and Bye-laws", of the Lady Hardinge Medical College and Hospital, an extract of which is laid on the table of the House.

(b) No.

(c) Does not arise.

An extract of the Memorandum of Association Rules and Regulations and Bye-laws of the Lady Hardinge Medical College and Hospital.

3. Well-to-do patients will be charged for X-Ray and electrical examinations * * * * at the rates given below :—

		Rs.
1. Barium Meal Examination of the whole of the alimentary tract . . .	6 Skiagrams	64
2. Barium Meal Examination of stomach only		32
3. Barium Enema		32
4. Cholecystography	5 Skiagrams	50
5. Pyellography	6 ,,	50
6. Urinary Tract	3 ,,	32
7. Chest		16
Chest including Screening		32
8. Extremities, *i.e.*, Bones, Joints, etc.		16
9. Abdomen for pregnancy or soft tumour		16
10. Hysterogram		32
11. Spine		16
12. Elect. 1st application (after that As. 8 per application) .		5

Mr. Badri Dutt Pande: With reference to part (a), is it a fact that half of the fee charged for skiagrams is paid to the expert or the doctor in charge of X-Ray?

Sir Girja Shankar Bajpai: My Honourable friend's question is what the charges are. He has not asked me for the allocation of these charges. I am afraid I cannot say how they are divided up.

COMPETITION BETWEEN BRITISH AND INDIAN SHIPPING COMPANIES CARRYING HAJ PILGRIMS.

350. ***Maulvi Abdur Rasheed Chaudhury:** (a) Will the Commerce Secretary please state whether Government are aware that British Shipping Companies at Karachi reduced the fare between Karachi and Jeddah from Rs. 172 to Rs. 20 when the Scindia Steam Navigation Company was booking passengers of Haj pilgrims for their steamers *El Medina* and the *Englisthan* in December and January last?

(b) Is it a fact that as soon as *El Medina* and *Englisthan* sailed with the Haj pilgrims for Jeddah, the British Shipping Companies again raised the fares to Rs. 172?

(c) Is it not a fact that the Commerce Secretary stated in the last September Session of the Council of State that a little competition in the shipping line by Indian companies will be welcome? If so, are Government aware of the reason for this opposition to the Scindia Steam Navigation Company by the British Shipping Companies at Karachi?

Sir Girja Shankar Bajpai: (a) and (b). Government have seen press reports to the effect mentioned but have received no formal representations from any of the interests concerned. Only one other company is involved.

(c) First part. Yes.

(c) Second part. Government have no information.

Maulvi Abdur Rasheed Chaudhury: Do Government propose to make an inquiry into the allegation that the British shipping companies reduced their fares when the Scindia Navigation Company were taking pilgrims to Jeddah?

Sir Girja Shankar Bajpai: I think my Honourable friend may rest assured that the Scindia Company are fairly vigilant watchmen of their own interests. If they feel that they need the assistance of Government, they will invoke that assistance.

ELECTIONS TO THE CENTRAL LEGISLATIVE ASSEMBLY.

†351. ***Sardar Mangal Singh:** Will the Honourable the Leader of the House please state:

(a) whether the general elections to the Federal Legislature will take place this year under the new constitution; and

(b) whether the general elections of the Central Legislative Assembly will be held this year under the old constitution if the Federation is delayed by another year?

The Honourable Sir Nripendra Sircar: (a) I am not in a position to forecast the date of the general elections to the Federal Legislature.

(b) I have nothing to add to my reply on the 14th February, 1938, to part (c) of Mr. Mohan Lal Saksena's starred question No. 232.

ELECTION RULES OF THE FEDERAL LEGISLATIVE ASSEMBLY.

†352. ***Sardar Mangal Singh:** Will the Honourable the Leader of the House please state:

(a) when the election rules of the Federal Legislative Assembly will be made; and

(b) whether the Provincial Governments would be consulted in the matter?

The Honourable Sir Nripendra Sircar: I am not in a position to make any statement on the points raised by the Honourable Member.

†Answer to this question laid on the table, the questioner being absent.

†353*.

REORGANISATION OF THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.

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

(a) if it is a fact that in connection with the re-organisation of the Secretariat as a result of the Wheeler and Maxwell Committee reports, it is proposed to reorganise the Imperial Council of Agricultural Research, and if so, what is the character and nature of the re-organisation contemplated;

(b) whether the Government of India have reached the conclusion that it should not be continued as a Department of the Secretariat;

(c) what was the cost of the office when it first came into existence and what is its cost now;

(d) whether it is a fact that the cost of the Department has greatly increased during the last four years;

(e) whether Government propose to consider the desirability of reducing the Department to a size which is suited to the work that it is expected to perform in the future, and effect all possible economies, if necessary, by retrenchment;

(f) whether it is proposed to examine further the question of re-organisation of the office through an Indian Civil Service officer yet to be appointed; and if so, the reasons for such an appointment and whether it is a fact that the question has already been examined by an Indian Civil Service officer; and

(g) the future organisation of the office now contemplated?

Sir Girja Shankar Bajpai: (a), (b) and (e). Some adjustment of the administrative responsibilities of the Imperial Council of Agricultural Research is contemplated, mainly as a result of the examination of Sir John Russell's Report. It is hoped to make an announcement shortly of the decisions reached. It is not possible yet to estimate the financial results of such reorganisation.

(c) The cost of the Secretariat of the Imperial Council of Agricultural Research during 1930-31—the first full year after its establishment—was Rs. 2,38,000, and the cost during 1937-38 is estimated at Rs. 3,40,000.

(d) There has been an increase in the cost during the last four years.

(f) An officer was appointed on temporary special duty to examine the Reports of both Sir John Russell and Dr. Wright. He did not examine the details of organisation of the office of the Imperial Council of Agricultural Research in the light of the readjustment referred to in the answer to part (a). An officer of the status of Under Secretary is to be appointed for a period not exceeding six months to assist in the reorganisation referred to in part (a) of the answer.

(g) No new office is contemplated.

†For this question and its answer, *see* pages 765-69 of these Debates.

VEGETABLE SHOPS IN GOL MARKET AND OTHER AREAS IN NEW DELHI.

355. *Mr. C. N. Muthuranga Mudaliar: (a) Will the Secretary for Education, Health and Lands please state if it is a fact that the number of vegetable stalls in the newly reconstructed market in the Gol Market, New Delhi, is only five at present as against eight before reconstruction?

(b) Are Government aware that considerable inconvenience is caused to persons who have to go there to purchase vegetables owing to the very restricted space in which the vegetables are sold and that shopkeepers also are suffering for the same reason?

(c) Is it a fact that the vegetable market in Paharganj is kept in a very insanitary condition, vegetables being allowed to be stored on the road pavements? Are Government aware that there is danger of infection from rotting vegetables?

(d) Are Government aware that owing to the fish market being placed next door to the vegetable market in Gol Market, an offensive odour always prevails at the entrance to the vegetable market and when the gauze doors are sometimes left open, there is danger of contamination of vegetables through flies?

(e) Do Government propose to construct more spacious markets solely for vegetables in other areas in New Delhi, especially near the M.L.A.'s quarters?

Sir Girja Shankar Bajpai: (a) to (e). Information has been called for and an answer will be furnished in due course.

UNSTARRED QUESTION AND ANSWER.

SINDHIS IN THE CUSTOMS HOUSE SERVICES.

29. **Mr. Lalchand Navalrai:** (a) Will the Commerce Secretary be pleased to state the maximum period for which a Collector of Customs can remain at one place?

(b) Will he please state how many Collectors have been in charge of the Customs Office at Karachi, and how long each has been there during the past three years?

(c) Will he please state the number of Madrasis taken in or transferred to the Customs service in Karachi during the last ten years?

(d) Will he please state why Sindhis were not taken in the places of Madrasis?

(e) Will he please state if any Sindhis have been taken in the Customs House Service at Madras?

(f) Is there any standing order of the Government of India that the residents of Sind and of the Punjab and the North-West Frontier are eligible for Customs Service in Karachi? If so, why are others permitted to be crowded there?

Mr. H. Dow: The question should have been addressed to the Honourable the Finance Member.

MOTION FOR ADJOURNMENT.

DISPERSAL OF THE CROWD IN FRONT OF THE LEGISLATIVE ASSEMBLY CHAMBER UNDER SECTION 144 BY THE DISTRICT MAGISTRATE, DELHI.

Mr. President (The Honourable Sir Abdur Rahim): I have received notice of a motion of adjournment from Mr. Baijnath Bajoria who wants to discuss a definite and specific matter of urgent public importance of recent occurrence, namely, "the dispersal of the crowd in front of the Legislative Assembly Chamber under section 144 by the District Magistrate, Delhi, on 16th February, 1938".

As the notice stands it is very difficult to understand what the purport of it is. Does it mean that the police are not to disperse any crowd if they think it is obstructing traffic or is otherwise likely to be disorderly? What are the facts and what is the real object of this motion?

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): Sir, the facts are that several hundred people were collected outside the the Assembly Chamber in the park there and not on the roads, and they were dispersed under the orders of the District Magistrate under section 144. They were displaying flags and protesting against Mr B. Das' Bill.

Mr. President (The Honourable Sir Abdur Rahim): When was this order passed?

Babu Baijnath Bajoria: Yesterday at about 11-30.

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member got a copy of the order?

Babu Baijnath Bajoria: I have not got a copy of the order; it was not served upon me. The order was read out and the people there approached me and told me that under this order they had been asked to disperse. I have also been informed that lorries with people who wanted to come and join the demonstration were also stopped from coming. The demonstrators were orderly and it was a peaceful demonstration and as soon as they were asked to disperse, as loyal citizens they dispersed. I do not think there was any justification for preventing the demonstration.

Mr. President (The Honourable Sir Abdur Rahim): I should like to see a copy of the order, if any such order was passed.

Babu Baijnath Bajoria: Probably it may be with the Honourable the Home Member. The *Daily Watan* of this city mentioned this morning that the order was under section 144. If the Honourable the Home Member says there was no order I will withdraw my motion. Otherwise, I think my motion is in order.

The Honourable Sir Henry Craik (Home Member): Sir, I submit that this is not a matter of public importance at all. What happened, according to my information, was that a body of persons assembled in the neighbourhood of this House and were making a great deal of noise and a demonstration of rather an objectionable character with the object apparently of influencing the decision of this House on Mr. B. Das' Bill.

The police, according to my information, cleared these people off the roads because they were obstructing the traffic. They then assembled on the grass plot on the side of the road. They would not clear away from there and the District Magistrate was sent for and, according to my information, at the request of the demonstrators themselves he passed this order, whereupon the demonstrators dispersed.

Babu Baijnath Bajoria: This is a misstatement. The demonstrators would not certainly make this request. In that case they would not have complained to me.

Mr. President (The Honourable Sir Abdur Rahim): In view of the facts stated by the Honourable the Home Member there is no ground to justify this adjournment motion. Besides, I must point out to the House that an order passed under section 144 in the due administration of law is not ordinarily a proper subject for a motion of adjournment of the business of the Assembly.

THE RAILWAY BUDGET—GENERAL DISCUSSION.

First Stage.

Mr. President (The Honourable Sir Abdur Rahim): Before the discussion begins, I have to inform the House that under rule 46, I fix 15 minutes for a speech of an Honourable Member who may want to take part in the discussion. The time may be extended in special cases.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): The Budget presented by the Honourable Member for Railways is a surplus budget. That by itself, however, is no satisfaction to me. There is no man who will not welcome a surplus budget, but at the same time what happens when a surplus budget is introduced? The mere fact that it is a surplus budget throws open the floodgate for an unending stream of solicitation and congratulation. I have got my own idea about this matter. I am prepared to congratulate the Honourable the Railway Member and the Railway Administration on the surplus budget, not merely because it is a surplus budget, but if there is anything in the budget on which I can congratulate the people of the country, on which I can congratulate the travelling public, especially third class passengers, on which I can congratulate commerce and industry: that is the acid test. The real question, surplus or no surplus, is—has the railway administration discharged its responsibilities to the needs of commerce and industry and the public generally? If we indulge in congratulation here, that congratulation must not be on our own individual behalf: it must be congratulation on behalf of the people, on behalf of the nation, as the railways are a national asset in which 800 crores have been invested by the tax-payers of this country. I do maintain, Sir, that a light-hearted congratulation on such an occasion is really tantamount to a positive misrepresentation of the feelings of the people.

Sir Abdul Halim Ghuznavi (Dacca *cum* Mymensingh: Muhammadan Rural): You do not congratulate at all.

Mr. Akhil Chandra Datta: I do not congratulate myself, but I am expecting some congratulation on the part of Sir Abdul Halim Ghuznavi, and I am saying all this only in anticipation of his congratulation Now, Sir, judged by the supreme test as to whether the railways have discharged their duty to the commerce and industry of the country, let us examine this budget. Last year I had to complain about the rate system on our railways. My complaint was that the rate system was calculated, not to promote the industry of the country, but to promote foreign industry at the cost and expense of Indian industry. That was my grievance, and I gave a number of illustrations to substantiate my contention. So far as I have been able to see, there has been no serious reply attempted against that accusation. It is a very serious accusation to bring against the Railway Administration of the country, namely, that it helps foreign industry at the expense of national industry: no charge can be more serious against the railway administration than a charge like this. Yet, in spite of the number of illustrations that I gave on the last occasion, no serious attempt has been made to meet it. Not only that, very recently there has been an instance of fixing rates in such a manner as to help foreign industry at the expense of indigenous industry. Very recently railway freights have been manipulated and orders have been issued for rebates of two-thirds and one-third on goods traffic to or from Afghanistan and Iran by the North Western and East Indian Railways respectively. I shall not pause to make my comments of my own on this, but will place before the House the comments of the Committee of the Indian Chamber of Commerce on it. There was a press communiqué issued by the Secretary of the Indian Chamber of Commerce, which says:

"The Committee of the Indian Chamber of Commerce, Calcutta, in course of a communication addressed to the Railway Board, refer to the rebates of $\frac{2}{3}$ and $\frac{1}{3}$ of the freight charges on all goods traffic to or from Afghanistan or Iran given by the North Western Railway and East Indian Railway respectively. The Committee, while stating that it is foreign goods which derive greater advantage from these concessional rates, points out that such a rebate enables the foreign goods to compete with the Indian goods in the markets of Afghanistan and Iran. The Committee further points out that such a high rebate as $\frac{2}{3}$ means that either foreign goods, when carried at only $\frac{1}{3}$ of the usual freight charges, are given a subsidy by the Indian railways, or if that is not so, that the North Western Railway have been profiteering on normal traffic when they charge full rates. The Committee emphasise that it is only Indian goods which are primarily entitled to receive consideration and concession from Indian railways, and the Railway Board should go into the matter immediately and take necessary steps to ensure that foreign goods do not in any way get an advantage over the indigenous goods while being carried over the Indian railways."

That is one test.

Let me take another test. The Honourable Member in his budget speech has told us, Sir, very fairly, very properly, that "the third class passenger is after all our best customer". I am glad this is recognised, but it will not do merely to recognise it in words, something practical should be done to increase the amenities of third class passengers. Now, Sir, it has been said that as much as 21 lakhs have been spent on amenities for third class passengers. Side by side may I invite the attention of this House to another item of two lakhs which was spent on air-conditioning five first class coaches.

Mr. N. M. Joshi (Nominated Non-Official): Waste of money.

Mr. Akhil Chandra Datta: I am glad you think so, and I only hope that the railway administration will share your views. Now, Sir, I want to know how many passengers will be benefited by these two lakhs. My idea is it must only be a handful of first class passengers. What is the number of third class passengers—I believe it is in the neighbourhood of 50 crores: 21 lakhs for 50 crores and 2 lakhs for about a dozen or two dozens of people or for the matter of that 100 passengers. That is the position. The question is—is it fair to the best customer of the railway administration? The best customer should be looked upon as the foremost master, and it is the duty of the railway administration to serve loyally third class passengers.

Let us take another instance. Let us examine the attitude of the railway administration towards coal trade. No doubt there was labour difficulty in coal mines, but the railway propose to raise more and more coal from their own collieries. It is common knowledge how hard the coal mine owners were hit in Bengal by the depression, yet the railways have proposed to raise coal from their own mines rather than buy in the open market. The coal industry is a key industry: it is an essential commodity. That being so, it is the duty of the railway administration to do nothing which would in any way prejudicially affect the coal industry. The railway administration should not enter into competition with private-owned collieries. The pretext has been that there was labour difficulty. If there was any labour difficulty it must be common to all collieries whether railway-owned or private-owned. Our complaint is that the policy of the railway administration with regard to the coal trade is fundamentally unsound. To hit the coal industry is to hit all industries in the country, that being the key industry.

12 NOON.

Let us take another instance,—the attitude of the railway administration during the past year with regard to the rail-road problem. We have been told that in fact they are not only contemplating but they have actually taken up some projects in order to enter into competition with road transport. The complaint is that they have lost some traffic and that traffic must be won back. Although it is admitted that the motor transport has come to stay, and although it is admitted that motor transport is in many respects more advantageous to the travelling public and to the merchants and traders, at the same time, for a monopolistic concern like the railway to enter into such competition with the motor industry and to suppress it is something wrong in principle and should not be encouraged. The policy that has been propounded with regard to this question is one of co-ordination and not one of unfair competition; and although it is now experimental, I am quite sure that if the experiment proved successful, it will be continued and expanded so that the only inevitable result will be the extinction of the motor industry. It is impossible for the motor industry to compete with the railway system. There again, although the problem has not yet been solved, no final decision has yet been reached by the Government, yet steps have already been taken and are being taken to enter on the road and destroy a very important industry.

Now, let us come to the Wedgwood Committee Report. The report of that committee has been condemned by all sections of this House and by all sections of the public in this country. In spite of that, what do we find? We find that many of the recommendations of this committee not acceptable to the people are being given effect to. For instance, the

[Mr. Akhil Chandra Datta.]

committee recommended that the new scale of pay was not sufficient to attract the right type of men. That is a recommendation which they have accepted and they are going to raise the scales of pay. I shall not detain the House by multiplying instances. But the position is simply this, that the railway administration is flouting the opinion of this House and the opinion of the public in giving effect to the recommendations of this Wedgwood Committee . . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has one minute more.

Mr. Akhil Chandra Datta: I will finish within one minute. I want in this one minute to put in a word on behalf of the Bengal Provincial Railway. That railway was started in 1895. When the Howrah-Burdwan Chord of the East Indian Railway was opened in 1917, this railway was affected and then an assurance was given by the Railway Board in the following terms:

"I accordingly convey to you the assurance of the Railway Board that the Bengal Provincial Railway in so far as they may be actually prejudiced will be protected."

The grievance of that company is that that assurance has not been implemented. A consolidated amount of Rs. 11,000 has been granted as compensation, whereas their actual loss is Rs. 46,000. I appeal to the Honourable Member in charge to take this into consideration and give them the relief which they deserve, by implementing the assurance which had been given to them.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, I am not using the language of convention when I congratulate my Honourable friend, Sir Thomas Stewart, on the unexpected windfall during the very first year of his administration in the form of many crores of savings, and also on the pleasant and optimistic tone of the speech he delivered here the other day. But in that speech I find an ominous omission: I do not know whether it is by accident or inadvertence. I had hoped that with two very serious accidents which have recently taken place, he would take this opportunity of expressing publicly the regret of his Government at what had happened and to condole with the bereaved families for the losses of those as were innocent travellers in the doomed trains. It has been my lot to bring to the notice of this House from time to time my suspicion that some of the mail and express trains in our country are run too fast. Some time back almost all mail trains and express trains used to arrive at my own station of Benares before their time, and once when I was travelling by the Punjab Mail, it actually left the Benares station six minutes before time. We have been hearing a great deal of the hunting of XB engines, and I am still to know what provisions Government intend to make in order to stop this hunting either by their engines or by themselves.

It should be a truism even with experts that the climate of our country is not the same as the climate of England or the cold European lands, and therefore the speed of trains that is desirable there is not necessarily desirable here. Moreover, Sir, temperamentally, we are not a people in a hurry, and therefore if our lives are assured, we would rather go slow. Sir, the railway track in India has to face varying degrees of temperature in the course of a single year. There is the excessively hot summer

season; there is the severe winter season; and in between there are heavy rains; and surely the track that has to experience such varying degrees of temperature, cannot possibly remain always in a condition to ensure the safety of trains. This fact is being recognised by the railway authorities departmentally even if they do not express their opinions openly. The other day travelling again by the Punjab Mail, I found that we were running behind time; and when I asked the guard whether he expected to make up by the time we reached Benares, he said: "Not after the Bihta disaster". In other words, they realise that they have been running the trains too fast; and it is time that they recognised this fact officially and adjusted their time tables accordingly, because, latterly, as my friend, Sir Ziauddin, complained the other day, the trains do not run according to the scheduled timings at all.

Another curious thing that seems to have happened is that the railway authorities, if my information is correct, wasted about 3 or 4 lakhs of rupees in order to have a rehearsal of the Bihta disaster near Jamalpur. Usually, Sir, the rehearsals take place before events; but a rehearsal like that passes the understanding of man. I do not know what the purpose was of destroying one more engine after one had already been destroyed in an actual accident.

Another thing that I am very anxious about is that the humbler servants of the railway should be better looked after. It is not so much in the interest of the railway servants themselves that I speak, as in the interest of the innocent passengers. Unless you have a good service manned by competent and contented men, you are taking the risk of jeopardising many lives. I had occasion to draw the attention of my Honourable friend, Sir Thomas Stewart, to the fact that a small station master at a small station, which I happened to visit in the course of my political duties, was not allowed casual leave even when his mother had died or his wife was expecting a child. Sir Thomas Stewart wrote back to say that casual leave is not something which can be claimed as a matter of right, and that these men are given leave in rotation. I understand the exigencies of service, but when a man like that has his mind fixed on the obsequies of his mother or on the danger his wife in running, he cannot be expected to look after the trains as he would when he is contented. Sir, I mean no harm when I say that, to my own knowledge, Executive Councillors of Government have disturbed their programme of tours in the distant South when after leaving Simla they had been informed of slight ailments of their wives at Kalka. They have come back, the tour has been disturbed and the programme abandoned, and they have travelled with their families to their doctors in the East instead of proceeding to their public duties in the South. Big men cannot love their wives or children or be anxious over them more than we humbler men; and if Government is serious, they should not only make all provision for the comfort of the Members of the Executive Council, but they should also look after the welfare of the humble men they employ. I am sorry that in the course of my correspondence on the subject, I must have written something without meaning it, that irritated my friend opposite because the correspondence stopped. I however must take this opportunity of reminding him of the imperative duty that every employer owes to his employees, specially when the duties he entrusts to his employees, endanger innocent lives, the lives of all those who pay to travel, lives of those who entrust themselves to the safe keeping of that employer.

[Mr. Sri Prakasa.]

Then, Sir, there is the eternal question of the third class passenger. It is in common parlance regarded as a hardy annual. I always feel it is almost "a softy daily". We are constantly pressing for the better treatment of the third class passenger. My Honourable friend said that "after all" he was his best customer. I do not know what exactly he means by the term "best customer", but if best customer means a person who allows himself to be ill-treated with impunity, who pays much more than he gets, it is time that we in this House, who represent large masses of third class passengers, should protest against the treatment that is meted out to him . . . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has two minutes more.

Mr. Sri Prakasa: I pleaded once, and I plead again that the railways should also be used for the dissemination of civic education, and if we had instructions on the walls of railway compartments telling the unsophisticated passengers as to how they should behave with their fellow passengers; how they should keep their luggage; that they should not stow their luggage on the upper berths at night so that others who come later on may have some room to sleep; they should not shut or bang the doors, etc., then, Sir, we shall be doing some good work; and this too without any outlay of expenditure. When last I pressed this point, it was said on behalf of the Government that it was not the concern of the railways to teach civic duties; but I think it is the concern of all public bodies who deal with human beings to teach them all that they possibly can, in their own interest as well as the interest of others.

Sir, I have also to say that from such answers as I have been able to get from the Honourable the Railway Member in this House that the Railway Board is almost a useless body. Whenever a complaint is made, it is said that that particular matter is "within the competence of the local authorities". If everything is within the competence of the local authorities, what is the Railway Board here for? And when we go to those local authorities, we invariably find that their competence is not properly exercised. Therefore, Sir, either the Railway Board should sit upon these authorities and make them exercise their competence in a proper manner or they themselves should go. I have also to suggest that it is time the Railway authorities took in hand the question of the reservation of compartments for men only. I stand for men; and though I find reserved compartments for women, I do not find any compartments reserved for men. I find women travelling in the general compartments much to my discomfort. For instance on the E. I. R. there are six intermediate compartments in most bogies; one of which is reserved for women and the rest are general. The women's compartment is usually empty and there are almost always one or two women in all the other compartments.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Mr. Sri Prakasa: I say, Sir, that if the Government would take steps in this direction they would be doing good to themselves and to all concerned. I also hope that the Government will consult public convenience when they make up their time tables. The timings are carelessly drawn

up without consulting the convenience of the travelling public. Then there are questions of rakes, through compartments from one destination to another, which are all easy of solution given the proper will; and I hope that during the year that is opening, these matters will receive the due consideration of the Department.

Dr. Sir Ziauddin Ahmad (United Provinces: Southern Divisions: Muhammadan Rural): The Budget speech of my friend the Railway Member is very different from the traditional speeches of previous years. We have been demanding for several years that the various means of communication should not be split up into different groups under different administrations but should be co-ordinated under one administration as in all other countries. Our hopes have been justified by facts. I congratulate my Honourable friend on the rosy picture he has been able to lay before us in connection with the Railway Budget. Since the year 1931-32, when the depression began we have been living on our past income. We have practically swallowed up the whole of our reserve fund amounting to 18·7 crores. We have also borrowed 30½ crores from the depreciation fund, and the depreciation fund which really ought to have been used as a depreciation fund has been used as a kind of reserve and in addition to this we have not been able to pay to the general revenues up to the extent of 32 crores. Therefore, the liabilities in these days of depression amount to 81 crores which the railways will have to pay sooner or later from future income. I am glad that the position has changed this year. In the present year the railway will be able to pay to the general revenues 2·83 crores and next year they have budgeted for 2·56. Now, this is really a very good omen which will be reflected in the General Budget and I hope this additional income which the Finance Member will receive from the railways will relieve the tax payers, as otherwise it would have come from their pockets.

The Railway Board has given a sum of 1·48 crores to the Burma Government from our depreciation fund. I should like to know the method of their calculations. Taking the figures of the capital at charge, the share of Burma comes to ·8 crore. They have paid much more than they deserve from our depreciation fund.

Now, I come to the question of the depreciation fund. For the last three years I have been pressing very hard that the system of depreciation fund is wrong. It is contrary to the practice of other countries and it is bad accountancy. They say it should be 1/60ths of the capital at charge. Why 1/60th? Why not 1/59th or 1/61st? or any other figure. This figure of one-sixtieths is very arbitrary and not justified by argument. It is bad accountancy because it has been really used as a reserve fund from which they have always been drawing to pay for their deficits. The third thing is that it is against the practice of other countries in the world. May I just remind my Honourable friend that when Sir Joseph Bhore quoted the working ratio of different countries he said that he could not make out whether those figures were with or without depreciation. This clearly shows that there is not a great difference in the working ratio with and without depreciation. I also had an opportunity to discuss this matter with the General Secretary of the International Union of Railways in Paris and he could not understand why there should be an enormous difference between the working ratio in this country with and without depreciation. Now, the working ratio is 54·9 per cent. according to the last

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year's income without depreciation and 69·5 with depreciation, which is an enormous difference. The second difficulty which I have to point out is that when an expenditure has to be incurred, they sometimes find it out of the revenue fund, sometimes out of the depreciation fund and sometimes from the capital fund, and their decision depends upon the bluff which the Financial Commissioner can make under pressure from the top or from the bottom. It is exceedingly difficult to decide whether a particular expenditure ought to be met by depreciation, by capital fund or by revenue fund, and I think this artificial division which the Government have kept up is quite unnecessary and ought to be done away with as early as possible. Now, this is the point which I have been pressing very hard and I will go on pressing it as long as I am here. There is a simple piece of accountancy which is being followed in every country. Every expenditure which does not yield revenue ought to be met by revenue account and every expenditure which is going to yield revenue ought to be met by capital expenditure. This is really a simple division. For example, if they want a new railway station either at Cawnpore or at Lucknow or anywhere else, it ought to come from the revenue fund and not from the capital account.

The next thing which I want to raise is the question of the Clearing Accounts Office. It is as unnecessary as it is useless and the sooner we abolish it the better it will be. I have not got the time to relate a story but I will do so later on. We have got four State Railways. We know from the experience of the last 15 years what is the amount to be paid from one railway to another. Take the average of the last 15 years and pay the amount. I will enter into the details of this later on.

The third point that I would like to touch on is the divisional organisation. It is a good organisation provided you let it do its work. You have created a divisional organisation but all the powers are concentrated in the office of the Agent. The Divisional organisation will work only if you make it a miniature agent and give it full powers. At present nobody holds the responsibility. The Agent's office shoves the responsibility on to the Divisional staff and the Divisional staff always say that they are helpless and are not allowed to work on account of the constant interference from the Agent's office. Therefore, this state of affairs ought to be set right and unless it is set right, the travelling will be unsafe and the administration will not be a sound one.

The next point which I would like to raise is the question of the railroad competition. This competition has now come to stay as was pointed out by the Honourable Member himself in his speech. Up to a few years ago the railways had the monopoly but now the monopoly is over. The natural consequence of the breakdown of this monopoly should be that the mentality of the railways ought to change. Some years ago the railway people thought that they were showing a favour to the commerce and industry and to passengers if they gave a wagon or if they booked a seat and so on, but now the position is reversed. They ought to be thankful to the traders who give them assistance in order to have more traffic and more travelling. I have already said that the competition between road and rail in India is not so keen as it is in other countries. We are not the manufacturers of motor vehicles. We import them from other countries

after paying freight, insurance and the import duty of 35 per cent. We also pay a duty of 10 annas per gallon on petrol which is three times the sale price in America. In addition to those duties the buses have to pay a very heavy duty to Provincial Governments and get in return very bad roads which shorten the life of every motor vehicle. The Wedgwood Committee has recommended that the Indian railways should be permitted to have their own motor service. This experiment was tried several times and failed. The road traffic administered by the railways will be more expensive. The capital outlay will increase. There will be a danger of rate war which will make railways very unpopular. The real solution lies in providing facilities in the travelling and in handling goods. The railway administration should improve the transit of goods and should minimise the addtional charges which a tradesman has to pay. He has to tip for early despatch, for early delivery and he has also to tip for the provision of each wagon over and above the schedule rates. It is very desirable that Indian tradesmen should be given the same facilities in transmission of goods as the British tradesmen get in the United Kingdom. In England the railways provide cheap excursion tickets under slight excuses to encourage the public to travel. The reduction of fares has yielded good results in many countries. The Whitehouse forced the U. S. Railways to reduce the fare from 3 to 2 cents per mile. The order was received with great protest but it proved very beneficial. The same was done by Germany. No such facilities and encouragement are given by the Indian railways. I think it is very desirable that if they want to enter into competition with the motor buses they ought not to do so by means of legislation but by improving their own services and by providing facilities of transit of goods and also facilities to the passenger traffic.

In this connection, I should also like to point out that the time tables are very badly arranged. They look only after the interests of the passengers at the terminus and they do not care for the convenience of the passengers at intermediate stations. I think there ought to be some time table experts and the Government of India will do well if they send out some person to Europe in order to understand the time table difficulties. Now, as pointed out by my friend, Mr. Sri Prakasa, the trains are running rather late. As I said the other day, they are exceedingly punctual in their unpunctuality. It is desirable that some system ought to be introduced in order to set things right. If they cannot run the trains so fast, let them slow down the speed; let them provide longer halts at bigger stations which may be cut down in order to make up the time lost in interruption.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has two minutes more.

Dr. Sir Ziauddin Ahmad: Then, the problem of the rates and fares has not been solved in any country. There are two fundamental points about rates and fares which are essential. One is that it should be the duty of the Government to look to the interests of the industries and to have these rates and fares in their hands, but some latitude should also be given to the railway administration to alter them within certain limits, but unfortunately this thing has been entirely overlooked so far. The same article is classified under different heads and is charged differently by different railways and, therefore, some kind of simplification of the rates and fares is absolutely necessary.

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I must say that I do not agree with my friend, the Honourable Mr. Deputy President, about coal raising and in this connection I would like to draw the attention of the House to the speech of the Honourable Sir Guthrie Russell in the Council of State, in which he said:

"The Council will understand how grave the situation was when I say that at one time certain railways were down to a week's supply of coal."

It was only due to Government collieries and the raising of the output that the situation was saved. Though we may rely a good deal upon the market, it is absolutely essential in the interests of the efficient working of the railway administration that it should have its own collieries.

There is one other point which I would like to mention. The Honourable Member for Railways during the last Session gave an assurance about the various recommendations of the Wedgwood Committee. I should like to know whether his assurances will be kept up by the Government. I would also like to mention a few other points during the course of the discussion of the Railway Budget, such as, the contract system, the position of the subordinate staff and retrenchment system and passes because I believe. . . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): Sir, I feel I am voicing the opinion of this Honourable House in congratulating the Honourable Member of Communications for the very splendid report he has presented to the House and for the successful administration of Railway Department which shows a surplus of nearly 3 crores. I feel sure I have the support of the whole House when I wish the Honourable Member in charge of Communications a very successful tenure of his 5 years of office. He has started very well and we feel sure he will end even better.

Mr. B. Das: You expect him to be a Councillor.

Lieut.-Colonel Sir Henry Gidney: I shall answer that interruption when Mr. Das occupies the seat of Communications Member, if he ever does. Sir, I am not a financier, but what has struck me very forcibly in going through the Budget speech of the Honourable Member is the enormous amount of interest, 29¼ crores, we are called upon to pay annually out of a gross revenue of 95¼ crores. I have no doubt this is due to the many loans which have been contracted in past years in and out of India. I can only point out to the Honourable Member what a terrible legacy he will leave to the new Federal Government when it does come into operation. I would, therefore, urge the Honourable Member to see if it is possible to reduce this amount. I know it is a very difficult problem and is so intimately connected with the duties of the Finance Department that it alone can reduce the charge. Why not recall some of the 5½ per cent. loans and so reduce these interest charges? I offer this for his consideration, and I hope the Honourable Member will give greater attention than has been done in the past to reduce this legacy, the result of the financial profligacy of his Department for past years and which the Wedgwood Committee condemned in

the words: "Prestige has accounted for more than prudence." They referred to the extravagant way in which the Railway Board have, in the past, squandered money on building station yards without due regard to the actual requirements and which are, today, lying empty, and also the money that has been spent on the building of workshops, stations, etc. I feel sure he will see that this kind of useless expenditure is not repeated. Moreover, I do hope the future Railway Board—I mean the new Federal Railway Board—will be composed of capable and experienced officers who are closely familiar, in a scientific manner, with commercial problems and the other requirements which the Railway Board must possess if it is efficiently to administer and control the 750 crores of money—the total capital of railways in India—which is entrusted to its charge.

I submit that the present system of recruiting Railway Agents as Members of the Railway Board is not the best. Railway Agents may be excellent officers for controlling and administering railways, but I think they lack that necessary depth of information and business knowledge, as also commercial acumen and foresight, without which no big institution, such as the Railway Board, can function as a business concern. Sir, it is all very well for such amateurs, as are, today, found in the Railway Board, to base and to explain their inaccuracies, both in estimates and forecasts, from the levels of 15 lakhs to a crore and a half and even to two and a half crores, on the cautious exercise of such catch words as "optimism", or "pessimism". Such excuses put me very much in mind of a story of two frogs, one a "pessimist", the other an "optimist". These two frogs were seated on a dairy table which was very slippery and each frog slipped into a milk-can. The pessimist frog, unable to climb up the side of the milk-can, gave up all efforts and was drowned in the milk. The optimist frog, on the other hand, made up its mind to be saved and so started kicking and kicking all night long—(like the Railway Board has been doing for the last fifteen years with its finances)—till it found itself next morning, still alive, seated on the top of the can on a pat of butter. This is how the Railway Board annually juggles through its finances, not on sound business lines but on "optimism" and "pessimism".

Sir, I shall now deal with the Capital Programme. I see provision has been made for certain new works. A sum of Rs. 56 lakhs has been spent in the building of King George's Bridge over the Meghna. It is also proposed to undertake certain new projects in Sind at a cost of Rs. 55 lakhs. I do not know what the cost of the bridge from Pandu will be, but I would like to ask the Honourable Member, in spending these large sums on extensions in the North West of India, what has he been doing or what does he intend to do to help railways in the South of India? I refer particularly to the urgent need of constructing a connecting line between Chamarajnagar on the Mysore State Railways and Mettupalayam on the South Indian Railway. There is an urgent need for this railway to be constructed, so as to enable the States of Mysore, Travancore and Cochin to transport their products, at cheaper rates than today, to the port of Ernakulam. The growing port of Ernakulam is today crying out for this feeder railway and it should not be kept starved any longer. Sir, the Mysore Government, I understand, is prepared to pay every penny for the cost of constructing this feeder railway and I cannot understand why the Railway Board has, for years, shelved this

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vital question, while it spends crores on feeding the already dead port of Vizagapatam. I believe the latest is that the Mysore Government have been asked by the Railway Board if it is prepared to re-survey the line. I also hear that the Mysore Government are prepared to pay for only that part of this feeder railway which lies within its own State. I seek information on these points. Sir, Government are persuading these States to enter Federation, which means that they must, *ipso facto*, surrender some of their powers. I ask why should these States in return be deprived of the benefits of such essential feeder railways, simply because the Madras and Southern Mahratta Railways and the Port of Madras demand a continuance of their present day exclusive favoured attention and which the Railway Board is afraid to touch? Again, I ask why should the traders in these States be forced to pay higher tariff charges for conveying this merchandise across to the East Coast of India, when the Western Coast offers a shorter route to the Port of Ernakulam? This is undoubtedly a very important matter and I would ask the Honourable the Communications Member to give it his sympathetic and very early attention. I submit that these States and their future progress demand this attention from Government.

I now come to the Wedgwood Report, Sir, I once called this a "Teakwood" report. I prefer now to call it a "Dealwood" report, because, I now find it has given us a very bad "deal" indeed. Let me repeat: There was no necessity for this Committee to have come out to India, because, in its report, it only repeated what the Pope Committee had advised in 1933 and which the Railway Board were already carrying out. It was a waste of money to spend lakhs of rupees on this Wedgwood Committee. I shall have more to say about this later on. I now come to certain recommendations of the Wedgwood Committee's report on which the Railway Board have already taken action. I refer to the Conciliation Officer who has been appointed in the person of Colonel Wagstaff. Colonel Wagstaff, as we all know, is a railway officer with much experience of labour problems, but I cannot understand what use he will be in that appointment working all alone; and I would ask the Honourable the Communications Member if he would consider the advisability of converting his office into a sort of Whitley Committee, which Committees are, today, operating so successfully in England in the settlement of all Government labour problems? Why cannot two or three level-headed, experienced upper subordinates, be attached to Colonel Wagstaff's staff? After all such men would be more familiar with the men's point of view than with the employers' point of view. Sir, in my experience of over twenty years, with all kinds of railway disputes, I am convinced that, in such matters, there are three points of view to be considered—the "subordinates' point" of view, the "officials' point" of view, and what is most important, the "correct" point of view. And it would be in the interest of all concerned if a few subordinates were attached to help Colonel Wagstaff in his very difficult duties. It is no use adopting this piece-meal policy, this one-sided measure, in settling such labour disputes. The labourer must be given a sense of security and confidence in such matters. Sir, why not accept, in entirety, the recommendations of the Whitley Commission on this point? Why this piece-meal policy? This House has, for years, demanded an Arbitration

Board and we have frequently defeated Government on that demand and only now a belated and half-hearted effort is being made; the use and value of which is that "something is better than nothing".

I now come to the matter of "incivility". I think it would be in the interest of all concerned if the Honourable Member were clearly to define what actually is meant by the word "incivility". If experienced Judges find it extremely difficult to adjudicate on a charge of incivility, when used in a generic sense—it would be inviting a mis-carriage of justice, if not wholly wrong, to give to junior railway officials, *e.g.*, Deputy Agents, Divisional Superintendents or even Heads of Departments—men ignorant of the Law of Evidence and on which such judgments will entirely depend—the power summarily to dismiss, irrespective of his length of service, a subordinate charged with the offence of incivility; especially if that offical himself does not practice civility towards his staff, as one not infrequently witnesses on railways. In any case I ask: Will the Railway Board agree in such cases that the Unions should have their accused members represented by legal men or by a member of the Union? This protection is disallowed today in all railway enquiries and only an active serving member of the railway is allowed to help an accused. I ask will any active serving member of the railway jeopardise his future prospects by criticizing his own railway superiors at such an enquiry? Again, how can any official be both accuser and judge and sit on the enquiry at the same time? It amounts to a legal farce and playing with justice. I submit, with all respect, that this is giving too much power to officers; I submit that the charge of incivility can be interpreted in so many ways that no one but a competent legal authority can give a correct judgment on it.

I now come to the question of "reduction of wages". This is dealt with by the Wedgwood Committee in its report. I see the Railway Board has stated in an official communique that they do not intend, in future, recruitment, strictly to apply the new scales of pay and that each case will be considered on its own merits,—this means that superior officers will have the right to assess a man's worth and what scale of pay he should get. The Railway Board will, I am sure, admit that it has received reports from many Chief Mechanical Engineers that they are unable to recruit efficient men on such salaries and condemning the new scales of pay. Many Railway Agents have also condemned them, and, yet, the Railway Board continues to apply these new scales of pay, but they are now prepared to make exceptions by giving certain appointing officers the power to recruit certain employees on higher rates of pay. This practice will certainly lead to an increase in nepotism and favouritism. I would, therefore, ask the Railway Board, seeing as they do, that economy and efficiency are incompatible factors; why not scrap the new scales of pay and give a reasonable living wage to all their employees? Otherwise, sooner or later, as the Wedgwood Committee even anticipates, the reaction must come.

Now, about the recruitment of certain European supervisors in England. This, I submit, is wrong and unfair, because by insinuating a junior higher paid European supervisor as Foreman in a grade where many older and experienced men are waiting for their legitimate promotion, you deprive them of advancement. If skilled workmen are absolutely necessary let such men come out with new machinery, etc., but

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keep them apart on a separate list for a stated time and then send them back to England after they have completed their special work; but do not give them the option of remaining on railways as permanent men and thus becoming not only obsolete, but blocking the promotion of all others who are senior to them in service and general workshop experience. This is the practice today and should be stopped.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has two minutes more.

Lieut.-Colonel Sir Henry Gidney: Sir, there is another matter to which I should like to refer before I conclude—I refer to the economy that has been effected in late years and of which we hear so much today to the credit of the Railway Administration, and the balancing of the Railway Budget. I should like to know how much money has been saved by the reduction of staff, the new scales of pay, the deprivation of former railway privileges—as reduced passes, education grants, reduction in over time, increased house rent—in short—what have railways saved by bleeding their employees (subordinates only) white? Few will deny that economy and efficiency are strange bed fellows. I realise the need of economy—honest economy, but the economy that is being practised today on railways, I feel sure, is at the dictation of the Honourable the Finance Member and his Department, whose object it is to balance his budget at all costs. We all know what sort of people financiers are and we all know the present Finance Member to be a very able man. But none will deny that the Finance Department is the common enemy of all other Government Departments. I well remember a very distinguished Member of this Honourable House who dubbed a former distinguished Finance Member as one who had "the face of a cherub and the methods of a tank". Well, believing as I do, that the Finance Department has had a very big say in this railway economy, especially in this cruel, inhuman and unjustifiable reduction of railway passes from a class of subordinate employees who have already been bled white by the Finance Department in its relentless search for economy, I feel tempted, with all respect to and admiration of the Finance Member, to dub him as one who "has the political face of a sanguinary Ghazi" and the methods of an ultra modern "Shylock". For he and his Department have really bled the railway subordinates white. Before I sit down let me tell him and the Government that this wholesale and ruthless policy of bleeding the railway subordinates white, especially the curtailment of railway passes, has created a great storm of resentment and unrest among all communities employed on railways and it has very narrowly escaped a great and serious economic catastrophe,—An All-India Railway Strike. The Railway Department is fortunate to have escaped this, but I warn it not to repeat the effort, for the men have come to the ultra limits of their endurance and patience. Pray do not interpret this as a threat to strike. I offer it as a statement of fact and in the honest and best interests of employer and employee. I know the Railway Board and Agents are very sympathetic, especially in the question of railway passes, and, I have every confidence that it will soon remedy this grave injustice and so restore peace, happiness and contentment in the staff.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Lieut.-Colonel Sir Henry Gidney: I, therefore, hope the Honourable Member for Communications will give serious consideration to these various unjust measures of economy that have been effected and are being practised today on his staff and which, when boiled down to hard facts, amount to the exercise of dishonest economy, in that they have deprived railway subordinates of their hard earned money. I repeat these economies have been practised and effected solely in the hope of securing surplus budget, not only to satisfy the Honourable the Finance Member and his Department, but in the hopes of satisfying this Honourable House. Is this fair? Let this House show its resentment when the Demands for Grants are under discussion.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, I join in the objection which has been taken by my Honourable friend, Mr. Sri Prakasa, to the two budget speeches which were delivered in this House and in the Upper House. There is a serious lacuna in the budget speeches because there is no mention about the Bihta and the other disasters. No doubt the Bihta disaster is under investigation by a distinguished Judge of a High Court, but still it was possible for the Honourable Members in the two Houses to have expressed some sympathy to those who have been affected by the disasters. No mention is made in this House even about the relief measures to show what action the Railway Board have taken in connection with the disasters.

I am glad that the Honourable the Railway Member has after all realised the extent of loss caused to railways by diversion of traffic to roads. The chief cause for the diversion of such passenger and goods traffic from railways to roads is that railways do not connect places, where there are large *mandis*, by roads to railway stations. That is the greatest hindrance for the expansion of railway traffic. If the Railway Board would only see that the roads leading from *mandis* and other places are connected with the railway stations, then I do not think there will be much difficulty in capturing the traffic which is now carried on by buses and lorries. The Honourable Member has assigned no reason whatsoever for this loss incurred by railways. You simply say that lorries and buses are being run and they are taking away the traffic. Except a bare statement of fact, he has not assigned any reason for such diversion of traffic. My main complaint against the railway administration is that the Railway Agents care only for their own conveniences and comforts and make no suggestions according to public demands. The Railway Board has given the Agents a long rope and they have lost all control over them. On 15th September 1937, I passed on to the Financial Commissioner of Railways a representation from the travelling public of a station called Radauli in Lucknow division on East Indian Railway requesting to stop the 17-Up Howrah Punjab Express train at that station. This train since its inception did stop there before 1936. So far no action has been taken on this representation, nor an acknowledgment given. I should like to know from the Honourable Member which of the stations Radauli or Landaura (in Moradabad division on East Indian Railway) is important for the stoppage of 17-Up Howrah Punjab Express train for the convenience of passenger

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traffic? Another representation to the Agent, E. I. R. was made by the residents of Amethi, Lucknow district, a copy* of which I place on the table of the House, together with a copy* of the resolutions adopted on 1st January 1938 in a public meeting by the citizens of Amethi in the same connection. So far both these remain ineffective as Agents take no interest.

All these will undoubtedly tell us that the Agents are not the servants of the public but they are here to enjoy. They have spent thousands and thousands on their comforts and have built luxurious carriages for their travel and have made travelling allowances a source of personal profit. Travelling allowance is a source of profit to them because while travelling they have to pay only half rates for refreshments etc., which they take at the station refreshment rooms. The refreshment room contractors and vendors take only half the rates exhibited in the tariffs. If this is not a fact, will the Honourable the Railway Member lay on the table a copy of the complaint recorded in the complaint book at the Jind railway station refreshment room on 10th December, 1937, and will he also state what action has been taken thereon. I further ask the Honourable Member to tell me whether the requests made by the travelling public of Radauli for stoppage of 17-Up and Amethi for connecting the road to their place etc., are not reasonable requests and can they not be easily acceded to. The E. I. R. derive every year sufficient revenue from passenger traffic to and from Gunj Moradabad, a station on Balamau-Unao section where an *Urs* is held every year, but there is neither a covered platform nor a raised platform nor is there any waiting room, and yet the efficient administration claim a credit for amenities provided for travelling public. I hope that in future these places will be thought of sympathetically and that some provision will be made for the construction of platforms for the convenience of the travelling public.

1 P.M. From time immemorial the travelling public between Ghaziabad, Karnal and Kalka were served with drinking water with one waterman for each community at every station. But the good North-Western Railway administration have brought under reduction a strength of 27 luggage porters of those stations from 27th October, 1937. For the information of the House and the Honourable Member I will refer to the letter of the Divisional Superintendent, Delhi, No. 727-E/7, dated the 27th October, 1937, and letter No. 456-E/38, dated the 11th November, 1937. The watermen at these stations are now utilised in place of those luggage porters. Is this right and proper? I accuse the Railway Department of these laches on their part. The net result is that the travelling public go thirsty, station after station, while the watermen have first to attend to the loading and unloading of parcels from the brake-vans before they can attend to their legitimate duty of serving water to the passengers. Sir, I ask the Honourable Member how fairly the travelling public is treated by this administration? Will he not consider the question of bringing into reduction the strength of the gazetted ranks and inspectors who have generally no work on these lines?

The Honourable Member sweetly said in his speech that in the sphere of labour the maintenance of harmonious industrial relations is of cardinal

* Not printed in these Debates; placed in the Council Library.

importance. I wonder how he can maintain harmonious relations as long as the words "generally" and "ordinarily" are used in answer to unstarred questions. For instance, I will quote No. 182 and No. 183 asked in this House on the 29th September, 1937. Even those unions which are run on honest and healthy lines do not get that encouragement which other unions get from other departments. Recognition is a matter which does not rest with the Railway Board; it is a matter which rests entirely in the hands of the Agents. And the result is that if any recommendations are made by the unions to the Agents, they do not care for the recommendations. Even the grievances which are laid by the unions are discouraged and nothing is heard about the grievances which the unions bring forward. Is that a healthy sign of reconciliation or better condition of the staff? Sir, unions are not only a power in Europe but they are forming themselves into such powers here in India, and specially labour unions; and Government ought to consider carefully the recommendations of these unions, and unless they do that, labour unrest is bound to increase. It is an irony of fate that in matters of recognition the Government of India subordinate themselves to the Agents. If the Honourable Member would peruse the interpellations in the Central Legislature since 1933 he would certainly agree with me that harmonious relations cannot be maintained under the present policy of non-interference and of non-rectifying mistakes if and when brought to the notice of the Railway Board.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has two minutes more.

Mr. Muhammad Azhar Ali: Sir, now as to justice to employees, as a specimen I will quote to the Honourable Members E. 36-A.E. 6(2), dated the 17th June, 1936, 8th July, 1936 and 7th August, 1936. In these letters the disregard of rules is admitted but under delegation of powers they are unable to intervene. If the Honourable Member will peruse the proceedings on letter No. 17 B.M.K., dated the 30th July, 1936, referred to in the Railway Board's letter No. E. 36A.E. 6(2), dated the 7th August, 1936, he will find that the Governor General in Council was pleased to administer justice by reinstating the employee to his former post and pay. If statistics be prepared by the Railway Board of cases decided by the Governor General in Council, the Honourable Member will find that one hundred per cent. of the cases have been decided in favour of subordinate employees. And, therefore, the usual reply by the Railway Board, namely that control over persons in the subordinate railway services is delegated to the Agents of Railways and that the Honourable Member cannot intervene, is not tenable. In many of these cases the Governor General has been kind enough to restore the employees but the Railway Board had paid no consideration to them. The cases decided by the Governor General in Council should be an eye-opener to the Railway Board and the Agents and to their staff, as they clearly establish abuse of powers, disregard of rules, lack of efficiency, victimisation and vindictiveness by the gazetted staff on the railways.

Mr. N. M. Joshi: Sir, the few remarks that I wish to make on this occasion will serve as an introduction to the speeches which I propose to make when the demands for grants will be discussed during the course of four days. At the outset I should like to say a word about the report which the Railway Board prepares and submits every year on the administration of the Indan Railways. The two documents are very useful and give us a

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good deal of information regarding the railways. But I feel that if the facts given in the report are more co-ordinated the usefulness of the report will be much increased. In order to make my meaning clear I should like to give one or two instances. On page 9 of the report the Railway Board tell us what subjects were discussed by the local committees with their Agents. The list of the subjects given is a long one and perhaps I could have made that list without knowing anything about the subjects which the local committees discussed with the Agents, because the list includes almost every subject which can be discussed with the Agents. The paragraph says that during the year 80 meetings of the various committees were held. We are not told how many committees there are; we are only told that 80 meetings were held. The idea given to us is not, therefore, complete. If we had been told that there were 80 committees and they held 80 meetings, we could have known that each committee met once a year. But if there were 160 committees and they held 80 meetings, they did not meet once a year.

I will give another instance. On page 61 we are given some information about the collieries. The collieries which the Indian railways possess and manage are of great importance and five or six pages are devoted to the treatment of railway collieries. If you read all these pages, Sir, you will not get complete information regarding the working of the collieries, you will not get a co-ordinated, co-related information regarding them. The only useful information given to us is the production of the collieries, but that does not give us any idea about the working of the collieries. We do not know how much capital was invested in the collieries, we do not know at what cost production was secured, we do not know how many people were engaged in the collieries, we do not know how they were treated. I would like, Sir, the Railway Board to take a little more care, and, if I may say so, use more intelligence to make their report more useful.

Then, Sir, I shall give another instance. On page 61 they tell us what the Railway Board does to provide amenities for passengers: they also devote some pages for that subject, but even if you read all the pages, not once but several times, you will not get a clear idea of what the Railway Board is doing. We are all interested in the welfare of third class passengers. I try to study that subject every year but I never get a clear idea of what the Railway Board is doing. The Railway Board gives a list of several things which each Railway is doing, but we do not get a whole idea. What I would like to know is this: what money was available with the Railway Board for providing amenities for railway passengers, and how much of that money was spent for the benefit of first class, second class and third class passengers respectively. The amount available with the Railway Board is not unlimited: if the Railway Board had unlimited resources I would not bother my head as to what money was spent on first or second class passengers, so long as enough money was spent for the benefit of third class passengers. The Railway Board does not tell us how much money they had, how much they spent for the benefit of first and second class passengers, and how much for the benefit of third class passengers. They merely give a list of things done, which does not give us a complete idea.

Similarly, if they give a mere list of waiting rooms, platforms, or refreshment rooms provided during the year, that does not give us a complete picture of what they are doing and what remains to be done.

Sir, after having dealt with the report, I would like to say only a few words as to the principles on which the Railway Board is conducting the affairs of Indian railways. I believe that the Indian railways are a public utility concern and should be run in the interests of the people of this country: they should be conducted in order to provide the best means of transportation both for goods and for passengers. I am told the Railway Board conducts the affairs of Indian railways on commercial principles. Admitting for the moment that to conduct Indian railways on commercial principles is the right policy, I would like to ask whether the Railway Board and the railway authorities in India are conducting the Indian railways on commercial principles. I would like to examine whether they observe commercial principles in the management of their passenger traffic. It has been admitted by the Railway Board and by the Government of India that it is the third class passenger who is the mainstay of their passenger earnings. Does the Railway Board, as a commercial concern, give the greatest attention for securing that passenger traffic?

An Honourable Member: Not at all.

Mr. N. M. Joshi: I have tried my very best every year to show that the Government of India wastes money on its first and second class traffic, and that if they had used that money for the benefit of third class passengers their revenues would have gone up. But, Sir, the Government of India does not show sufficient concern to improve their third class traffic. I am not suggesting that they do not do anything: every year they spend a few lakhs of rupees to improve the conditions of third class traffic.

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

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

Mr. N. M. Joshi: Mr. Deputy President, when the House adjourned, I was pointing out that it is not sound commercial policy to waste your time and energy over those customers who do not give you profitable business to the neglect of those customers who give you more profitable business. I would like to refer to another matter in which also the Indian railways follow a wrong commercial policy. That is as regards their treatment of the employees. It is the policy of the Government of India to give better treatment to their more highly paid officers and worse treatment, may I say, to their subordinate employees. In my view it is the subordinate railway employees who are more responsible for the proper working of the Indian railways than the gazetted officers who generally are considered to be responsible officers. In my view the subordinate employees have greater responsibility, for this reason that if the railways make losses it is not the Railway Member who suffers any loss in his pay or lose his job, nor does the Chief Commissioner of Railways, but it is the subordinate employee who loses on account of the losses made by the Indian railways. Their number is reduced and they are given less pay. On the whole the responsibility of loss falls upon the subordinate employees more than on the gazetted officers. Therefore, a good commercial man will pay greater attention to the welfare of the

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subordinate employees than to the superior officers. Unfortunately, the policy followed by Indian railways is quite the reverse. The report about which I spoke says that in 1936-37 the number of subordinate staff was reduced by 2,717. It is given on page 79. When the subordinate staff was reduced by 2,717 you might expect that some gazetted officers will also be reduced, but the number of gazetted officers has gone up by 13. Is this a good commercial policy? During the last seven years since, 1930 the Government of India have reduced the number of subordinate officials by 1,14,000. The money spent on the subordinate services has been reduced by 4 crores of rupees. The responsibility of the losses has fallen very heavily upon the Indian subordinate ranks. It is, therefore, wrong to refuse to better their conditions of service and life. I shall not deal with the details of those conditions as I shall have another opportunity, but I may say this that the Indian railwayman is a very efficient person. At page 11 of the Wedgwood Committee Report some figures are given. I shall only quote those figures and be content. The British railway system consists of about 20,000 miles of railway. The Indian railway system consists of 43,000 miles of railway. To manage those 20,000 miles of railways there are 559,000 employees on British railways; while to manage our 43,000 miles of railways . . . . .

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

Mr. N. M. Joshi: I shall finish in two minutes. To manage our 43,000 miles of railway, we have only 597,000 employees. The Indian railways pay for these 597,000 men only Rs. 32 crores, while Great Britain pays for her 559,000 employees £99 millions or Rs. 135 crores. These figures are conclusive proof how efficient the Indian railwayman is. I, therefore, hope that the Government of India will give greater attention to the welfare of the subordinate railway employees than they do at present.

I shall say only one word about the accidents that took place recently and to which reference was made by my Honourable friend, Mr. Sri Prakasa. If accidents on our railways are to be prevented the first thing necessary to be done which I have insisted upon year after year is the independence of the railway safety inspectorate. I have suggested every year that the safety inspectors should not be placed under the Railway Board. They must be independent of the Railway Board as they have to criticise the railway policy . . . .

An Honourable Member: Under whom should they be?

Mr. N. M. Joshi: They can be placed under the Home Department or any other safety department. It is the Home Department which is considered to be the safety department. I would certainly place the safety inspectors under the Home Department and not under the Railway Board . . . . .

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member's time is up.

Mr. N. M. Joshi: I hope this suggestion of mine will be accepted. Moreover, I may inform the Government of India if they do not know it that under the new Constitution the safety inspectors will not be under the Federal Authority. If that is so, why should the safety inspectorate be kept under the Railway Board? There should be greater consideration for human life than the Government of India is giving in this matter.

Mr. L. C. Buss (Nominated: Non-Official): Mr. Deputy President, after the doleful accounts of the working of Indian Railways to which we have become accustomed in recent years the more optimistic report to which we have listened this year has been welcome to us all. The more so as my Honourable friend, Sir Thomas Stewart, whose first Railway budget this is has a happy knack of presenting even unpalatable facts in so appetising a fashion that it seems almost ungracious to criticise him at all! At the same time the railways play an important part, both in relation to the public revenues of India and in regard to the development of industry and commerce, and the Railway Budget offers us an annual opportunity to review the position not merely of Railway finances but of trade prospects generally and to seek to define our attitude towards the more important aspects of railway policy.

First of all, consideration must be given to the position of the Railways as large contributors to the general revenues. My Honourable friend, the Communications Member, has told us that he has endeavoured to be conservative in his revenue estimates for the year 1938-39. There can be no question as to the wisdom of such a policy at this time. We ourselves are by no means certain that the railways in the coming year will produce as much revenue as they have done during the current year, for we are not unmindful of Sir Otto Niemeyer's warning in this connection, but we feel that with world conditions as they are the next 12 months are not likely to witness any considerable improvement in trade. At the same time we are far from suggesting that the present lull in trade is a precursor of a further set back in the near future. Still we agree that a cautious policy is the only sound one, and on at least one occasion last year we, in this Group, emphasized the importance of strengthening the financial position of the railways while their revenues are coming in in so satisfactory a manner. Certainly we do not again wish to see a repetition of the policy of the years 1924-29 when capital and other expenditure was greatly increased at a time when trade was booming and such expenditure correspondingly drastically curtailed in the lean years from 1929—1936, thereby seriously accentuating the railways' difficulties.

On more than one occasion we have urged from these Benches our anxiety for an improvement to be made, an improvement which we think would be salutary—in the system of budgeting for capital expenditure. We consider it would be prudent to take a long view over a period of years irrespective of the immediate situation, and to spread capital expenditure more or less equally over good and bad years, rather than to spend freely when times are prosperous and to cut down expenditure to the bare minimum when slump conditions prevail. It is our conviction that planning along these lines would be very much to the advantage of all concerned, not only to the suppliers of materials but also—and this is the important point for present purposes—to the railways themselves.

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It is axiomatic that when times are good prices are high and *vice versa*. Therefore, it follows that if purchases were spread more evenly, the average cost should be lower than if heavy expenditure is concentrated in the period of peak prices. On the other side of the picture suppliers would undoubtedly prefer steady flow of orders even though they would receive on the average lower prices and if the railways can benefit the manufacturers as well, by action to their own advantage, there can surely be little question that this is the proper course to pursue. I hope it is a fair deduction from the information we have received about the placing of orders for 6,000 wagons spread over three years that the Railway Department have, to some extent at all events, accepted this point of view. I am afraid, however, that, in the case referred to, the economies which we envisage by the adoption of this policy were not achieved since purchases were affected on a rising market, if not at peak prices. We recognise, however, that this is a legacy from the past policy of extravagance in fat years and undue economy in lean years. In the circumstances, we remain convinced that though the Government can do something to spread expenditure more evenly over a period of years they cannot from the nature of the case do much in this direction so long as the Separation Convention of 1924 remains unaltered.

For example, while we agree that the general revenues should receive a sum of not less than one half of the surplus, if any, that remains after the railways have met their working expenses and interest charges we hold strongly to the view that the railways should not be debited with any shortfall in that contribution as they are today. The balance of the surlpus, if any, should in our view be placed to a reserve that may be used to secure the payment of the interest on the capital at charge, and the contribution to general revenues, arrears of depreciation, writing down and writing off capital and to strengthen the financial position of the railways for the reduction of rates and improvement of the services to the public.

Mr. B. Das: Thank you.

Mr. L. C. Buss: It is important both to the Government of India and to the Provincial Governments that their expectation of divisible proceeds from income-tax should not be upset by wide fluctuations in the Railway contribution to general revenues. This seems to us, therefore, an added reason for the case we advocate for the early revision of the Separation Agreement. In this connection there is a tendency in various quarters to refer to the Railway Contribution as though it were available for distribution among Provinces. This of course is not the case. Although we fully realise that the surplus available in the Railway Budget has a very important bearing on the amount of income-tax which can be distributed to the Provinces, but it must be understood that Railway revenues, belong wholly to the Central Government which remains solely responsible, therefore, for railway policy, financial and otherwise. The Central Government can no more surrender to the Provinces its rights and powers in this respect than the Provinces can surrender to the Centre rights and powers assigned to them under the Government of India Act, 1935.

We welcome the Honourable Member's assurance that stricter financial control is being exercised in all directions and we feel sure that this is the only wise policy. We recognise that in the case of the railways it is not so easy to exercise control over working expenses as it is in the case of an ordinary commercial undertaking, but we feel that every effort should be made to increase control in this direction no less than over capital works expenditure.

We also welcome the remarks of my Honourable friend on the subject of the co-ordination of road-rail services and in this connection I should like to take this opportunity of saying how much we appreciate the appointment of a Member in charge of a communications portfolio. This is a structural change in the allocation of subjects to which my Party attach great importance. For a number of years we have pressed for this development and it is a source of great satisfaction to us not only to see the change in operation but also to see the new portfolio in such capable hands as those of Sir Thomas Stewart.

At a time when railways are enjoying relative prosperity we feel that it is opportune to restate our attitude towards the relationship of railways to commerce and industry in this country. I have already mentioned that we recognise the importance of the railways as contributors of revenue to the Central Government, but it is essential always to bear in mind that the railways must also serve the commerce and industry of the country. The rates policy of the railways is, therefore, a matter of great interest to us and we recommend that the general principles underlying this policy should continue to be subjected to the most careful scrutiny. The fortunes of one industry in particular are most closely affected by the policy pursued by Government in regard to railway matters. I refer, Sir, to the coal industry about which we on these Benches may have more to say when the time comes to discuss the grants for the expenditure of the Railway Board.

The railways as the greatest employers of labour in the country have a special responsibility in these days of spasmodic labour unrest, and we should like to take this opportunity to welcome the appointment of the Conciliation Officer. At the same time, from what the Honourable Member has said about the functions of this officer, we are in some doubt as to the difference, if any, between the duties he will perform and those of any of the other labour officers who have been working for a number of years on various railways, or, for the matter of that, the labour officers who are now very widely employed by a number of commercial undertakings.

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

Mr. L. C. Buss: We see that the Conciliation Officer will function in respect of all the railways who have their head offices in Calcutta but that his duties are not confined to a single railway appears to be the sole difference between him and other labour officers. As I have said, we welcome the appointment and my remarks are only directed towards eliciting information. The importance of keeping in close touch with labour problems cannot be over-estimated, and there is obviously a great deal which can be done to forestall difficulties before they arise, provided

[Mr. L. C. Buss.]

there is close contact, and provided a spirit of trust and confidence is fostered by the Conciliation Officer. The creation of an Industrial Advisory Board as a tribunal to which reference can be made by the Conciliation Officer is a new departure, and its value can only be proved by experience. Personally I am a little diffident about this experiment as I feel there is a risk that the existence of an Advisory Board in the background may to some extent interfere with the effectiveness of the Conciliation Officer's work, and may create a wrong impression as to the importance attached to his post. However, since the decision has been taken we are quite content to await the course of events, and sincerely hope that any fears we may have will prove groundless.

We have scrutinised with great interest the note circulated to Honourable Members summarising the action so far taken by the Railway Department to implement the recommendations of the Committee presided over by Sir Ralph Wedgwood. The Chief Commissioner of Railways has pointed out in his speech in another place that a good deal had already been done by railway administrations, before the publication of the Committee's report, either on their own initiative, or as a result of recommendations previously made by the Pope Committee, along the lines recommended by Sir Ralph Wedgwood's Committee. I am sure Honourable Members will appreciate what has been done and I am equally sure that the Member for Communications and the Chief Commissioner will not permit the various administrations in their charge to rest content with what they have already achieved, but will see that every recommendation receives not only careful initial consideration but also regular reconsideration from time to time in the light of changing conditions.

Time does not permit me to comment in greater detail on the many interesting aspects of the working of the railways and I will conclude by expressing the hope that the Honourable Member will have a no less satisfactory state of affairs to place before us next year.

Mr. Ram Narayan Singh (Chota Nagpur Division: Non-Muhammadan): The congratulations to the Railway Member on his surplus budget are enough. I, therefore, do not propose to take up the valuable time of the House in following this convention. I, therefore, propose to go straight to what I have to say on the subject. It is during the presentation of the Railway Budget that the representatives of the people get an opportunity to survey the whole field of activities of the department throughout last year. Sometimes through the press, sometimes through the public platforms and always through interpellations and speeches in this House, a large number of grievances against the department have been ventilated. In the speech and the estimate, we expected that the Honourable the Railway Member will say something which will go to show that the grievances have been remedied, but when we read the speech of the Honourable Member and go through the estimate we find there is nothing, not a sentence, not even a word which goes to show that the department has made any attempt to remove the grievances of the people.

In this matter my province of Bihar is the worst sufferer at the hands of this department. Even the usual conveniences and facilities due to the passengers are not available at the railway stations. On the stations in the coal field areas which falls in my constituency of Chota Nagpur there are no passenger sheds and no raised platforms. At the same time

there are no facilities for the purchase of third class tickets. On most of the stations there are no arrangements for water supply. In the hot weather, I have travelled several times on the Patna-Gaya, South Bihar and some other lines and I have found that there is no provision for water supply on any station. I have drawn the attention of the railway authorities to this fact but to no effect. There are no proper inter class waiting rooms and the waiting rooms are something like dungeons. I have suggested several times to the authorities that at least on such important junctions as Gaya and Patna there ought to be a spacious and good inter class waiting room like those at Lucknow and Cawnpore, but the suggestion has gone to rack and ruin. Everybody knows that there is a hue and cry against the management of the B. and N. W. R. Several times the question has been raised in this House that the management should be taken over by the Government. So far nothing has been done to improve the administration there. It is rotten and I don't know why the Government have turned a deaf ear to all our suggestions. As regards the services also, the Biharis have got very small representation in the railway service of the country. (*An Honourable Member*: "No provincialism here".) Sometimes it is necessary. It is the duty of the State to see all its citizens employed and it is not desirable to centralise the recruitment and confine it to one or two provinces alone. This subject has been most elaborately dealt with in the Bihar Unemployment Committee Report. I am sure that the report has been presented to the Government. I have drawn the attention of the authorities to that report but I don't know whether they have had any time to look into that report.

As regards corruption, the less said the better It is rampant. It is the railway employees and authorities that are to blame for it. I saw an incident with my own eyes on the station of Delhi, which is the capital of the Indian Empire. In 1928 or 1929, I happened to be at the station when I was travelling to my province. The railway coolies, the police and the railway staff appeared to have combined to extort money from the passengers. First of all the coolies come on the scene and they ask the passengers where they are going. When they say, "Patna or Benares", they say, "It is very difficult for you to get a seat in the train today as there is a great rush. The train now is standing somewhere else. If you pay me something extra, I will try to get you a seat". In this way, the coolies get extra money. The passengers are taken to the railway compartment and then comes the police and the railway staff. The police and the railway staff begin to rebuke the passengers who are now seated in that compartment and tell them, "who brought you here? Get out, get away". Sir, I have seen with my own eyes the police driving by force passengers out of the railway compartment. Then those who paid something to the police and to the railway staff were allowed to stay there, but at that very time I found the coolies playing the role of the agent,—the same coolie who made the passengers to sit there would whisper to them, "hallo Sir, pay something to the Saheb, and you will be allowed to stay in". This I have seen in this very Delhi,—and here are the Government of India, here is our Honourable the Railway Member, and so many staff drawing so large and fat salaries and they do not know what is going on on this very station! Sir, they say that it is a commercial concern of the Government, but anybody who has travelled has experienced personally that all the employees of the railways behave just like officers; they never think that they are the servants of the people.

3 P.M.

[Mr. Ram Narayan Singh.]

The Department is a commercial department and they ought to behave properly and better.

Sir, I shall quote another incident which I saw with my own eyes. I was travelling somewhere and a railway officer came to check the tickets in a third-class compartment. There was an old woman who addressed the officer saying "Babu" and the officer thereupon, due to the use of this word "Babu", got enraged and began to rebuke the old woman saying, "do you call me a Babu, am I your Babu?" Sir, he thought it a very disgraceful thing for him to be addressed as a "Babu", but the poor old woman did not know how to address him. So, this is the attitude of the railway authorities and employees.

Sir, I know why all these things prevail in this country,—it is because in other countries, in any free country, the railways are meant for the good of the people, the railways are meant to afford transport facilities to the people; and the railways are meant to develop the hidden resources of the country, but here in this country the railways are not a commercial concern, they are a political concern. Sir, here, the railways are meant first of all for affording an outlet for British capital, and secondly, the railways are meant to transport British goods from one corner of the country to the other, and to transport British troops from one corner of the country to the other, simply to terrorize them and to keep them under subjection, and thirdly . . . . . .

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

Mr. Ram Narayan Singh: . . . . . and thirdly, the railways in India are meant to find out in the interior of the country markets for British goods. Sir, these are the underlying policies of the Railway Department of this Government. It is no good saying that it is a commercial concern. Had it been a commercial concern, then why has this been separated? Sir, there must be some intrigue of the Government of India why this Department has been separated from the Commerce Department. With these words, I conclude my speech, and I hope and trust that the Honourable the Railway Member will look into the grievances I have ventilated, not once but several times. I think this is again a proper occasion when the Government of India should look into all these points and consider them.

Maulvi Abdur Rasheed Chaudhury (Assam: Muhammadan): Sir, it is lucky that the Railway Department could produce a second surplus Budget and that they have estimated the surplus to be 2¼ crores. I think, Sir, after the actual working of the year it will be possible to declare a better figure of surplus, as has been done in the previous year. This surplus cannot be attributed in full to the good working of the Railway Department; it was by luck that the traffic increased last year, and an estimated deficit of 3¾ crores was converted into a surplus of 15 lakhs first and ultimately to 2¾ crores. It is expected, Sir, that this prosperity of the railways will continue for some time; because, if the reason for the surplus of last year is scrutinised, it will be found that on account of the war clouds people of the different States have been storing up materials for use actually when the war breaks out. This has been going on even this year and I hope that as the armaments will increase, this will continue for some time and the prosperity of the railways will continue.

Now, let us see what this surplus means. The Railway Member in his speech showed that the capital outlay was something like 750 crores. He did not mention anything about the reserve fund. Probably they have no money for this. He mentioned the depreciation fund. That is an item of expenditure. Now, out of their earnings, they have been paying into the depreciation fund a big item, something like 29½ crores, as interest charges. It would have been useful to this House if the Railway Member could have explained what is the meaning of this enormous interest charge. What is their liability that they have got to pay one-third of their earnings every year as interest charges? And it is curious again that this interest charge is almost the same every year. Last year also we find that there was this interest charge of 29½ crores and again this year we find the same charge. So the amount is constant. It appears that the borrowing is also constant for which interest is going to be paid every year.

Now, Sir, what does this 2¾ crores mean? For an investment of 750 crores they are getting a dividend, I should say, of 2¾ crores. If a percentage of that is taken, it would mean that the dividend is less than ½ per cent.

The Honourable Sir Thomas Stewart (Member for Railways and Communications): Will the Honourable gentleman please add 29¼ crores on to his dividend?

Maulvi Abdur Rasheed Chaudhury: That is interest. Even if this money was invested in a bank which now gives 1½ per cent., this investment of 750 crores would have easily earned a sum of something like 12 crores a year as net income. This shows that the administration of the Railway Department is not being carried on on business lines. The Acworth Committee of 1921 recommended that the aim of the Department should be to earn something like 5½ per cent. net profit and the Wedgwood Committee reduced it to 4 per cent., but in actual working we find that the Department is earning less than ½ per cent. I think it is not run on business principles as was the intention of section 183 of the Government of India Act. The reason is that there are not expert businessmen to run the administration. Had it been so, the Commerce Member would have been a businessman and not an I. C. S. Another point is that they purchase all their rolling stock from abroad. If the concern were to be run on business lines, the Railway Department ought to have started their own workshops for the manufacture of engines, wagons and other rolling stock in this country. They say that some parts of the locomotives cannot be had here but I should like to point out that this is a lame excuse. You can find in this country efficient people to run the railway administration and you can also get experts from outside. Take, for instance, Sir Girja Shankar Bajpai who is carrying on his onerous duties and who is not, I think, managing his Department worse than anybody else. If they had established their own factory for the manufacture of the rolling stock and other things, they would have been able to run the administration in a more economic way, and they would have been able to employ a good many Indians and thereby would have solved the unemployment problem to a great extent.

Then, Sir, the Department is run on the top-heavy system and we have been hearing complaints that even in their workshops outsiders are being imported to supervise the work of the Indian staff there. So long as these

[Maulvi Abdur Rasheed Chaudhury.]

things continue, there is no hope that the Department would be run on business lines. Then, Sir, some of the working of the Railway Department is rather mysterious. For instance, on the A. B. Railway there is no return ticket system although we find that in the case of E. B. R., E. I. R. and other railways return tickets are issued in order to afford facilities to the travelling public. This matter was referred to several times but to no effect. Sometimes the Department does not care for its own earnings when it wants to compete with the steamer service. For instance, on the Kulaura-Fenchuganj Branch of the A. B. Railway they are charging a sum of 2 annas and 3 pies per maund of tea for a distance of 12 miles but in other parts of the same railway and in other railways it is something like 3 pice or one anna. To evade payment of this sum, the neighbouring tea gardens adopt means of sending their tea to Fenchuganj station either by boat in the rainy season or by cart in the dry season. The railway is thus losing a good deal of money on account of their sticking to this high rate which they charge on tea from Kulaura to Fenchuganj.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member has got 2 minutes more.

Maulvi Abdur Rasheed Chaudhury: Then, Sir, when they prepare their time-tables, they do not consult the public opinion.

An Honourable Member: The local advisory body is the public opinion.

Maulvi Abdur Rasheed Chaudhury: The Honourable the Railway Member referred to the opening up of the Meghna bridge the other day and said that it would facilitate the travelling in that part of the country a good deal. We also expected this, but when the new time table came out we found that nothing like that was expected At present people can travel from Sylhet to Calcutta or from Calcutta to Sylhet in 24 hours, but when this time table was out, we found that we will have to travel at least another 7 hours more between Sylhet and Calcutta. This is mysterious. Instead of shortening the distance, they have made it longer on account of the bridge. If they had consulted the public . . . . .

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member's time is up.

Babu Kailash Behari Lal (Bhagalpur, Purnea and the Santhal Parganas: Non-Muhammadan): Sir, I rise to add a few words of mine in this discussion on the Railway Budget. In the previous years—for the two years that I have been in this House, I used to find that, although there was a section of the House which was not inclined to object to anything that was said by the Government, they used to shower encomiums on the authorities. There was yet another section of the House which always treated the authority as a naughty boy and it was actually said in this House that the Railway Member, when he had to plead a wrong cause, used to put on an appearance of a boy who had not done his task well. This year, if I may be allowed to say so, the same naughty boy, the railway authority, does not appear to be so and it has come up with a Budget that may be said to be surplus. Although I am not so well up in figures —I cannot scrutinise them—I have to take on trust everything that is said in the speech. I feel inclined that at least this year, as the saying

goes, even the devil must have its due share of praise, and I should shower some praise or congratulations on the Honourable Member. Of course, we may have to make our own suggestions. But that is quite a different thing. But when there is a surplus budget, they deserve our congratulations. But looking into the speech of the Honourable Member for Railways, we find that it is brimming with the consciousness that there will be praise all round. There is some boast of implementing what is called the recommendations of the Railway Enquiry Committee. I do not know if there was anything worth implementing in that Committee's report. As it has been confessed in a way by the Honourable Member in charge of Railways in the Upper House—he has not confessed it in so many words—it was not even necessary to say that it was due to the recommendations of the Railway Committee that they have done that. The thing was done of their own accord. It was their duty to do so. It was a useless and unnecessary Committee. Although the Government did not say so in plain words, yet if we read between the lines, at least the meaning which we find is that it was their own duty that led them to do what they did, and not because of the recommendations of the Enquiry Committee. I do not know what recommendations they have implemented. Of course, the budget speech says that there will be some good work begun in the coming year. We have yet to see what these good works will be. I find that a sum of 10 lakhs has been provided for additional amenities to third class passengers. Let us hope and pray that the lot of the third class passengers will be ameliorated with this big sum of 10 lakhs where hundred crores—to be more exact 94 crores—are estimated for other works.

Then, I find that a Conciliation Officer has been stationed in Calcutta to establish good relations between the railway authorities and the employees. For all these and many other things that the Honourable Member may have omitted to say in the budget speech, they deserve surely the thanks of this House, over and above the emoluments they receive.

Having said this much, I wish to place before the railway authorities for their consideration some of the grievances, although some of them have been touched by my Honourable friend from my Province. Although a Conciliation Officer has been stationed in Calcutta with some set purpose, yet it is not clear whether cases of the kind which are in my mind and which I had occasion sometime before to place before the authorities in this very House—cases like that of Karu Gope—I am sorry that the Honourable Sir Zafrullah Khan is not present in the House now—will be covered and scope given to the Conciliation Officer to deal with such cases. I have got a long list of such cases in which glaring disregard of the rules by the gazetted staff on State managed railways has been perpetrated. We have brought to the notice of authorities in this very House several cases in which we were successful in the end for which surely our thanks are due to the authorities, but I beg to submit, there are other cases—I hold a long list* of them in my hand which I beg to place on the table of the House for the information of the Honourable Member so that he may take them into consideration and redress the grievances mentioned there. I want to know from the Honourable Member whether such cases will come within the scope of the duties of this Conciliation Officer to look

* Not printed in these Debates; placed in the Council Library.

[Babu Kailash Behari Lal.]

into. If this Conciliation Officer can do something for such kind of injustices, then much of the corruption and much of the grievances of the people may be removed. As some of my Honourable friends have said before me, it is not only the treatment of the railway staff towards the public, but it is the treatment amongst themselves also that is causing a good deal of inconvenience to the public at large. Such cases should come within the scope of the duties of the Conciliation Officer.

Now, Sir, as my Honourable friend, Mr. Ram Narayan Singh, was submitting, our Province of Bihar is suffering so far as representation in the railway services is concerned. An Honourable Member interjected, while my friend was speaking, that there was no scope for provincialism in the railway services. I also remember, the other day in reply to a question, the Honourable the Home Member also said that Government did not recognise representation on territorial basis. I beg to place before the Honourable Member in charge of Railways, in all humility, for his consideration whether it would not be in the interest of justice and fairness, and for the growth of better feelings amongst the people who inhabit the different Provinces, that a system of representation based on territorial basis should be recognised by the authorities; and if this is recognised, I think perhaps much of the bad features that we observe in our country at present based on communal grounds and much of the bad feeling generated in the country on account of the recognition of the basis of religious denomination will disappear. And if the authorities accept the principle that it is better to recognise the division of these services amongst the people of this country on a territorial basis and not on a communal basis, I think perhaps they will be not only doing a duty to this country only but they will be doing a duty also to themselves, as they say that they are the trustees of the dumb millions of this country. But sometimes political considerations come in their way and healthier and sounder principles do not appeal to them, and they recognise some principle which may not be of any importance to them but matters much to the country. On this consideration they rule out a healthier and sounder principle and say openly that this principle is not recognised by Government, whereas they recognise principles which do much harm to the country.

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

Babu Kailash Behari Lal: Then I have to submit something about the rail road competition about which the Honourable Member made mention in his speech. I had to say much about it as I am connected with the Road Committee, as Honourable Members are aware. The Honourable Member said in his speech that there is a section of people who believe that the railways are relentless enemies to the development of other forms of transport. I am one of those who believe this and I am prepared to give my reasons for it. One reason is that much of the money that the railways make goes to the pockets of those who are not the sons of the soil.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member's time is up.

Babu Kailash Behari Lal: And therein lies the reason why the people object to the railways having so much money.

Sir Abdul Halim Ghuznavi: Mr. Deputy President, as you anticipated and if I may say so correctly, I will start my observations by congratulating my Honourable friend the Communications Member and his colleagues on the excellent surplus budget which they have presented to this Honourable House. It is only right that credit should be given where it is due. These congratulations have also been offered by my Honourable friends sitting on the Benches to my right. No doubt the Administration have been favoured by luck, but their efforts in the right direction are deserving of praise. I hope that they will make further efforts in the direction of economy and improvement. Luck alone would not have achieved what they have done; they have made great efforts. As a member of the Standing Finance Committee of Railways I can say that every effort has been made to increase the revenue, and the watchman who watches over the expenditure, my Honourable friend, Mr. Staig, looks to the expenditure very minutely, and the House may rest assured that he will not pass a single item of expenditure if he does not feel that it is necessary.

Sir, I wish to say a few words on the few points that I shall raise later on in the debate, and I will give the headings of these points. The first point that I shall raise is about railway accidents. In 1930 I moved a Resolution in the House as follows:

"This Assembly recommends to the Governor General in Council that steps be taken in all cases of railway accidents entailing loss of human lives, first, to institute a Coroner's inquiry; second, to deliver the bodies of the deceased to the relatives concerned, as far as practicable, and failing that to different social service organisations, and third, to institute a judicial inquiry by a committee to be composed of officials and non-officials."

Sir, when this Bihta accident took place, I and my Honourable friend, Sir Ziauddin Ahmad, insisted on the then Railway Member to direct a judicial inquiry, and that resulted in the inquiry that is now going on. I will not go into the details of the judicial inquiry at the present moment. All that I want the Honourable the Communications Member to remember is that the report will be before us very shortly, if not this month at least next month; and he will kindly give us a date before we disperse in April to discuss at length this Bihta disaster. Things which but for this inquiry would not have been brought to light need serious attention of the Members of this Honourable House.

The next thing that I want my Honourable friend, the Communications Member, to remember is that we should like to know who was responsible for buying these XB engines. One more point about this Bihta accident is this. A statement appeared in the *Statesman* that the Judge conducting this inquiry (Sir John Thom) remarked:

"My orders and directions are being trifled with by Counsel and by officials of the Railway Board. I consider the explanation with regard to the non-production of these books as highly unsatisfactory and I resent the Court not being treated with courtesy and candour."

This is a very deplorable condition of things. I hope the Honourable the Communications Member will take note of the remarks made by the Honourable Judge.

[Sir Abdul Halim Ghuznavi.]

The next point that I want to take is the appointment of Indians as Railway Agents. Last year when the Budget was discussed in the Upper House, the Honourable Sir Guthrie Russel said:

"The Honourable Member is no doubt aware that one Indian has only lately retired and another Indian would no doubt be appointed as soon as a vacancy occurs for which the most suitable selection would be that of an Indian officer."

I will ask the Honourable the Communications Member whether he remembers this promise and whether he is going to honour this promise now that the Agent of the East Indian Railway is, I am told, going on long leave and the Agent of the Eastern Bengal Railway is coming up to the Railway Board.

Sir, the third point is about the railway collieries and the position of coal. I have received a telegram from the committee of the Indian Mining Federation to the following effect:

"Railway Member's statement regarding coal purchase policy causing grave anxiety as it endangers entire coal trade stop kindly give notice cut motions railway budget discussion coal purchase policy stop details following by post. Committee, Indian Mining Federation."

Sir, I have studied the position of the Indian railway collieries for the last five years. Three and a half million tons of coal are required by the railways. The Railways by previous arrangement or by convention used to raise one-third of that quantity from their own collieries and they used to buy two-thirds from the market. Honourable Members are aware that last year or the year before last—I do not remember the time exactly—my Honourable friend, Mr. Satyamurti, raised in the Public Accounts Committee the question—why should not the Railways raise the full quantity of coal from their own collieries instead of buying from the market. Naturally, that would have been very detrimental to the interests of the trade, and the trade would have resented it: they would have said: "You can do that now, but remember what will happen in the future. You will kill the trade and not only yourselves but other industries as well will be in a tight corner". But, Sir, the position this year is different. The railway, as usual, gave to the public two-thirds of the quantity that they required for the running of their trains. But prices having gone up, a number of colliery owners did not deliver the coal according to the terms of the contract entered into by them, with the result that the railways would have come to a stand still but for the efforts made by the Railway Board to get all their collieries working at full speed and raising the quantity needed for running the trains. Congratulation must go to the Chief Mining Engineer of the Railway Board for saving the situation. Therefore, it does not lie in the mouths of the colliery owners now to come before the House and tell us that railways should not raise their own coal while a number of them failed to honour their obligations to supply the railways with coal to the tune of 5 lakhs tons up to the end of 31st December. What was the position of the railways in last July? Some of the railways did not even have two or three days consumption of coal in stock, and they had to work their collieries to the full in order to save the situation. Of course, the Honourable the Communications Member said that he was thinking of continuing to raise to the fullest extent now from the railway collieries. Certainly that will not affect the trade at the moment because

the trade can sell their coal at a higher price even now, but if a contingency arises, I am sure, the Communications Member will not put the public collieries in difficulties Sir, railways are a commercial concern. Three or four years ago they raised their coal at a high cost, but since they adopted at my instance the system of calling for public tenders for raising their coal, the cost has been reduced by 100 per cent. if not more. Today the result is they can get their coal raised at a much cheaper cost than they can buy from the market.

Mr. B. Das: They must be grateful to you.

Sir Abdul Halim Ghuznavi: I am very grateful to my Honourable friend, Mr. Das. He was on the Public Accounts Committee where he pointed out that thanks were due to me—and the Committee admitted it to be so—for having pressed for public tenders in their connection—I brought this matter before this House and forced the railways to adopt the policy of calling for public tenders and thereby reducing their cost of coal. This put me in the bad books of the powers and interests that be and I was considered an enemy No. 1 of the public—but what about the result? What is the saving? Tons of money have been saved by calling for public tenders for raising the coal.

Now, Sir, the third point that I wish to raise is about third class passengers. Day in and day out, we are told that nothing has been done for them. I must say railways have done and are doing as far as it lies in their power to furnish amenities to the third class passengers. (*Interruption.* "No, no".) Without listening to what I have to say some of my Honourable friends have started crying "No, no". Now, let me complete my observations and then let them say "no, no." if they like. As for the amenities for third class passengers (*Interruption*: "He has got air-conditioned first class".) I have got only a few minutes. Years ago what used to happen. (*Interruption*: "First class was worse.") Third class passengers at times of rush used to be carried in wagons.

Mr. Sri Prakasa: He is finished.

Sir Abdul Halim Ghuznavi: I do not finish so soon as you, you get exhausted very soon, but I do not. Sir, look at the arrangements they are making for Kumbh mela. Years ago they used to consider such occasions as a nuisance as they had to control large traffic, and they used to pack pilgrims off as herds of cattle. Now, tons of money are being spent for the comforts of third class passengers.

Mr. Sri Prakasa: But more for first class.

Sir Abdul Halim Ghuznavi: They are doing and they have done all they could, but it is always difficult to please my friends, Mr. Joshi and Mr. Sri Prakasa—so they may be left out of account.

Mr. Suryya Kumar Som (Dacca Division: Non-Muhammadan Rural): In rising to speak a few words on the Railway Budget I find myself in a very delicate position, because I find that even my gallant friend, Mr Sri Prakasa, has congratulated the Railway Member for producing a surplus budget, but the question is not whether the surplus is a few

[Mr. Suryya Kumar Som.]

lakhs or a few crores. Let us go into the realities. Railways are commercial concerns with a capital, according to the present Member, of 750 crores. But we used to hear it was over 800 crores. Then, Sir, let us consider the surplus budget with reference to the capital with which it works: it is working with this capital for a very long time, and for many years we were losing by crores. I must say, that as a starving man feels happy when he get a feast, however bad, Members of this House, who have been used to hearing of deficit railway budgets for years and years—last year the surplus was only a drop of a few lakhs—feel very happy at a surplus Budget, however small the surplus may be. I would ask Honourable Members to consider what the percentage on the capital income is. It is less than half per cent.; and if that had been the percentage of a commercial concern, it would be the duty of the directors to close that department after two or three years. That is the view I take of this present surplus budget. It is strange that when the railways which had shown a deficit budget for years and years and never showed the proper income as should have come from a commercial concern, it did not strike the authorities that there must be something wrong somewhere: they never made any attempt to understand the difficulties or rather the defects in their administration. We the public knew the defects and we knew that unless the amenities of the third class passengers were improved and railway travelling was made more attractive its revenues would not grow; and unless this top-heavy administration was mended there would never be any surplus. That is the view I take of this railway surplus: and like a starving man, at the sight of a morsel, let us not praise the Railway Member because he has perchance produced this year a Budget showing two or three crores of surplus.

With these observations I will come straight to the particular point about which I have been feeling very keenly. It is the grievances of the third class passenger. The public has been crying from early eighties of the last century about these grievances. (*An Honourable Member*: "Improvements have been made".) I am coming to that. The Government after years of agitation were convinced that they could not further ignore the claims of this class,—not that they were willing to do it or that they had any great sympathy with the poor but they could not ignore these claims which had been taken up on the platform and in the press. Therefore, in the year 1935 a proposal was made for improved bogies for third class passengers and in the early part of 1936 two bogies were produced of an improved pattern in the Delhi station for the inspection of the Advisory Council of which I was then a member. We inspected it and I must say that we found it really very comfortable for the class of people for whom it was intended. . . . . ,

Mr. N. M. Joshi: What is the meaning of "class of people"?

Mr. Suryya Kumar Som: Third class: I mean the third class people, including the poor middle class—it may not be very attractive to the Knights who generally travel in air-conditioned first class coaches, but it was very comfortable for the third class passengers like ourselves. Some of us inspected these bogies and all of us approved of it and the Chief Commissioner of Railways took a note of it and promised then and there that they would replace the old carriages as soon as possible as funds were available. That was the promise given in 1936.

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

Now we are in 1938. Two years have elapsed. But we have not found any improved pattern third class bogies on the lines. More curious is the diplomatic statement of the Railway Member in his budget speech. He says "some are under construction or in the course of construction and will be put on the line". We expected a definite statement on this point, but instead we have a diplomatic statement. He further says "embodying most of the improvements in that model". What that means I cannot say. Perhaps it means that it will take another three or four years: and most of the improvements perhaps means not all. It appears that the model which was approved by the Advisory Council has not been adopted *in toto*. Am I to understand that? I am afraid from this diplomatic statement we have to infer that none have been constructed so far and perhaps we will be told later that the materials are being got ready and we shall hurry it up!

But compare this treatment of the third class passenger with the treatment accorded to first class passengers, or rather to themselves! Last year during the budget statement we were taken by surprise by a new model of first class bogies that were to be introduced in the railways, *i.e.*, air-conditioned. Nobody knew of it: nobody wanted it; there was no agitation and no question, yet the Railway Board of their own accord came forward with the proposal and sanctioned a few lakhs of rupees as an experimental measure to prepare three or four bogies. Who wanted them? Nobody wanted them. But where the people have been demanding from the early eighties of the last century for amenities for the third class passengers, a model was shown, like a magician, in 1935 and we were satisfied that something would be done and we went out into the muffasil and told the people that improved carriages were coming. Two years have passed and now we have a diplomatic statement: "are being constructed or are in course of construction." This is in diplomatic style. Nobody understands what it means. This is the lot of the third class passenger. We find that this year about 197 broad gauge and 109 metre gauge coaches on the same model will be prepared. This will cost not more than a crore of rupees. But I find that 4½ crores of rupees have been sanctioned for rolling stock, and for a necessity which arose long long ago, and about which a promise was made in 1935, a proposal has just been made to spend less than a crore of rupees this year,—I mean for the provision to give better amenities to third class passengers. The railways have always expressed their sympathy for the third class passenger, because they admit that the third class passenger is their best customer. Now, I must say that my friend, Mr. Sri Prakasa, was right in defining the word "best customer" as the dumb millions. . . . .

4 P.M.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Mr. Suryya Kumar Som: Sir, I have almost finished.

Mr. President (The Honourable Sir Abdur Rahim): I cannot allow him to continue.

Dr. F. X. DeSouza (Nominated Non-official): Mr. President, I do not propose to intervene in this debate except for a very few minutes, and

[Dr. F. X. DeSouza.]

my object in intervening here is to draw the attention of the Government and of the Railway Board to the very severe hardship caused to the growers of primary products in Southern India by the railway freight rating policy that the Railway Board is pursuing. Sir, only the other day at question time the attention of the Government was drawn to the very heavy freight cocoanuts had to pay from Southern India where they grow in abundance to find a market in Delhi and in Northern India. The position of that industry, as Honourable Members of this House are aware, is now very depressed, and all exports being closed to that industry, they endeavour to find a market in Northern India, and they find that the freight levied on cocoanut acts as a very severe handicap against an attempt to find a market.

Today, Sir, I intend to speak rather on the coffee industry. Honourable Members are aware that industry is now passing through a period of unexampled depression. Practically all foreign markets are closed to it. On the Continent owing to their policy of economic nationalism, exchange restrictions and so forth, they have closed their markets to Indian coffee. Germany, Italy, and Sweden, who were our best customers at one time, are hardly importing even a bean of Indian coffee now. Similarly, France used to be our very important customer, but in spite of the inferior quality of their own produce, she has turned her attention to Cochin China. Even the United Kingdom, where we have nominally a preference, to whom we have given a preference in this country for their manufactured goods, have now diverted their attention, and they prefer to buy their coffee not from us who have a nominal preference, but from their own kith and kin in Kenya or from the produce of their own capitalists in Costerica. The result is, we have no market at all outside India, and we are attempting to find a market in Northern India and other parts of India where coffee is unknown. Sir, this House only three years ago seeing the plight of the coffee industry inaugurated a Coffee Cess Committee, and the object of that Committee is to popularise the use of coffee by propaganda in all parts of India. In pursuance of the policy of this Coffee Cess Committee, we are now trying to popularise coffee in Northern India, but unfortunately we find that the freight charged by the Railway acts as a very severe handicap in popularising coffee in this part of the world. This is a question, Sir, in which not only Indian planters are interested, but even to a larger extent the European planters are interested, and I feel quite certain that the European Group will support my request. I am sorry that my friend, Mr. James, who is a distinguished representative of the planting interests in this House is not in his place now to hear what I have got to say.

Sir, the freight levied on coffee in normal times is fixed on the usual scale of maximum ·62 pies per maund per mile and minimum ·16 per maund per mile, but I need hardly say that the Railways with their usual generosity always levy the maximum. The result is this, that the freight on a maund of coffee from producing centres like Coimbatore, Salem or Mangalore to Delhi is more than Rs. 5 a maund. Now, Sir, when the price of coffee was Rs. 45 a maund, as it was three or four years ago, nobody felt this as a grievance; but today the price of coffee is only Rs. 15 a maund, and when you have to pay a freight of as much as Rs. 5 a maund on stuff which is not worth more than Rs. 15 a maund,

you can well imagine the price mounts up. The success of the propaganda here would depend naturally, in the first instance, upon the cheapness of the product, but if the freight rate is as much as Rs. 5 a maund, we shall never be able to sell coffee here at a reasonable rate especially when this product is unknown here. Of course, the first objection of the Railway Board against the lowering of the freight charges would be that it would reduce their income from freight. Well, Sir, I venture to suggest to the Railway Board and to the Government that the railway is a public utility concern, and not merely a money-making concern. The railways have been built and are being kept up by taxes paid by the taxpayer, and therefore the taxpayer has every right to expect the maximum of benefit, for the success of the industry and prosperity of Indian trade and Indian agriculture would depend upon the services rendered by the railways. This was the view, Sir, expressed by the Tariff Board on the Chemical Industry, and this is what they say: "A railway is a public utility service, and its objects must be to provide transport at the cheapest possible rate so that both industry and agriculture may develop and so add to the prosperity of the country". That being so, I submit that even if they have to suffer a slight loss in income in consequence of the reduction of freight or by charging a rebate rate, it would be the bounden duty of the railways to incur that loss for the purpose of keeping alive the coffee industry which otherwise, I fear, will be in danger of extinction.

But, I maintain that the railways will not suffer a loss if they grant a rebate and for this reason. I have every confidence that the success of our propaganda in Northern India will lead to such an extensive increase in the importation of coffee into Northern India that what may be lost in the freight will be more than made up in the total increase in the tonnage. The Government will say "This is not our business. We have fixed a maximum and a minimum rate. It is entirely for the Railway Board to say what rate they will levy". True, the Government have fixed a maximum and minimum rate but by so doing they have not become *functus officio*. It is open to the railways by manipulation, by changes of classification of goods, to levy such rates as they think fit on any particular commodity, without regard to the interests of that industry. But Government ought to indicate to the Railway Board what their views are and to ask them to carry out certain changes in their freight policy when the interests of the industry demand it. I am asking for this action on the part of the Government not as an isolated case. Other Governments seeing the plight to which the coffee industry has been reduced have promptly endeavoured to come to the rescue by granting an immediate rebate on all transport charges whether by rail or by steamer. I am speaking of the Kenya Government. The Kenya Government immediately on the announcement of the action of the Brazil Government which caused such a fall in the price of coffee, ordered a reduction by 50 per cent in all freight by sea or by rail on coffee carried from Kenya. May I ask the Government of India not to lag behind? If the Government of Kenya found it necessary to look after the interests of coffee by a wholesale reduction of freight, I respectfully ask the Government of India to do the same and to indicate to the Railway Board the method by which they can come to the relief of the hard-hit planter. I do not wish to detain the House any longer. This is the only point which I ask the Government and the Railway Board to bear

[Dr. F. X. DeSouza.]

in mind and I have got every hope that today I shall have some assurance that the Railway Board will look into this matter.

The Honourable Sir Thomas Stewart: As is natural in the course of a general discussion such as we have had today, the speeches of Honourable Members have covered a very wide field. Some of them have spoken on wider or more general issues and some have confined themselves to, I won't call them petty details but at any rate, unimportant details. I shall try, as far as I can, within the limitations of time and within the limitations of my own knowledge to deal with the various subjects which have been raised and if I should not be able to deal with all the points I trust that Honourable Members to whom I am not able to reply will acquit me of any discourtesy. I wish to assure them that myself and the Railway Board are open not only in the House here but at all times to hear any representations that individual Members may have to make.

To start with, I should like to make something in the nature of a personal explanation. Two speakers, early in the debate, regretted the fact that I had made no mention of the Bihta disaster and I felt that there was some sort of implied accusation that I had been lacking in humanity in that I made no expression of the sorrow that had been felt by the Government of India by reason of the Bihta disaster and the more recent Bamrauli disaster. Now, Sir, I think it is common knowledge that immediately after the occurrence of both of those disasters the Government of India and the Railway Board were quick to express their sense of extreme sorrow at what had happened. I did not, therefore, consider it necessary to repeat that expression of sorrow and I deliberately refrained from any other mention of the Bihta disaster. It seemed to me that it was obviously a matter to avoid so long as it was the subject of a judicial inquiry. I trust that the Members who criticised me on that account will accept this explanation as satisfactory.

First of all, as regards the criticisms and remarks which have been made in respect of our general financial policy. Dr. Sir Ziauddin Ahmad harked back to the question of the allocation of the Burma share of the depreciation fund. I had thought that the position in regard to that matter had been made clear in the course of the corresponding debate last year. My predecessor, I think, explained that it was not a matter which could be reopened now. Whatever the sum given to Burma and whatever its justification, it was the subject of an award and we could not reopen the case. Dr. Sir Ziauddin Ahmad displayed a considerable amount of interest in our depreciation fund and he seemed somewhat astonished and mystified about the use of a curious fraction—1/60ths. He said that it is not a scientific figure. Well, I admit it is not a scientific figure but it is by no means arbitrary. I think if the learned Doctor got down to a scientific examination of our depreciation calculations he would find that what we are doing saves a tremendous amount of time and trouble by using this approximate figure of 1/60ths instead of carrying out an elaborate calculation in respect of the various assets for which the depreciation rates must inevitably differ. He also seemed somewhat mystified by our allocation rules. He said that sometimes we debited our expenditure to capital, sometimes to depreciation and sometimes to revenue. Now, I could not possibly this afternoon give the learned Doctor a lecture . . . .

Mr. Sri Prakasa: On Mathematics?

The Honourable Sir Thomas Stewart: . . . not on Mathematics but on the principles of allocation. I can, however, refer him to section 6 of the very admirable report on the Appropriation Accounts of Railways in India for the year 1934-35 which was prepared by Sir P. R. Rau. He will learn all about the principles of allocation therein. Sir Henry Gidney expressed the desirability of reducing the very considerable interest charges which we have to pay. I, like him, would welcome their substantial reduction. There are two ways, perhaps, in which that could be done,—one by conversion loan processes, which would get us money at more favourable rates, and the second is by the creation of an amortisation fund. Now, the first of these processes is a function of my Honourable Colleague the Finance Member and I think we may leave in his capable hands the carrying out of that process. Sufficient for me to mention that we incidentally get the benefit of any conversion operation which is carried out for the benefit of general revenues. The creation of a fund to reduce our capital at charge is, in present circumstances, a counsel of perfection. I do not see that in the immediate future we will be able to create such a fund. Mr. Buss expressed some anxiety that we should not re-embark upon an extravagant capital programme. I think I can give him that assurance. We are not unmindful of the lessons of the past and I think that he may deduce from our last two Budgets that we are in no extravagant mood. He has also asked what is to be the position in regard to the convention, and he raised the question of a revenue reserve. In answer to that, I would refer him to the speech of the Honouarble the Finance Member on the Resolution suspending the contributions to the Depreciation Fund and to general revenues in the debate of the 7th October, 1937. The views that he then expressed are still those of the Government of India.

I now pass on to certain criticisms of our rating policy. The Honourable the Deputy President returned to the charge that our rating policy is deliberately directed towards fostering external trade interests at the expense of Indian industry, and he complained that the charge he made has not been met. I have examined with some care the figures and examples which he gave in the course of his speech last year and I have been wholly unconvinced that he has made out any case at all. If any case was made out, it was not that Indian industry was suffering for the sake of external trade: it was, perhaps, that one section of a certain industry in India was less favoured than another section of the same industry in India. He has produced another case to demonstrate that we subordinate the internal trade interests to those outside. When I heard it I was rather surprised and I was somewhat agitated, because I thought this was something that had lately occurred. It really refers, however, to a rebate, that has been in existence for 38 years,—a rebate on traffic going into Iran through Indian territory, a rebate that was given in order to help Indian traders in Meshed who are interested that the trade should go into Iran by land rather than by sea to Bunder Abbas. I feel somehow, that this latest example does not help his case in any way. But the accusation is not a new one: I have a record of it of as long ago as 1915. But much more recently than that, the question was raised in the Public Accounts Committee who asked that the Railway Board should examine this allegation and put up a note to them. Now, that note is contained in Appendix VII to the Report of the Public Accounts Committee

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for the year 1934-35, and a rather interesting part of that note is a quotation from the Report of the Acworth Committee in 1920-21 which supports, I think, the denial of the Railway Board that any such accusation can be raised against them. Mr. Buss impressed on me the desirability that our rate system should continue to be subject of scrutiny from time to time. He must have noticed from my Budget speech that the Railways are in the process of reorganizing their commercial departments, and it will be one of the functions of these commercial departments to scrutinise rates,—to see that they are commercial rates, for, after all, our commercial department will be out to sell transport, and they will not be able to do that in the most successful way unless they are quoting the very best rates they can.

There have been a few references to road-rail competition and the attitude of the Railways in that respect. Now, so far as I have been able to make out, there were no really serious criticisms about policy. It is true that the Honourable the Deputy President made objection to our experiments with rail cars and with motor transport. He said, "you have lost traffic; why should you try to get it back?" He reminds me of the French story of the little boy who was tormenting a dog. The dog bit him, and he went crying to his mother and said that the dog was a very naughty animal: "When I attacked it, it defended itself!" That was rather the attitude that the Honourable the Deputy President was taking up.

The case of the lower-paid servants of the Railways enlisted three advocates, Mr. Sri Prasaka, Sir Henry Gidney and, of course, Mr. Joshi. Mr. Joshi, however, reserved his fire for a future occasion and he will forgive me if I reserve mine. Mr. Sri Prakasa built up a very telling indictment of the Railway Board and the railway administrations, but as far as I could make out it was based entirely on one case of a station master who was refused casual leave. I am not going to attempt to deny for a minute that these unfortunate things must happen, but I would ask him to believe that they do not necessarily indicate a state of absolute serfdom amongst our railway employees. Sir Hnery, I think, was concerned mainly with the diminution of what was considered a valuable privilege, namely, the pass privileges enjoyed by railway servants. I am not at this moment in a position to give Sir Henry any assurance on that matter. I can merely tell him how matters stand just now. We have taken the opinions of all the concerned Agents as to the effect of these modifications of the past rules and we have only now received their answers. Until these have been considered, it is impossible for me to make any definite statement here and now.

I now come to the question of corruption in our railway services. This is a matter that is raised from year to year and I want to tell the House that the assurances that come from these Benches again from year to year are no mere formalities and that we are as anxious as anyone to get rid of this blot on our reputation. I am not one of those who believe that by calling bribery *dasturi* you make it therefore a more venial offence. I, like my predecessors, consider that there should be no consideration for the taker of bribes. But, equally so, do I believe that there should be no consideration for the giver. Bribery is not a unilateral transaction: it is bilateral: and until there grows up in India a public morality, which will be more against the giver of bribes than the taker, until that time . . .

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Money is taken under coercion.

Mr. Sri Prakasa: The taker of bribe being in office has a greater responsibility.

The Honourable Sir Thomas Stewart: That is an ethical argument and we may continue it in the lobby some day. In any case, I am free to express my opinion that until that public morality has grown up, we can never achieve the success for which we are all working. The tragedy of it is that the innocent are marked with the stigma of the guilty. It is very easy to make a general and an anonymous accusation: it is impossible to refute it.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): The giver of bribe and the taker of bribe will both go to hell.

The Honourable Sir Thomas Stewart: I have no doubt that many old friends will meet there. But I should like to tell the House the experience of the Chief Commissioner of Railways and of the Financial Commissioner who recently were on tour. In the course of interviews with no fewer than 17 Chambers of Commerce they raised this question of bribery. In no case, was there forthcoming anything more than the general accusation. In none of these 17 interviews was there any specific accusation made. Now, Sir, this is unfair to our honest staff. Let us have information and we shall follow it up relentlessly and, given that information, we guarantee to clean our Augean stables. But I would say, at the same time, that I must not be understood to think that the whole of our administration is one seething mass of corruption because I do not believe it is. Like corruption, incivility is brought up every year and I have no doubt that the Honourable Members who raise this question year after year feel that they are beating their heads against the wall. I trust that when they have read the report of what we are doing,—which will be found on page 7 of the statement of action taken on the Wedgwood report,—they will believe that we are doing our best. It is a slow process to educate a large staff in a habit to which they have been long unaccustomed. It is a process of education and we are prepared to apply the modern educational methods of moral suasion. But, in the last resort, if moral suasion does not succeed, we are prepared to punish for default. I know Sir Henry does not agree with me, but I think it will have a most salutary effect if summary methods of punishment are adopted where railway servants have been, beyond all shadow of doubt, proved guilty of incivility.

Lieut.-Colonel Sir Henry Gidney: Quite right.

Mr. Sri Prakasa: Then no Anglo-Indians will be left there.

The Honourable Sir Thomas Stewart: I next come to the policy of the Government of India in regard to coal raisings. Now, Sir, I believe it likely that the policy of Government in this respect will be a subject of debate in the course of the next week. I do not propose, therefore, to be argumentative, but I should like to give the House a somewhat more detailed objective statement of the circumstances in which we were placed last year and in which it was found necessary to increase our raisings

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from the railway collieries. The trouble started in the latter months of 1936-37 when the market supplies fell off and the railways found themselves in what they regarded even then as a critical position. Expressed in terms of days' supply, the Eastern Bengal Railway in December, 1936 had 11 days' supply against an average monthly stock of 29·4. The corresponding figures for the East Indian Railway were 22 and 45, for the Great Indian Peninsula Railway 19 and 38·4, and for the North Western Railway 22 days as against the average monthly holding of 51·5 days' supply. Deterioration continued and in April 1937 the contract supplies due in 1936-37 were actually two lakhs of tons in arrears and the new contracts due to be delivered in April were already 30,000 tons in arrears. By the middle of May, the North Western Railway was receiving only 40 per cent. of its requirements and the other three State-managed railways only 50 per cent. of their requirements. In July, 1937, the position was critical all round. Those who are interested in coal mines will remember their own nervousness in regard to the labour situation. So much was their apprehension that we, in the Government of India, were pressed to relax our restrictions on the employment of women in the mines. At the same time we were receiving from various industrial interests demands to do something because they could not get coal. The Railway Board had realised that matters were getting critical and in the middle of June, they had already taken the action described in their communique of 14th June:

"The increased traffic on the railways coupled with the failure of a number of collieries to give full supplies to the railways has led to depleted stocks rendering it necessary to secure fuller supplies and steps have therefore been taken to increase substantially the output of State collieries in the Bokaro collieries and additional contracts have also been placed in the Central Provinces where the labour position is easier than in Bihar and Bengal."

By the middle of August, things were no better. I will not quote the state of supplies for all the railways but let me quote a typical case. The Assam Bengal Railway was holding 46 days supply at the end of July, 1937, as compared with 147 in July, 1936. That is to say, practically one-third of its normal stocks. Of course, I may be asked whether this shortage of supplies was not due to actual shortage of coal. My view is that it was not due to that cause. My reasons for saying so are these, coal actually moved on the East Indian Railway in April, May and June, 1937, was 377,000 tons more than the move in the corresponding period of the previous year. Secondly, the raisings in Bihar and Bengal in the month of July 1937—in that one month alone—were 305,000 tons higher than in the July of the previous year. At the same time there were no substantial variations in the shipments of bunker and export coal. I think it may reasonably be concluded that the coal was there. But matters still got worse and in December, 1937, the market supplies to the four State-managed collieries were 557,000 tons in arrears. This does not include the 250,000 tons which were short supplied to non-State railways. I do not know what would have happened if we had done nothing. But we did act and what happened was that by a piece of extraordinary good organisation our State collieries which were intended to produce 12 lakhs of tons in the year were speeded up and coal was produced at a rate equivalent to 21 lakhs of tons in the twelve months of the year.

Mr. B. Das: And you employed women labour there!

The Honourable Sir Thomas Stewart: For very good reasons. I think the Railways may claim that not only did they save their own position but made a very valuable contribution towards the interests of industry as a whole.

Now, I come to the question of the amenities that have been provided for third class passengers. This is again a hardy annual and I feel that Honourable Members on the Benches opposite and on this side too have got so accustomed to the statement that nothing is done for the third class passenger that they actually believe that nothing has been done. I consider it important, therefore, that I should re-state at a little length what we have done. In my Budget speech I made reference to the construction of an improved type of third class carriages in the present year and in the year to come. I have a suspicion that by saying so I gave the impression that nothing had been done before, and that this was the first year in which we had woken up to the interests of third class passengers. But let me remind the House that in 1925 Government appointed a Committee to consider this question of accommodation for third class passengers and as a result of the deliberations of this Committee and its permanent successor which we now know as the Standing Carriage and Wagon Standard Committee, there were constructed in 1927-28 model standard third and intermediate class carriages and composite carriages which were approved by the Railway Board. The State-managed railways were asked to adopt these new patterns and the co-operation of the company-managed railways was also invited. Actually between 1928 and the end of 1936, 785 of these new type carriages had been constructed and in spite of my Honourable friend Mr. Som's doubts, they actually ran on the lines. The number would no doubt have been considerably greater but, as Honourable Members are aware, these few years were marked by a falling off in our passenger traffic. We could not embark on a capital programme to make new carriages for passengers who were fast disappearing. The matter, however, has been further reconsidered. It became obvious that one standard type of coach would not suit the needs of all railways, and as a result of this reconsideration the new standard type which was inspected by members of the Central Advisory Committee was evolved and it has been set before all railway administrations as a model to which they should conform as far as practicable in view of their particular requirements on their own particular railways. I trust that this explanation will resolve the doubts of Mr. Som who appeared to think that our present programme of construction was going to remove all the improvements which were exhibited to the Central Advisory Committee.

As regards amenities other than passenger accommodation, I may mention that last year we provided additional waiting rooms or halls at a hundred stations including 18 for ladies only. These were mostly for lower class passengers. A few days ago I mentioned the improvements that have been made at Hardwar. At Howrah we have also made important alterations for the sake of the third class passenger to give him more easy access to the station from the new bridge. I cannot in the time left me give anything like an exhaustive list of the improvements we have carried out; but if Honourable Members will do us the credit of reading some of our publications, in particular Chapter VII of the Report of the Railway Board, they will find a very considerable list of the improvements which have been carried out for the benefit of passengers. And in passing I might refer to Mr. Joshi's complaint that he was unable to find in that report any

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detailed description of the number of improvements or of their cost. I admit that he will not find them there, but I refer him to the explanatory memorandum to the Railway Budget of the Government of India in each year where there is a statement showing the types of amenities and improvements that it is proposed to carry out and the amount of money that is going to be spent on each. In connection with amenities, reference has been made to the air-conditioning experiment. I would like to point out that there is all the difference in the world between a third-class coach and an air-conditioned first-class coach. I would like the House to recognise that there is this difference. There is no suggestion in our minds that air-conditioned coaches should be supplied free of cost to the passenger. The extra expense,—if our experiment is successful,—of converting or constructing an air-conditioned coach will be met by the extra sum that will be realised from the passengers using it. There is no question of giving anything away for nothing.

Mr. Sri Prakasa: Why not try it in the third class also?

The Honourable Sir Thomas Stewart: I am perfectly prepared to consider whether the air-conditioning of third class coaches would prove to be a commercial proposition.

Mr. Sri Prakasa: Hot winds should be common for the first and third class.

The Honourable Sir Thomas Stewart: Mr. Buss in referring to the appointment of Colonel Wagstaff as Labour Officer in Calcutta expressed his doubts whether Colonel Wagstaff would be in any way different from the ordinary labour officer that we know of on railways and in private concerns. There is this great difference to which I made reference in my speech, namely, that Colonel Wagstaff will not be under the Railway Board. He will be a representative of the Labour Department of the Government of India and in that way he will have a status which will be independent both of labour and of the Railway Board.

Sir, there are many subjects left, but I feel that in the short time that I have left to me I can hardly embark on a series of small, isolated and miscellaneous remarks. But before I sit down, I would express my thanks to those who have given us a word of congratulation and of cheer. I know there are others who do not feel that they can offer their congratulations. I cannot complain of that; but I would like to point out one thing to them. If in the days of success they are not prepared to give us credit, if they say that it is all due to luck, I would ask them to be logical and when our bad times come, to attribute our failures to the same cause. I know only too well that in present world conditions chance is perhaps the most important factor in deciding between success and failure; but I do feel, Sir, that a wise and cautious policy, such as I believe ours to be, is the one which is best calculated to lessen our losses in adversity and, in happier times, to consolidate our gains.

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

LEGISLATIVE ASSEMBLY.

Friday, 18th February, 1938.

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

MEMBER SWORN.

Mr. Parakat Achutha Menon, M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) Oral Answers.

REPORT OF MR. JOYCE ON THE REORGANISATION OFTHE PUBLIC INFORMATION BUREAU.

356. ***Mr. M. Asaf Ali** (on behalf of Mr. T. S. Avinashilingam Chettiar): Will the Honourable the Home Member state:

(a) whether Mr. Joyce has presented his report with regard to the reorganisation of the Bureau of Public Information;

(b) whether Government have considered the report; and

(c) if so, what is the result of their consideration?

The Honourable Sir Henry Craik: (a) Yes.

(b) and (c). The report is still under consideration.

Mr. M. Asaf Ali: May I know what difference has been made by the transfer of the large volume of work used to be done in the office of the Director of Public Information since the provinces have got their own Public Information Bureaus. Has it affected in any way the organisation of the Public Information Office?

The Honourable Sir Henry Craik: No, Sir, the Central Information Bureau never did any work for the provinces. It always worked for the Government of India.

RETRENCHMENT DUE TO TRANSFER OF CERTAIN SUBJECTS TO THE PROVINCES.

357. ***Mr. M. Asaf Ali** (on behalf of Mr. T. S. Avinashilingam Chettiar): Will the Honourable the Finance Member state:

(a) whether the Finance Department have examined whether, in view of many subjects originally administered by the Government of India having been transferred to the provinces after 1st April, 1937, any retrenchment could be made in any of the departments;

(b) if so, what has been the result of the examination; and

(c) whether any retrenchments have been effected; if so, how much and in which departments?

The Honourable Sir James Grigg: The position is the same as that indicated in my reply to the Honourable Member's starred question No. 462 in the last Session.

Mr. Manu Subedar: Can the Honourable Member say that the Finance Department personnel has not seriously increased?

The Honourable Sir James Grigg: Certainly it has, but the work thrown on the Finance Department has increased, and I am quite clear that the additions are not more than are required to cope with the increase of work.

EXEMPTION FROM TAXATION OF INTEREST ON STERLING SECURITIES.

358. ***Mr. M. Asaf Ali** (on behalf of Mr. T. S. Avinashilingam Chettiar): Will the Honourable the Finance Member state:

(a) whether interest on sterling securities is exempt from taxation;

(b) whether this exemption depends upon the residence of people holding the security, or whether it applies to all;

(c) what is the reason for this differentiation between rupee and sterling securities; and

(d) what will be the probable loss of income arising out of this exemption?

The Honourable Sir James Grigg: (a) Yes.

(b) It applies to all. The interest is not liable to tax unless brought into British India.

(c) Liability to tax depends on where the interest is payable.

(d) It is not possible to calculate the amount of loss. A good deal depends on how much extra Government would have to pay on its sterling borrowings if the exemption were not given.

EXEMPTION FROM INCOME-TAX OF PAY OF ANY CLASS OF SERVANTS UNDER THE GOVERNMENT OF INDIA.

359. ***Mr. M. Asaf Ali** (on behalf of Mr. T. S. Avinashilingam Chettiar): Will the Honourable the Finance Member state:

(a) whether the pay of any class of servants under the Government of India is exempt from income-tax, even while they reside and serve in India;

(b) if so, who are the persons that have the benefit of this exemption; and

(c) what is the probable loss of revenue out of this exemption?

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

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

RECOMMENDATIONS OF THE WHEELER AND MAXWELL COMMITTEES.

360. ***Mr. Govind V. Deshmukh** (on behalf of Seth Govind Das): Will the Honourable the Home Member please state:

(a) the reason for the delay in publishing the Wheeler-Maxwell recommendations;

(b) whether Government consulted Provincial Governments regarding the recommendations on issues concerning them (Provincial Governments);

(c) whether Provincial Governments have protested against any of the issues concerning them; and

(d) whether Government will lay on the table a copy of their correspondence with the Provincial Governments emerging from the Wheeler-Maxwell recommendations?

The Honourable Sir Henry Craik: (a) There was no delay in the publication of the Wheeler Committee's Report. As announced in answer to a question asked in this House on the 2nd September, 1936, it was published as soon as the Government were in a position to state their conclusions.

(b) Yes.

(c) The recommendations have been generally accepted.

(d) As stated in answer to Mr. K. Santhanam's starred question No. 89 on the 2nd February, 1938, I am unable to lay the papers on the table as the views of Provincial Governments have been ascertained informally and by personal discussions.

Mr. Govind V. Deshmukh: Was there no protest by the provinces?

The Honourable Sir Henry Craik: What protest?

Mr. Govind V. Deshmukh: With reference to (c) was there no protest by provinces?

The Honourable Sir Henry Craik: I said the recommendations were generally accepted by Provincial Governments. There was no protest.

SALE OF SURPLUS GOVERNMENT SILVER.

361. ***Mr. Manu Subedar:** (a) Will the Honourable the Finance Member be pleased to state whether Government had any agreement with the United States of America and other silver-producing countries of the world, now preventing them from exporting surplus Government silver for sale to the central market in London?

(b) When did the agreement expire?

(c) What is the total quantity of surplus silver sold by Government during 1935-36, 1936-37 and the first nine months of the current year?

(d) How much silver has been disposed of by Government by sales locally in India?

(e) If none, why not?

The Honourable Sir James Grigg: (a) Yes, but the effect of the agreement was to restrict, not to prohibit sales.

(b) 31st December, 1937.

(c) A statement is laid on the table.

(d) There have been no sales in the open market in India.

(e) It would not be in the public interest to make a statement on this subject.

Total Quantity of Surplus Silver sold by Government.

	Standard tolas.
Silver sold during 1935-36	2,60,26,525
Silver sold during 1936-37	23,70,205
Silver sold during 1937-38 (nine months) . . .	26,77,052

Mr. Manu Subedar: Is it a fact that Government are holding up silver in the expectation of better prices?

The Honourable Sir James Grigg: That is precisely part (e) of the question in another form. It would not be in the public interest to make a statement on the subject.

MATCH FACTORIES IN INDIA.

362. ***Mr. Manu Subedar:** (a) Will the Honourable the Finance Member be pleased to state how many match producing factories there are in British India?

(b) How many of them are not owned or controlled by the Western India Match Company?

(c) How many match factories are there in Indian States, which are in the pool?

(d) How many match factories are there in Indian States which are not in the pool?

(e) Has any request been made to Government for credit in respect of banderols?

(f) If any credit is being given, is it being given uniformly to all match factories, or is a special treatment being given to the Western India Match Company?

Mr. A. H. Lloyd: (a) 122, according to the information available at present.

(b) The information is not available.

(c) and (d). The information is being obtained and will be laid on the table of the House in due course.

(e) and (f). Under clause 46 of the Matches (Excise Duty) Order, 1934, the issue of banderols on credit is permissible. The Government understand that only a limited number of factories have taken advantage of the credit system, but there is nothing to show that special treatment is being accorded to the Western India Match Company.

Mr. Manu Subedar: Is there any over-production in the match industry according to the information of Government?

Mr. A. H. Lloyd: I think, Sir, the question whether there is over-production is a matter of opinion.

Mr. Manu Subedar: With regard to (b), are Government aware that the Western India Match Company, which is a foreign corporation, is acquiring control over good many Indian companies directly and indirectly?

Mr. A. H. Lloyd: I understand, Sir, that the Western India Match Company is a company incorporated in India or established in India, but the Honourable Member describes it as a foreign company. That is my answer to that part of the question. For the rest, I am not aware of the fact to which he refers.

Mr. Manu Subedar: But I am asking again whether according to the information of Government that company is getting an undue amount of hold, almost amounting to a monopoly in India.

Mr. A. H. Lloyd: May I submit, Sir, that whether any amount of control is undue is a matter of opinion?

MONOPOLY FOR PURCHASE AND SALE OF MILK IN THE LANSDOWNE CANTONMENT.

363. ***Mr. Badri Dutt Pande:** (a) Is the Defence Secretary aware of the fact that from the 1st April, 1937, the Cantonment Authority at Lansdowne has given in a way, the monopoly of the purchase and sale of milk to one person?

(b) Was any representation made to the authorities concerned by the milk sellers and the general consumers of the Cantonment respectively? If so, was any reply given to them?

(c) Before the enforcement of this system was any notice published in the local official gazette or was the same sent to the Local Government for approval and confirmation as required by section 284(1) of the Cantonment Act of 1924 (II of 1924), as amended by Act XXIV of 1936?

(d) Is it a fact that one of the battalions stationed at Lansdowne continued to take milk from outside in violation of the so-called notice? If so, has there been found any difference in the health of those troops which took milk from outside and of the troops which took their supply from the dairy man?

(e) Is it a fact that since the enforcement of the new system the consumption of milk in the Cantonment has fallen considerably?

(f) Have Government received any representation from the public of Lansdowne? If so, what action is being taken on the same?

(g) Are Government prepared to consider the advisability of instructing the authorities concerned to withdraw the order creating a milk monopoly?

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

EXPULSION OF ONE TARA DATT SATI FROM THE RANIKHET CANTONMENT.

364. ***Mr. Badri Dutt Pande:** (a) Does the Defence Secretary know that Tara Datt Sati, a house proprietor of Chaubattia, was expelled from the Ranikhet Cantonment in 1935 because of the police report that he was a congressman and that his brother participated in the non-co-operation movement?

(b) Did the police report that he keeps a gambling den, which was a baseless charge?

(c) Is it the intention of Government to reconsider the advisability of cancelling this order of expulsion as early as possible?

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

MILITARY CAMPAIGN IN WAZIRISTAN.

365. ***Mr. Badri Dutt Pande:** (a) Will the Defence Secretary please state whether the military campaign in Waziristan has come to an end?

(b) When was it started and what for, and when did it end and with what result?

(c) What is the total number of British and Indian soldiers killed and wounded in this campaign?

(d) What is the total cost of the campaign?

(e) What area in Waziristan has been "peacefully penetrated" in this campaign, and what area still remains to be penetrated?

(f) Has the Faqir of Ipi, who led the Wazirs in this campaign been subdued?

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

(b) I refer the Honourable Member to Command Paper No. 5495 presented to Parliament by the Secretary of State in June, 1937, copies of which are in the Library of the House.

(c) and (d). I refer the Honourable Member to the reply I gave to part (a) of his starred question No. 199 of 10th February, 1938.

(e) I refer the Honourable Member to the answer given by the Foreign Secretary on the 31st January, 1938, to parts (b) and (c) of Mr. Abdul Qaiyum's starred question No. 33 on the same subject.

(f) I refer the Honourable Member to the press communiqué of the 9th February, 1938.

Mr. M. Asaf Ali: Is it not a fact that the figures which the Honourable Member gave last time related to the end of the year 1937? Are figures received later available now?

Mr. C. M. G. Ogilvie: The figures are exactly the same now as when I answered the question.

REDUCTION OF SALARIES OF SERVICES RECRUITED BY THE SECRETARY OF STATE.

366. ***Mr. Thirumala Rao** (on behalf of Mr. C. N. Muthuranga Mudaliar): Will the Honourable the Home Member please state:

(a) whether the Secretary of State has been addressed by any Provincial Government regarding the reduction of salaries of present or future holders of posts borne on the cadres of services to which recruitment is made by him; and

(b) whether the Government of India have been consulted by the Provincial Government concerned or by the Secretary of State at any stage, and if so, what their recommendations were?

The Honourable Sir Henry Craik: On the assumption that the Honourable Member refers to the period since the 1st April, 1937, the answer to his question is as follows:

(a) Not so far as Government are aware.

(b) Does not arise.

PROCEDURE *re* CORRESPONDENCE ON SERVICE MATTERS BETWEEN PROVINCIAL GOVERNMENTS AND THE SECRETARY OF STATE.

367. ***Mr. Thirumala Rao** (on behalf of Mr. C. N. Muthuranga Mudaliar): Will the Honourable the Home Member please state:

(a) what the procedure now is for the communication of despatches from Provincial Governments to the Secretary of State for India regarding service matters in respect of which the Secretary of State is, under the Government of India Act, 1935, the final authority; and

(b) what is the part played by the Government of India in such correspondence; whether they submit their views also on the questions raised by Provincial Governments; and if so, on what grounds interference with Provincial autonomy is justified?

The Honourable Sir Henry Craik: (a) and (b). In the past, communications from Provincial Governments have been transmitted generally to the Secretary of State through the Central Government, and the Central Government have offered such comment as they consider necessary. The procedure to be adopted in the circumstances of Provincial Autonomy is at present under examination, and it will remain for the Secretary of State to prescribe the channel of communication to be adopted, and whether in any particular case or class of cases he desires the views of the Central Government.

PROVINCIALISATION OF THE INDIAN CIVIL SERVICE AND THE INDIAN POLICE SERVICE.

368. ***Mr. Thirumala Rao** (on behalf of Mr. C. N. Muthuranga Mudaliar): Will the Honourable the Home Member please state:

(a) whether the Secretary of State for India has been addressed either by the Government of India or by any Provincial Government on the question of the provincialisation of the Indian Civil Service, or the Indian Police Service; and if so, with what result;

(b) the services to which recruitment was made by the Secretary of State in 1919 which have now been provincialised, or the recruitment to which has ceased; and

(c) whether it is a fact that the Government of India are opposed to the provincialisation of the Indian Civil Service and the Indian Police Service; and, if so, why?

The Honourable Sir Henry Craik: (a) If the question relates to the period after the 1st April, 1937, the answer is that the Government of India have made no such communication. I cannot say whether any Provincial Government have made any representation direct to the Secretary of State.

(b) (i) Indian Agricultural Service.

(ii) Indian Educational Service

(iii) Indian Forest Service.

(iv) Indian Forest Engineering Service.

(v) Indian Service of Engineers.

(vi) Indian Veterinary Service.

(c) The Government of India have not had occasion to consider the matter since the Government of India Act, 1935, was passed.

RECOMMENDATIONS OF THE MAXWELL COMMITTEE.

369. ***Mr. Thirumala Rao** (on behalf of Mr. C. N. Muthuranga Mudaliar): With reference to the answer to Mr. Satyamurti's starred question No. 499, dated the 14th September, 1937, will the Honourable the Home Member please state:

(a) whether the Maxwell Committee has recommended that "Federal Ministers should have no knowledge of the departmental discussions and therefore official files are not to be submitted to them in original and in their place only a concise, self-contained memo. including specific recommendations, will be submitted to them by the heads of Departments";

(b) what decision has been reached on this recommendation; and

(c) the reasons for the recommendation?

The Honourable Sir Henry Craik: I would refer the Honourable Member to Mr. Mudie's reply to Mr. S. Satyamurti's starred question No. 499 on the 14th September, 1937, and to the replies given to supplementary questions on that occasion.

RECOMMENDATIONS OF THE WHEELER COMMITTEE.

370. ***Mr. Thirumala Rao** (on behalf of Mr. C. N. Muthuranga Mudaliar): Will the Honourable the Home Member please state:

(a) what are the recommendations of the Wheeler Committee, to which effect has been given so far, which yet remain to be acted upon and which have been rejected, and why;

(b) to what extent the recommendations of the Wheeler Committee have been nullified by the recommendations of the Maxwell Committee and why; and

(c) the cost of the Wheeler Committee?

The Honourable Sir Henry Craik: (a) The extent to which the Wheeler Committee's recommendations have been accepted has been fully explained in the Press Note issued on the 17th November, 1937, a copy of which has been placed in the Library of the House. I am unable to add anything to that at present, but if the Honourable Member will mention to me any particular recommendation in regard to which he has failed to find sufficient information in the Press Note, I will consider what I can do to oblige him.

(b) The recommendations of what is sometimes called the Maxwell Committee are embodied in a confidential note which has not been published, and I am unable to give any information about it.

(c) The cost was approximately Rs. 72,120.

SUBJECTS DISCUSSED AT THE FINANCE MINISTERS' CONFERENCE.

371. ***Mr. Manu Subedar:** Will the Honourable the Finance Member state:

(a) whether a conference of Finance Ministers was held recently;

(b) what the subjects discussed at this conference were;

(c) whether the question of the proposed sales tax on sugar-cane was discussed; and

(d) whether any compromise was offered by the Central Government in consideration of the Provincial Governments foregoing the levy of the sales tax?

The Honourable Sir James Grigg: (a) Yes.

(b), (c) and (d). As I said in reply to a previous question, the proceedings of the conference must be regarded as confidential.

Mr. Manu Subedar: Will the Honourable Member say whether Stamp Duty was one of the subjects discussed?

The Honourable Sir James Grigg: Yes.

Mr. Manu Subedar: What were the alternatives discussed at the conference?

The Honourable Sir James Grigg: The Honourable Member is trying to get in detail what I have refused to give him in general.

Mr. Manu Subedar: Will Government please mention the reasons why they will not send out to the public a statement of the subjects discussed with such information as Government themselves choose to give?

The Honourable Sir James Grigg: No.

†372*.

†This question was not put by the questioner.

OBJECTION TAKEN BY THE COLONEL AT RAZMAK TO THE PLAYING OF INDIAN MUSIC IN THE MESS.

373. ***Mr. Abdul Qaiyum:** Will the Defence Secretary please state:

(a) whether it is a fact that the Colonel objected to the playing of Indian music in the mess of the 2nd/1st Punjab Regiment about the end of December, 1937, at Razmak;

(b) whether it is a fact that on that occasion the said Colonel addressed the Indian commissioned officers in the following words, or similar words:

"If you want to play Indian music go and eat cow-dung in your villages";

(c) whether it is a fact that the said Indian commissioned officers bitterly resented the Colonel's remarks and that they lodged a protest;

(d) whether it is a fact that instead of their grievance being redressed, the said Indian officers were brought before a Court of Inquiry;

(e) if so, what was the result of that Court of Inquiry; and

(f) whether Government are prepared to take steps to see that such incidents do not recur?

Mr. C. M. G. Ogilvie: (a) to (f). The facts are approximately as stated in the question. The incident is, however, a purely domestic concern of the unit involved. It has been brought to a conclusion satisfactory to all concerned and it is not in the interests of the unit or of its officers to discuss it further.

Mr. Manu Subedar: Have any orders been given that Indian music will be allowed in future?

Mr. C. M. G. Ogilvie: Not that I know of.

Mr. Manu Subedar: Will Government consider the matter?

Mr. C. M. G. Ogilvie: I think there is no need for Government to consider it.

Mr. Manu Subedar: Are Government aware that Indian music is most important thing in the cultural life of an Indian Officer and should be allowed?

Mr. C. M. G. Ogilvie: I understand the point does not concern Indian music: it was concerned with the time and place at which it was played.

Mr. Manu Subedar: Are Government supporting my proposal that orders should be given to permit Indian music?

Mr. C. M. G. Ogilvie: There is no need to give such orders. Indian music will be permitted just as much as any other music.

Mr. Abdul Qaiyum: May I know, with reference to parts (d) and (e) whether these officers were brought before a Court of Inquriy, and, if so, when that Court of Inquiry was held?

Mr. C. M. G. Ogilvie: The officers were not brought before a Court of Inquiry. A Court of Inquiry into the incident was held at which the officers concerned gave evidence.

Mr. Abdul Qaiyum: May I know how many officers gave evidence or were examined by this Court of Inquiry?

Mr. C. M. G. Ogilvie: All the Indian Commissioned Officers of the regiment, as far as I know.

Mr. Abdul Qaiyum: May I know what was the result of this Court of Inquiry?

Mr. C. M. G. Ogilvie: The result was, as I have said, that the matter has been brought to a conclusion satisfactory to all concerned.

Mr. Abdul Qaiyum: May I know if Government will take or have taken any action against the Colonel who took exception to a very legitimate act of Indian officers?

Mr. C. M. G. Ogilvie: I should like to say again that the proceedings of this completely domestic concern should not in the opinion of the Government have been ventilated in Parliament, and that incidents of this kind should not be given such a degree of publicity. I might suggest to the Honourable Member that all the information he can possibly desire on this subject he could readily obtain from the sources from which he obtained the material of his question.

Mr. Abdul Qaiyum: I was listening to a lecture by the Honourable Member as to how we should behave in Parliament. We are not here to be lectured to by the Honourable the Defence Secretary.

Mr. President (The Honourable Sir Abdur Rahim): There was no lecture at all.

Mr. Abdul Qaiyum: I request I may be allowed to put a supplementary question . . . .

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

INDIANISATION OF THE POSTS OF INSPECTING OFFICERS OF CANTONMENTS.

374. ***Mr. Govind V. Deshmukh** (on behalf of Mr. Sham Lal): Will the Defence Secretary be pleased to state:

(a) what number of officers is employed as Inspecting Officers of Cantonments and their Assistants (now styled as Deputy Director, Cantonments and Assistant Deputy Director) in India, and the average rate of their pay;

(b) whether it is a fact that none of these officers is an Indian; and

(c) if the answer to part (b) be in the affirmative, what steps Government propose to take to Indianise these posts?

Mr. C. M. G. Ogilvie: (a) Four Deputy Directors on salary of Rs. 2,145 per mensem each. Three Deputy Assistant Directors, the average pay of existing incumbents is Rs. 1,275 per mensem each.

(b) Yes.

(c) Appointments to these posts are made by selection, and Indian Military Estates Officers are eligible for selection.

Mr. Lalchand Navalrai: May I know with reference to part (b), why it is that Indian officers are not appointed?

Mr. C. M. G. Ogilvie: Up to the present, there has been no King's Commissioned Indian Officer or Indian Commissioned Officer in the Cantonments Department.

DEMAND FOR ENHANCED RENT FOR QUARTERS TO BE BUILT IN THE SANATAN DHARAM TEMPLE COMPOUND IN THE RISALPUR CANTONMENT.

375. ***Mr. Govind V. Deshmukh** (on behalf of Mr. Sham Lal): Will the Defence Secretary be pleased to state:

(a) whether the Executive Officer of Risalpur Cantonment demanded enhanced rent for quarters which were proposed to be built in the compound of Sanatan Dharam Temple by Hindu residents; if so, why; and

(b) whether Government are prepared to waive this demand for enhanced rent?

Mr. C. M. G. Ogilvie: (a) and (b). Yes. The site was applied for for the erection of a temple and quarters for the *Pujaris*, School Mistresses, *Pandits* and visitors. The full market rent of the site is Rs. 225 per annum but as it was required solely for religious purposes and the accommodation of persons connected with the temple, the Government of India sanctioned the lease on a nominal rent of Rs. 5 per annum. The lease provides that the premises shall not be used for any purpose other than that of a place of worship. The lessees, by renting the quarters to private persons have contravened the terms of the lease, and Government are entitled to determine it. Government do not desire to take this drastic step but had the site, or a part of it, been applied for for erecting quarters to be rented out, full market rent would have been charged for that portion of the site. The lessees have been asked to comply the terms of the lease, and their reply is awaited before Government can determine their future action.

GRIEVANCES AGAINST THE EXECUTIVE OFFICER OF THE RISALPUR CANTONMENT.

376. ***Mr. Govind V. Deshmukh** (on behalf of Mr. Sham Lal): Will the Defence Secretary be pleased to state:

(a) whether it is a fact that the present Executive Officer of Risalpur Cantonment has been stationed there for the last 18 years;

(b) whether Government are aware that he is extremely unpopular with the public, who have made several representations to higher authorities on the subject;

(c) whether it is also a fact that this Executive Officer always remains sick and therefore cannot perform the office work properly; and

(d) if the answer to the above be in the affirmative, what action Government propose to take in this matter?

Mr. C. M. G. Ogilvie: (a) Yes. He was, however, appointed Executive Officer from 1st December, 1932.

(b) No.

(c) The reply is in the negative.

(d) Does not arise.

CHARGES FRAMED BY THE JHANSI CANTONMENT BOARD AGAINST ITS EXECUTIVE OFFICER.

377. ***Mr. Govind V. Deshmukh** (on behalf of Mr. Sham Lal): Will the Defence Secretary be pleased to state:

(a) whether it is a fact that serious charges of corruption and falsification of accounts were framed by the Jhansi Cantonment Board against its Executive Officer; and

(b) what action was taken by Government against that officer?

Mr. C. M. G. Ogilvie: (a) Yes. The charges were, however, found on enquiry to be unsubstantiated.

(b) Does not arise.

EXERCISE OF POWERS OF THE PRESIDENT WHILE ON LEAVE BY THE ELECTED VICE-PRESIDENT OF A CANTONMENT BOARD.

378. ***Mr. Govind V. Deshmukh** (on behalf of Mr. Sham Lal): Will the Defence Secretary be pleased to state:

(a) whether it is a fact that when the permanent Officer Commanding the station goes on leave for two or three months in summer to hills or *ex*-India, the senior military officer, who takes over the command of troops from that very date assumes the Presidentship of the Cantonment Board and exercises executive powers of the Board;

(b) whether it is also a fact that on return of the permanent Officer Commanding from leave, he again becomes the President of the Board;

(c) whether it is also a fact that by this arrangement the elected Vice-President of the Cantonment is deprived of the right of exercising the powers and duties of the President; and

(d) whether Government are prepared to issue instructions to allow the elected Vice-President to exercise powers of the President during leave?

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

(c) and (d). The elected Vice-President can only function as President when the permanent President is absent temporarily on duty or on station leave. Under section 22 (2) of the Cantonments Act, 1924, it is within

the discretion of the President to empower the Vice-President to perform any duty or exercise any power specifically imposed or conferred on him under the Act, and Government do not consider it necessary to interfere with this discretion.

SHOOTING AT PEOPLE BY A SOLDIER FROM A MILITARY LORRY BETWEEN DELHI AND MEERUT.

379. ***Mr. M. Asaf Ali:** (a) Will the Defence Secretary please state whether Government's attention has been drawn to a piece of news which appeared in the *Hindustan Times* of the 2nd February, 1938, on page 3, column 4, under the heading "Tommy Runs Amuck", stating that a soldier fired at random from a running lorry, and injured many passers by?

(b) To what extent is the news well-founded, and how many persons have thus been injured?

(c) What steps have Government taken against the offender?

Sir, the Honourable Member need not answer parts (a) and (b), but I simply want to know what further steps have been taken by Government to bring the offenders to book.

Mr. C. M. G. Ogilvie: The matter stands exactly as it is when I answered Mr. T. S. Avinashilingam Chettiar's question.

Mr. M. Asaf Ali: I am asking about taking further steps.

Mr. C. M. G. Ogilvie: The matter stands exactly as it did that is to say, the police are still inquiring into the incident, and it has not yet been decided whether the case will be brought before Civil Courts or not.

Mr. M. Asaf Ali: I want to know whether the Honourable Member is in a position to give any further information on the subject? Have the police made any further progress with their investigation, if so, is the Defence Secretary in possession of these facts?

Mr. C. M. G. Ogilvie: No, I am in possession of no further facts.

Mr. M. Asaf Ali: Have you made any inquiries?

Mr. C. M. G. Ogilvie: Yes.

Mr. M. Asaf Ali: Then the police don't propose to reply to you.

Mr. C. M. G. Ogilvie: Undoubtedly when they have completed their investigation.

Mr. M. Asaf Ali: What is the latest information?

Mr. C. M. G. Ogilvie: That they have not completed their investigation.

Mr. M. Asaf Ali: I don't wish to put this question† (No. 380) because it has already been answered in a communique issued by the Government, but I should just like to know if the postponed visit is likely to come off some time later, and if so, when?

The Honourable Sir Henry Craik: I am not in a position to answer that.

MEASURES FOR PROHIBITION OF COW-SLAUGHTER.

381. ***Mr. Lalchand Navalrai:** Will the Honourable the Home Member be pleased to state:

(a) whether they have taken notice of the petition of nearly a hundred thousand signatures submitted to His Excellency the Viceroy from Poona city, demanding the immediate and complete prohibition of cow slaughter in the interests of the health and agricultural industry of the nation, and with a view to satisfy the religious sentiments of millions of Hindus; and

(b) what Government intend to do in this matter?

The Honourable Sir Henry Craik: (a) and (b). The matter does not concern the Central Government.

MEASURES FOR PROHIBITION OF COW-SLAUGHTER.

382. ***Mr. Lalchand Navalrai:** Will the Honourable the Home Member be pleased to state:

(a) whether in view of the recent public utterances by His Excellency the Viceroy deprecating the indiscriminate cow-slaughter in cities and the desirability to stop it immediately even by legislative measures, the Imperial Government have formulated any Bill to that effect;

(b) if not, when such a Bill should be expected to appear before this Assembly;

(c) whether the Provincial Governments have sent in their opinions as regards such a Bill; whether they were asked for in the month of December, 1936;

(d) whether such opinions of the Provincial Governments, if arrived, will be published; and

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†380. **Mr. M. Asaf Ali*: (a) Will the Honourable the Home Member please state whether Government's attention has been drawn to a piece of news which appeared in the *Hindustan Times* of the 2nd February, 1938, on page 3, column 1, suggesting that His Majesty the King Emperor may visit India towards the end of this year?

(b) Is there any truth in this statement?

(c) If the reply to part (b) be in the affirmative, will Government please state what will be the amount of expenditure which will be debited to the Indian exchequer in connection with this visit?

(e) whether Government have in view any other schemes to bring about this cow-slaughter prohibition?

The Honourable Sir Henry Craik: With your permission, Sir, I will answer this and the next together, and the answer is that I am unable to answer this question. It should have been addressed to the Honourable Member representing the Department of Education, Health and Lands.

MAINTENANCE AND PUBLICATION OF STATISTICS FOR COW-SLAUGHTER.

†383. ***Mr. Lalchand Navalrai:** Will the Honourable the Home Member be pleased to state whether Government are prepared to ask all Provincial Governments to maintain accurate statistics of cows and other cattle slaughtered in municipal areas, notified areas, cantonment areas, and all other rural areas within their jurisdiction, and to publish these statistics regularly and annually for the information of the public?

TRANSFER OF THE ADMINISTRATION OF SALT, MATCHES AND SUGAR FROM CERTAIN PROVINCES TO THE CENTRAL BOARD OF REVENUE.

384. ***Mr. D. K. Lahiri Chaudhury:** (a) Will the Honourable the Finance Member be pleased to state why it has been decided to transfer the administration of salt, matches and sugar from the hands of the Provincial Governments of Bengal and other Eastern Provinces to the Central Board of Revenue?

(b) Was the opinion of the Bengal Government sought in the matter and if so, did the Bengal Government agree to such a proposal?

Mr. A. H. Lloyd: (a) The Government of India considered it desirable on merits that the administration of Central Excises and particularly that of Sugar Excise should be under their own close control and should be conducted on as uniform lines as possible. The question of taking over control of Central Excises and Salt from the Government of Bengal is still under consideration.

(b) Yes, but they have not agreed.

TRANSFER OF THE ADMINISTRATION OF SALT, MATCHES AND SUGAR FROM CERTAIN PROVINCES TO THE CENTRAL BOARD OF REVENUE.

385. ***Mr. D. K. Lahiri Chaudhury:** (a) Will the Honourable the Finance Member please state whether it is not a fact that Bengal has collected the largest excise revenue in matches during the past three years?

(b) Have not the Bengal Government appointed and trained up a large staff for the maintenance and collection of the matches and sugar revenue during the last three years? If so, what will be the fate of these officers?

(c) Are Government aware that the people of Bengal have been trying to revive the salt industry and several public limited concerns have been granted licences to manufacture salt in different areas of the sea-board, and experiments are being regularly carried on by these manufacturers with a view to developing large factories in the near future?

†For answer to this question, *see* answer to question No. 382.

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

(b) The Bengal Government administer these duties through their Excise Department, which has been enlarged in this connection by the appointment of one Superintendent, seventeen Inspectors and ten Sub-Inspectors. As regards the second part, the whole matter is under consideration.

(c) The Government are aware of the experiments made by certain concerns and the results achieved by them so far.

EXTENSION OF THE SALT (ADDITIONAL IMPORT DUTY) ACT OF 1931.

386. ***Mr. D. K. Lahiri Chaudhury:** (a) Will the Honourable the Finance Member please state whether Government contemplate a further extension of the Salt (Additional Import Duty) Act of 1931?

(b) What are the views of the present responsible Government of Bengal towards its further extension?

(c) If the reply to part (a) be in the affirmative, will Government be pleased to state their future policy regarding development of salt manufacture in Bengal? Will the additional duty collected from Bengal be spent exclusively for the purpose of salt manufacture in Bengal in an industrial scale, to make the province self-supporting in the matter of salt?

(d) Are Government prepared to consider the desirability to appoint during the ensuing reorganisation a special officer in Bengal as Salt Development Officer to advise and guide the prospective manufacturers and to grant subsidies, with the sanction of Government, in deserving cases?

Mr. A. H. Lloyd: (a) Government do not disclose their intentions in regard to taxation in advance.

(b) They have not so far been consulted.

(c) Does not arise.

(d) Does not arise.

Mr. D. K. Lahiri Chaudhury: With reference to part (b) of this question, may I know, Sir, whether the Government of India are contemplating to take the advice of the Bengal Government in this matter?

Mr. A. H. Lloyd: I should like to have notice of that question.

BURMA CURRENCY NOTES IN CIRCULATION IN INDIA.

†387. ***Sardar Mangal Singh:** Will the Honourable the Finance Member please state:

(a) whether it is a fact that a considerable number of currency notes with the Stamp "Legal tenders in Burma only" are in circulation in India;

(b) whether it is a fact that currency offices refuse to accept them;

(c) whether Government propose to stop their circulation in India or take steps to remove the difficulties of the public in getting them cashed;

(d) whether the Honourable Member is aware that the exchange banks charge some commission for making cash payments for such notes; and

†Answer to this question laid on the table, the questioner being absent.

(e) whether Government propose to instruct the currency offices to accept them on face value?

The Honourable Sir James Grigg: (a), (b) and (c). I would refer the Honourable Member to the statement made on this subject in the annual Report of the Reserve Bank which was published in the Gazette of India, dated the 5th of February, 1938.

(d) Yes.

(e) No.

RETURN OF THE KALGHI OF GURU GOVIND SINGH TO THE SIKHS.

†388. ***Sardar Mangal Singh:** Will the Honourable the Home Member please state:

(a) whether, as has been stated in Lady Logan's reminiscences it is a fact that, when the British Government took over the possession of Lahore fort from Maharaja Dalip Singh, a plume (Kalghi) which was said to be that of Guru Govind Singh was found in the Tosha Khana;

(b) where that plume now is; and

(c) whether Government propose to return the same to the Sikhs?

The Honourable Sir Henry Craik: (a), (b) and (c). I have not been able to trace the statement on which the Honourable Member's question is based, and cannot, therefore, give him the information he desires.

REMARKS OF THE CHIEF JUSTICE OF THE PUNJAB ON POLICE METHODS TO SECURE CONFESSIONS.

389. ***Syed Ghulam Bhik Nairang:** (a) Will the Honourable the Home Member be pleased to state whether the attention of Government has been drawn to the remarks of the Chief Justice of the Punjab in the Kiroo case from Rawalpindi on police methods of attempting to secure a confession in the case?

(b) If so, are Government prepared to consider the desirability of enquiring into police methods in other Provinces with a view to revising the law of confessions in India?

(c) Are Government aware that in a large majority of cases in most provinces, confessions are retracted at the trial on the ground of their having been procured by torture?

(d) Are Government prepared to consider the desirability of instituting an enquiry, in co-operation with the Provincial Governments into the investigation of crimes generally by the police and, if necessary, of amending the Criminal Procedure Code and the Evidence Act?

(e) Has any general enquiry been held since that ordered by Lord Curzon in 1903?

The Honourable Sir Henry Craik: (a) No, except for what has appeared in the Press.

†Answer to this question laid on the table, the questioner being absent.

(c) and (e). No.

(b) and (d). While Criminal Procedure is a concurrent subject included in List III of the Seventh Schedule to the Government of India Act, 1935, Police is a provincial subject. The fact that there have been strictures on the methods employed by the police of a Province, purporting to be acting under the provisions of Chapter XIV of the Code of Criminal Procedure, is no reason for assuming that the substantive provisions of the law are defective and require amendment, and the Government of India are not prepared to embark upon any enquiry such as has been suggested by the Honourable Member unless they are asked to do so by Provincial Governments.

UNSTARRED QUESTIONS AND ANSWERS.

PRINTING OF CURRENCY NOTES OUTSIDE INDIA.

30. ***Mr. Manu Subedar:** Will the Honourable the Finance Member be pleased to state:

(a) whether there is any denomination of currency notes which the Government of India still get printed outside India;

(b) if the answer to part (a) be in the affirmative, why arrangements for printing these notes cannot be made in this country; and

(c) whether Government will be pleased to lay on the table any papers or correspondence on this subject, explaining the difficulties in the production of these notes locally?

The Honourable Sir James Grigg: (a) No.

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

ARREST AND IMPRISONMENT OF *ex*-KAKORI PRISONERS IN DELHI.

31. **Mr. Badri Dutt Pande:** (a) Will the Honourable the Home Member be pleased to state when and for what reasons the *ex*-Kakori prisoners (i) Jogesh Chandra Chatterjea, (ii) Mr. A. K. Khatri, (iii) Manmoth Nath, (iv) S. N. Bakshi and (v) Ram Dulare, were arrested and subsequently imprisoned in the Province and City of Delhi?

(b) What are their terms of imprisonment?

(c) In which class are they kept?

The Honourable Sir Henry Craik: (a) All the prisoners were arrested on the 2nd December, 1937, for disobeying notices served on them under section 3 of the Punjab Criminal Law Amendment Act.

(b) Each of the prisoners was sentenced to four months' rigorous imprisonment.

(c) Class "B".

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 487, asked by Khan Bahadur Muhammad Anwar-ul-Azim on the 13th September 1937.

INSTALLATION OF LOUD-SPEAKERS IN THE INDIAN LEGISLATIVE ASSEMBLY CHAMBER.

In 1935-36 the ceiling and the walls of the Assembly Chamber at Simla were sprayed at a cost of about Rs. 10,000 with an absorbent material calculated to reduce the reverberation and this has led to some improvement in the acoustics of the Chamber. From enquiries made, Government are not satisfied that the installation of microphones and loud-speakers is likely to prove satisfactory.

Information promised in reply to part (a) *of starred question No. 109 asked by Mr. M. Ananthasayanam Ayyangar on the 2nd February, 1938.*

MADRASIS TRANSFERRED TO BURMA IN THE POSTAL AUDIT AND CONTROLLER'S DEPARTMENT.

(a) 104 (including an Assistant Accounts Officer and two Divisional Accountants).

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, the following Message has been received from the Council of State:

"Sir, I am directed to inform you that the Council of State at its meeting held on the 17th February, 1938, agreed without any amendment to the following Bills, which were passed by the Legislative Assembly at its meetings held on the 31st January, 7th February and 1st February, 1938, namely:

(1) A Bill to repeal certain enactments;

(2) A Bill further to amend the Dangerous Drugs Act, 1930, for a certain purpose; and

(3) A Bill further to amend the Indian Companies Act, 1913, for certain purposes."

The Honourable Sir Nripendra Sircar (Leader of the House): Sir, may I make a statement about the legislative business which is appearing on the agenda paper for today? There are two items, one relates to the Stamp Bill and the other relates to the Tea Bill. The Stamp Bill will not be moved today, and therefore the only matter for discussion will be the Tea Bill. Many Honourable Members were under the impression that matters will not be expedited to this extent, and I understand it is the general desire of the Opposition that the clauses of the Tea Bill may not be discussed today. If that is the view of the Opposition, and if the Chair will permit it, we have no objection to proceed with the Tea Bill up to the stage of the consideration of the motion on the Report of the Select Committee, and the clauses may be left for another day. Government not proceeding further today. This may involve the House rising earlier than 5 o'clock, but we are quite prepared to do that if the Opposition and the Chair will agree to it.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I do not propose to oppose the suggestion made by the Honourable the Leader of the House, but I think I owe it to certain friends to inform the House that some gentlemen have left

Delhi on the assurance that the Tea Bill will not be taken up today,—an assurance, if I may be permitted to say so,—which was given by the Honourable the Leader of the House. . . .

The Honourable Sir Nripendra Sircar: What do you want now?

Mr. Akhil Chandra Datta: I may not be misunderstood. . . .

The Honourable Sir Nripendra Sircar: I have not misunderstood you. but I made a proposal in order to help your friends, that the clauses of the Tea Bill may not be taken up today.

Mr. Akhil Chandra Datta: I have already said that I am not opposing it.

The Honourable Sir Nripendra Sircar: If you are not agreeable, then I will withdraw my request to the Chair. It is not a question of your not opposing. If you are not agreeable to my proposal, I shall withdraw my request to the Chair.

Mr. Akhil Chandra Datta: The proposal, I take it, is that the Tea Bill will be taken up only up to a certain stage?

The Honourable Sir Nripendra Sircar: Yes.

Mr. Akhil Chandra Datta: Very well, I agree to it. I never intended to oppose.

Mr. M. Asaf Ali (Delhi: General): Sir, so far as we are concerned, we agree to the suggestion made by the Honourable the Leader of the House. In fact, I may make it perfectly clear that the last attempt we made was for making it a holiday today. That having failed, we had to fall back on a half holiday, and the suggestion made today really comes to a half holiday, and we entirely agree with it.

Mr. President (The Honourable Sir Abdur Rahim): The Chair is not disposed to grant a half or full holiday, and it is for the Government to say whether they are going to make certain motions which are on the agenda or not. If business is thereby dislocated that, of course, is the responsibility of the Government and the Chair has nothing to do with it. It is left to the Government to act as it pleases in this matter.

ELECTION OF THE STANDING COMMITTEE FOR THE LABOUR DEPARTMENT.

Mr. A. G. Clow (Labour Secretary): 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 with which the Labour Department is concerned."

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 with which the Labour Department is concerned."

The motion was adopted.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE ON PILGRIMAGE TO THE HEDJAZ.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): Sir, I move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, two Muslim Members to sit on the Standing Committee on Pilgrimage to the Hedjaz, *vice* Sir Abdoola Haroon, M.L.A., and Maulana Shaukat Ali, M.L.A., whose term of membership expired on the 12th February, 1938."

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, two Muslim Members to sit on the Standing Committee on Pilgrimage to the Hedjaz, *vice* Sir Abdoola Haroon, M.L.A., and Maulana Shaukat Ali, M.L.A., whose term of membership expired on the 12th February, 1938."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I may inform Honourable Members that for the purpose of election of members for the Standing Committee for the Labour Department and the Standing Committee on Pilgrimage to the Hedjaz the Notice Office will be open to receive nominations upto 12 noon on Friday, the 25th February, 1938, and that the elections, if necessary, for both the Committees will take place as usual, in the Assistant Secretary's Room in the Council House, New Delhi, between the hours of 10-30 A.M. and 1 P.M. on Wednesday, the 2nd March, 1938. The elections will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

THE STAMP DUTIES UNIFICATION BILL.

The Honourable Sir James Grigg (Finance Member): Sir, I do not move my motion* today.

THE INDIAN TEA CONTROL BILL.

Mr. H. Dow (Commerce Secretary): Sir, I move:

"That the Bill to provide for the control of the export of tea from, and for the control of the extension of the cultivation of tea in, British India, as reported by the Select Committee, be taken into consideration."

Sir, the Bill, as it has emerged from the Select Committee, has undergone no such drastic alteration as will make it necessary for me to detain the House long in explaining the changes that have been made. The House will also have gathered from the fact that Government have given no notice of any amendments to the report of the Select Committee that Government are prepared to stand on that report. These are the principal changes that have been made. Firstly, it is proposed that certain of the members of the Committee which will be set up under

*"That the Bill to fix uniform rates for the levy of certain stamp duties throughout British India, to impose for a period of two years a stamp duty on cheques, and to formulate the principles in accordance with which the net proceeds of the said duties shall be distributed among the Provinces be taken into consideration."

Chapter I of this Bill shall be elected instead of nominated. Government have no objection in principle to this. It is Government's desire that the members to represent those interests, in whatever way they are selected—whether by nomination or in some other way—, should be as truly representative of those interests as can be. Possibly there will be difficulties experienced by the Committee when they come to work out the rules for the election of these representatives; but it has always been Government's object to select by nomination people who are as truly representative of those minor interests as possible. Another important change is one that I adumbrated in my opening speech. It will be found in sub-clause (*f*) of clause 3, where Government propose that there should be a Chairman nominated by the Central Government in consultation with the members of the Committee. Government have no ulterior or Machiavellian motive in putting forward this proposal, which the Select Committee have accepted. It is common ground both with Government and with the present Committee and I believe with all sections of this House that the small growers in particular should feel confidence that their applications for export quotas are being dealt with in a satisfactory manner by someone who entirely understands the facts; and the Committee themselves, as I have already pointed out, realise that they are not, as at present constituted, in a position to make the small growers feel that they have been treated with absolute fairness and understanding. It is the intention of Government, if this clause is carried and if the motions for an Appeal Board, of which notice has been received, are not carried, to appoint to this post an Indian officer of Government with district experience and also, if possible, some experience of commercial matters. Government's main object is that the small grower, in particular, should feel that his applications are being fairly and squarely dealt with. Another change made affects the transfers of export quota rights. I said in introducing the Bill that Government would be prepared to support any measures for the reduction of speculation in these rights, and Honourable Members will see that it is proposed to restrict transfers to owners of tea estates. There is also a change made in clause 22 of the Bill which restricts the maximum fees which the Committee can levy. The other important change is the addition of the Schedule to the Bill defining the crop basis and making provision for allowances for young areas and low producing areas.

Now, coming to the amendments of which we have received notice, the most important of them may be roughly classified under three heads. Some of them are aimed at altering the constitution of the Committee by giving still further representation to minority interests. I made it very clear in my speech introducing the Bill that the Bill, as introduced, gave an extremely weighted representation to these minority interests. It will, therefore, be impossible for Government to accept amendments which give still further representation to those interests, because it is quite clear that if those amendments are agreed to, it will result in a committee on which the minority interests had representation in excess of the majority interests. I do not think that in the circumstances Government can go any further than they have done in representing the minority interests on the Committee.

Secondly, there are amendments devoted to the setting up of an Appeal Board. The object which these amendments are designed to achieve

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are the same as those which the Government have in mind in setting up a permanent chairman of the committee; and in the opinion of the Government the remedy which they have proposed is one which is likely to prove far more acceptable to the smaller growers for whom it is designed; it is likely to be very much cheaper, and it will be more efficient in every way.

The other amendments are devoted to the expansion of the area under tea. In that matter what is possible to Government is very strictly limited by the terms of the international agreement itself, and Government obviously cannot accept any position which would not be fully in accord with their international obligations.

Sir, that is all I think I need say at this stage; and with these words, I move that the Bill may be taken into consideration.

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

"That the Bill to provide for the control of the export of tea from, and for the control of the extension of the cultivation of tea in, British India, as reported by the Select Committee, be taken into consideration."

Mr. Badri Dutt Pande (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, the report of the Select Committee on the Tea Bill is before us, and I have listened to the speech of the Honourable Member in charge of this Bill. In my speech on that day I said that one representative should be given to the Kangra Valley but the Select Committee has not acceded to our request in that respect. I think, however, that their case is very strong. Out of a little more than 5,000 tea planters, the Kangra Valley has got I think 2,500. So their number is great. That is the argument in their favour,—that their number is very great and they must have a representative. How can a majority be denied a representative? It is a majority, it is not a minority even, it is nearly one-half of the population of the tea planters. Of course, the area grown is not so large. In our district of Almora we are petty zemindars all over, so in a population of six lakhs we have one lakh and thirty-five thousand votes there, because every gentleman is a small zemindar there. Why one-half of the population of tea growers should be denied the vote I cannot understand. Dehra Dun, Kangra, Kumaon and Bihar are the unrepresented areas and I think one member will not make the committee so big as to be very bulky, as the Honourable Member opposite says. Then there is another factor which I shall represent. Tea employs nine lakhs of labour, and that labour is not represented. On that side the argument is—what has labour to do here? Now, what has Mr. Joshi to do here, then? The same argument applies to him. Why should Mr. Joshi represent ten crores of labour here, out of 35 crores of total population of India? Here nine lakhs of tea labour goes unrepresented. So I think Mr. Joshi will strongly support my proposition that one labourer should also be taken on this committee to represent the under-dog who is now nowhere in the picture. We do not know what his demands are. There officers move about in motor cars and in aeroplanes everywhere but they do not go to the villages, they do not go to the labourers' quarters, they do not care to know in what filthy condition they live and they do not care whether they get two meals a day or not. So, that is the problem; you do not know how they live in their places and

what miseries they have to undergo. Sir, it is with their labour and industry that you and I and everybody else get our tea, and the tea industry makes its profits. So, I think one representative of labour at least ought to be granted.

As regards the creation of an Appeal Board in Kangra Valley, I am told that there are a hundred appeals to the Viceroy pending just now. I have just got the figures, showing that there are a hundred appeals to the Viceroy or Governor General in Council. So the case for an Appeal Board comes in strong. But since September last when these appeals were forwarded they have not heard anything on the matter; Sir, when the case for an Appeal Board was brought forward they argued at length the question of expense. Now, we have got a very big Federal Court with Judges getting big salaries, although they have very little work to do these days. In spite of that, the salaries are very big, Rs. 7,000, Rs. 5,500 or Rs. 6,000. They have only to look into cases arising out of the Government of India Act and into occasional disputes between the Provinces and the Centre. That Court is not an original Court. Of course, I am not a lawyer but I have a bit of common sense.

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): I doubt it.

Mr. Badri Dutt Pande: You are my old friend but devoid of common sense. As the Federal Court will not have much work to do, so this appeal Court will not have work for the whole year, but they will have enough work for two or three sittings in Calcutta and Madras where most of the cases come in, and if they have some cases in Kangra they could run up there and I think in two and a half months they could finish their business. They would only have four or five appeals a day to dispose of. There is not much legal work, it is only technical work, and I think an appeal Court is a necessity in this case.

Then the people of Kangra complain—I have received many representations from them—that:

"under the existing law tea can be exported to Afghanistan and Tibet without a license. It will not be possible to do so under the new rules unless, of course, the assurance given to the deputation of some of the tea planters of the Kangra district that a Government Gazette notification will permit the export to trans-frontier countries is given effect to. The matter has been brought to notice again so that there may be no omission in this respect."

I am told that Japan is capturing the markets of Afghanistan, Tibet, Gilgit, Tashkand and other countries.

Mr. H. Dow: Is the Honourable Member referring to tea or to other commodities?

Mr. Badri Dutt Pande: To tea. I am told by the planters of the Kangra Valley that Japan is capturing the tea markets also and those are the markets where the Kangra tea mostly goes. They supply most of the green tea which is in demand in Kabul, Kashmir and countries further north. This thing has to be looked to, whether they will have to take license or whether Government notification will do in their case.

About tea quotas, they want the same relief as is being given to Darjeeling. They say that, last year, the same Inspector who gave a quota

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of 844 in one garden later on reduced it to 480. This sort of thing is being done by the same Inspector in the same Estate. Therefore, I say that one representation should be given to the Kangra Valley. With these remarks, Sir, I resume my seat.

Mr. N. M. Joshi (Nominated Non-Official): After having read the Bill as well as the report of the Select Committee, I am afraid I cannot support the motion made by my Honourable friend, the Commerce Secretary. I fully realise that international agreements are very useful especially when there is competition which is harmful to all countries. But, Sir, I expected that the Select Committee would make some remarks on the manner and the method of bringing about international trade agreements which should be binding upon our country. This Bill seeks to give effect to an agreement which was arrived at between some of the planters in our country and the planters of two or three other countries. I am sure that the Government of India will agree with me that it is not only the planters who are interested in the tea industry. You and I who drink tea are as much interested in the production of tea as the planters themselves I take tea and I take coffee too. If an international trade agreement is to be arrived at and if that agreement is to be accepted by Government on behalf of the nation and if legislation is to be introduced it is absolutely necessary that at the time of coming to an agreement all interests which are involved in that industry should be consulted. The consumers of tea were not consulted. The workers who work on the plantations were not consulted. The Government of India were not consulted. Unfortunately, the Government of India is a Government which is willing to carry into effect an agreement in which they were not consulted. I feel that they lack in a sense of their own dignity. However, it is their business. I feel, therefore, that the Select Committee should have laid down the procedure by which an international agreement should be arrived at, if that agreement is expected to be given effect to by the Government and by the Legislature.

Moreover, this Bill seeks to give a sort of protection to the planting community in India. I thought that the Select Committee would also make some remarks whether the Government of India should have given protection to this industry without any inquiry. Whenever an industry wants some protection from the Government it is generally the practice of the Government of India to give protection to that industry after an inquiry. I should like to know either from the members of the Select Committee or from the Government of India whether any inquiry was made into the conditions of this industry. We are controlling the export trade. We are also controlling the production of tea. You are taking away the right of some people who want to plant tea and make some money. You are taking away the right of people who want to earn some wages by working on the tea plantations. Certainly, it was absolutely necessary before taking such a step that an inquiry should have been made into the financial condition of that industry. We are going to control the production of tea and it is necessary for us to know whether under the present conditions the tea industry is making profits or losses and what is the rate of profits or losses which they are making. We must also know whether the industry is properly managed. What are the prices ruling in our country as well as outside. We must know also what is the cost of production.

We know nothing about these. Not only that. My point is that there is no authoritative inquiry. Does the Commerce Secretary tell me that when some industry comes for protection, there are no facts or no figures available at all? There are figures available but the Government of India and the Legislature do not accept those figures. They insist upon a proper inquiry being made by an expert committee. There may be some figures given by the planters but these figures were not inquired into by the expert committee. I, therefore, think that an inquiry should have been made before the Government of India and the Legislature and the Select Committee agreed to give protection to this industry.

As regards the principle of controlling production, I am against that control unless a very strong case is made out for the control of production. When you control production several interests are affected, the interests of the consumers and the interests of the workers. If you control production, the workers lose their employment. As a matter of fact, on account of the control which has been in existence for some years, the wages of the tea industry are going down and have gone down considerably. Therefore, an inquiry should have been made. Unfortunately, no inquiry has been made. As regards production itself, we do not know whether there is a good case for controlling production. As a matter of fact, if you study the few figures that are available, there seems to be no need for any control of production. At present, we produce about 500 million pounds of tea, out of which we export about 340. There remains 160 million pounds. About

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160 million lbs. of tea are not sufficient for a population of over 350 millions, it does not work out to even half a lb. per man. The fact is that tea is not at present cheap enough for the people in this country and, therefore, it is a matter for enquiry whether the price of tea should be allowed to remain high when people in the country cannot afford to make use of the tea which we produce. My point is that these facts have not been enquired into. Without an enquiry, so far as I am concerned, I am not in favour of controlling the production of tea, especially controlling the production for consumption in the country. I have no objection to your controlling the export of tea. By all means have control if you find that tea will not be sold outside, but if you are going to control tea which is necessary to be used by people in this country, I shall require much stronger case before I consent to any control. I am, therefore, for the present inclined not to support a measure which seeks to control production of tea for internal consumption.

Now, if we are going to have any control, what is going to be the machinery by which that control will be exercised. This Bill has proposed a certain Committee to control the operations of this control of export as well as of production. I feel that the Government of India, in this matter too, have not shown a proper appreciation of the interests involved in the control of tea industry. I have already said that it is not the planters alone who are interested in the maintenance of the tea industry in this country. There are the consumers who are also interested. The consumers want tea as cheap as they can get it. Then there are the working classes who are interested. If you are going to control production of tea, then certainly the workers in the industry lose employment. We want more employment for the workers in the country and by controlling tea you reduce their employment. Not only that. If you control production of tea, then the workers are thrown out of employment with the result that

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the wages go down, and the wages have gone down during the last few years on account of the control which has been established. I, therefore, feel that if a Committee is to be established for regulating control, it is absolutely necessary that the workers in this industry should be represented on that committee. (Interruption.) If people are pleased to put me on that Committee, I shall consider whether I should accept the offer or not. But I shall consider it a great privilege if I am asked to serve on that Committee. That is not the point. The point is that there is great need for labour representation on that Committee. Both their employment and their wages are involved in this matter. Therefore, if the wages of the working classes are to be protected, if their employment is to be protected, then they must be represented properly and adequately on the Committee which is to control the regulation of production and export of tea. Then, Sir, the consumers in this country must also be properly represented. We all want cheap tea and we do not get it. As a matter of fact, it is not the planters who are making so much money. No doubt they are making money, but it is the middlemen who are making a large amount. I may not know all the figures, but the fact is well established that it is the middlemen who make the largest amount of money in the tea business. Therefore, if any control is to be established, let the profits of the middlemen be also controlled. Unfortunately, there is no provision made in this Bill for that. But if the interests of the consumers are to be protected at all, let them be represented on this Committee, let them have sufficient and adequate representation, so that they can at least do something, although they cannot do very much by merely sitting on this Committee, still they can do something to protect their interests. I, therefore, feel that the Bill as it has emerged from the Select Committee is very defective in the matter of the machinery which has been established for carrying out the regulations of the tea industry.

I am in favour of giving a larger representation to the small planters. The Honourable the Commerce Secretary said, how can you give representation to minorities as against majorities. What the Honourable the Commerce Secretary exactly said was that minorities should not be converted into majorities. The important question is who is the majority. Are the planters the majority in the country so that they should control the production of tea in this country? Why should planters of Assam and Madras control the regulation of tea industry? Are they the majority? Sir, the reason why we ask for a larger representation to the small planters is this that this Committee is going to form a monopoly of planters. I am against monopoly in the hands of any private merchants or traders or industrialists. If the tea trade is going to be a monopoly at all, it should be a Government monopoly. There is at least some protection for us: we can make a speech in this Assembly about the use of that monopoly. But I am against monopoly by private merchants and private industrialists. Therefore, if that monopoly is to be checked to the slightest degree, it can only be done by proper and adequate representation and, if I may say so, even a proportionately large representation of small planters. If anybody requires proper protection when control is established it is not the big monopolists, but it is the small planters who require some protection. I, therefore, hope that the House when it discusses the clauses will vote for a larger representation of the small planters.

There is only one small point and that is about the consultation with the Provincial Governments. I am aware that the Provincial Governments have consented to this Bill, but I am not quite sure whether the Provincial Governments have given sufficient time to a measure of this importance from the point of view of the agriculturists in this country or from the point of view of the consumers in this country and of the workers in this country. I hope, Sir, that the Provincial Governments will give larger attention to a matter in which the interests of the consumers of tea are involved, in which the interests of the workers on the plantations are involved and the interests of the smaller planters are also involved. I, therefore, feel that I am unable to give my support to the Bill as it has emerged from the Select Committee.

Mr. Brojendra Narayan Chaudhury : Surma Valley *cum* Shillong: Non-Muhammadan): Sir, the Honourable the Commerce Secretary has been very beautifully brief in opening this debate as also in the debate on the first occasion when the Bill came up for discussion. That is the reason why we heard from Mr. Joshi so much of what I may respectfully say is irrelevant. Mr. Dow in opening the debate on the last occasion referred Honourable Members to the discussions on the Bill of 1933 which is going to expire. If Honourable Members had turned to the proceedings of that debate they would have found that during the years 1928—31 the prices of tea had gone down very low, that the price realised at that time was below the cost price and all the gardens were more or less losing and a few had to close down, throwing a large number of labourers out of work. At that time I was in charge of the office of the local District Congress Committee. One of the workers came to me one day and told me that a certain garden near the railway station of Kalaura was going to close, the result of which would be that about 300 labourers would be thrown out of employment. I was told also that it belonged to a European company and the company had ordered that the factory should be demolished and sold as scrap material. I asked the worker to go and request the manager of the garden not to demolish the factory but only to close it and allow the labourers of the estate to share the plantation among themselves, cultivate small plots on their own account and to make tea by the hand,—hand-made tea is also fairly common,—and then hand over that tea to us so that we might sell that tea which we call *khaddar* tea,—*khaddar* in our parlance being equivalent to hand-made industry,—through the Congress Committees of Bombay and Lahore. But that request was not granted. So, Honourable Members must realise that but for the Tea Control Act of 1933 the whole industry, big and small, would have gone to rack and ruin,—both our big brothers sitting there as well as our small brothers in Kumaon who are small petty cultivators. That thing must be realised.

The next complaint is that owing to this control the consumers in India are losing. I say without fear of contradiction that the consumers in India are getting tea at almost cost price. If my Honourable friend, Mr. Joshi, would look to the prices in the auction sales of tea. . . .

Mr. N. M. Joshi: Leave aside auction sales. We are interested in the prices we have to pay to the shop-keepers.

Mr. Brojendra Narayan Chaudhury: I will come to that. If my Honourable friend would go to these auction sales at Mission Row he would

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find that tea for internal consumption is being sold at from four to five annas a pound only, whereas . . . . .

Mr. N. M. Joshi: But we have to pay 12 annas and sometimes one rupee a pound.

Mr. Brojendra Narayan Chaudhury: . . . . whereas our cost price is something over four annas. It may be asked then how we can manage with such low prices. We are managing somehow and we admit that we are making a small profit, but that is not out of the Indian consumer but out of the pockets of the foreign consumer to whom we are selling at eight or ten annas a pound in the same auction market at Calcutta. That is the whole secret of the thing. Some Honourable Members in this House are under the misapprehension that we are doing some nefarious act and are exploiting somebody. My Honourable friend, Mr. Ananthasayanam Ayyangar, is not here but in a discussion with me he used the term "nefarious". I had to admit that the thing was no doubt nefarious; we are robbing somebody but not our own countrymen. If we are robbing anybody we are robbing the accursed foreigners including the British people who live in England. I think Honourable Members, my nationalist friends on this side of the House, will be glad at that statement. We have heard a good deal as regards the consumer, and Mr. Joshi has complained that he gets his blended tea at Re. 1 a pound and certainly not less than 12 annas a pound. That is true. I have not been able to find out the reason why the difference between the blended retail tea and the price at the auction sale at Calcutta should be so high. It is either that the consumers in this country have acquired a bad taste for blended tea or that the blenders are a very clever set of pepole. I would advise Mr. Joshi to purchase in retail "garden teas" as they are called and which are found in shops in every big town. The tea which we sell in the auction at five annas a pound Mr. Joshi can get for about seven or eight annas a pound at some of the shops in Calcutta. It may be asked, why that difference of two or three annas? That is due to retailing; you pay a higher cost because you have imbibed a bad taste for the mixture.

Now, as to the interests of labour, it has been complained that in this scheme the interest of labour has not been consulted. I had a short discussion with Mr. Joshi the other day and I advised him to find out some means or some formula whereby he could compel the owners of tea estates who will be making profits or at least saved from losses, by taking the help of this Act, to pay a bonus out of the profits to the labourers. If Mr. Joshi can devise some practicable formula, I will certainly be with him.

As regards the charge that by controlling the further extension of areas in the scheme under chapter III we are doing harm to labourers, I will say that more extensions mean more demand for labour and are certainly welcome to the labourers; but would it not be a folly and a disaster now to further extend our areas when we are unable to sell the tea, which we are producing in our present areas, in the world market?

The Honourable Mr. Joshi asks for an inquiry into the figures. Probably he does not know that the tea industry in India, thanks to our

big brothers—the Indian Tea Association,—is a very well organised industry: it is the most organised industry not only in India, but is one of the best organised industries in the world. The figures given by them cannot be controverted, and the important figures are not collected by the industry but by the Government. Now, it is true, and I will admit that if the restriction on the extension of areas had not existed and if it were possible for planters to extend, labourers would certainly have been benefited. But in the present state of things no planter would be so foolish to extend as he would not be able to sell the tea. I would assure the House there is absolutely no restriction about the production of tea on our present areas called old areas for internal consumption. But, nevertheless, there are a large number of planters under the control of the Indian Tea Association who have voluntarily agreed to control their production. The reason for it is this: the quota, *i.e.*, the amount of tea which you can export out of India, which is being granted to us under the international agreement is only about 60/65 per cent. of our production. If we produced the balance of 40 per cent. also, all our tea would not sell. If we could induce every Indian to consume half a pound of tea a year we would be very fortunate. We are trying that through our Tea Expansion Board, and during the last few years we have been successful to a considerable extent in increasing the amount of tea consumed in India: within the last ten years it has increased by about six times, but the total figure of consumption in India is still far below what we can even now produce from our existing areas.

Now, coming to the Bill itself, as regards representation on the licensing Committee, I am at one with the previous speakers in demanding further representation on the Licensing Committee for the small owners. That has been objected to by the Honourable Mr. Dow on the ground that small proprietors should not swamp big proprietors. There is no question of swamping the big proprietors. The European Associations of Calcutta and Southern India with their affiliated branches have too many representatives on the Licensing Committee, and if we are now to add one more to represent the small owners who are still left out, we should not still be giving the smaller Indian proprietors the majority of seats. The key to the situation, namely, the majority would still be with the European Association and yet without jeopardising the interests of the big planters. It will do one good, it will give to the small owners a sense of confidence that they have somebody on the committee who could speak for them.

I strongly oppose, Sir, the proposal for an official chairman. The official chairman is a move on the part, I suspect, of the European Tea Association to shunt off the proposal for an appeal board. An appeal board is the only way in which we can win the confidence of the small owners. As Mr. Dow said, it should be our chief concern to see that we win the confidence of the small owners, which we have lost. On this point Government as well as the European Association are in agreement with us: we only differ as to how this should be done. We say that an appeal board is the only way in which you can win their confidence. Then our proposal is not our original proposal, it is one which was put forward by the London Sub-Committee which is the father and master of the European Associations here. Now, this is being opposed on the flimsy ground of cost. I would like to know what the official chairman proposed will

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cost. I would not be divulging any secret if I tell the House that we have estimated the cost at not less than Rs. 50,000 including his office and travelling cost. We have been assured that the official would have to be a senior I.C.S., which means Rs. 30,000 a year, *plus* about Rs. 20,000 for travelling and other expenses.

An Honourable Member: We will discuss it on amendments.

Mr. Brojendra Narayan Chaudhury: I am only traversing the points made by Mr. Dow, I am doing nothing more; and I am here also doing penance for the omission of Mr. Dow to discuss in detail the real significance, the real purpose and the structure of the Bill. When we come to the amendments I will try to show to the House by figures from Ceylon that an appeal board will be less costly than an official chairman.

There are certain other amendments tabled by us. The number of amendments is not large, many overlap one another, and when we come to discuss the Bill on Thursday there will be seven or eight amendments only. Mr. Dow says that some of the amendments are against the international agreement. We will show, they come within international scheme and agreement and it is perfectly competent for the House to legislate in accordance with our amendments.

With these words, I will resume my seat.

Mr. H. Dow: In the course of this brief debate I think I received the most unkindest cut of all from the last speaker, who held that the brevity of my former speeches was responsible for the irrelevancies which came from my friend, Mr. Joshi. I do not altogether think that cut was justified, because Mr. Joshi, I think, was capable of quite a large number of other irrelevancies even if my former speeches had precluded him from those in which he indulged. If I may borrow a simile once used by Martin Luther, I should say that his mind is like the drunken peasant on horse back. When propped up on one side, he nods and reels on the other. In introducing the Bill, it seemed to me that the circumstances of the tea industry generally were so well-known to every Member of this House, that it would have been almost an impertinence for me to run over the whole history of the tea industry from before the time when the 1933 Bill was introduced. It is notorious that the tea industry was in an extremely bad way; it was not only likely that the planting interests would be ruined, but the labour interests with which Mr. Joshi is primarily concerned were likely to suffer a great deal more.

Now, coming to the remarks made by my Honourable friend, Mr. Joshi, he seemed to think it very necessary that tea drinkers should be directly represented on this committee. He has asked for two members to represent the tea drinkers. He would probably then ask for separate representation of minority interests among tea drinkers, such as, the people who drink tea from the Kangra Valley—I do not know where this will end.

An Honourable Member: And for small tea drinkers.

Mr. H. Dow: Yes, for small tea drinkers, and for drinkers of small tea, and of tea dust.

Now if, for example, instead of considering a tea restriction scheme we were considering an opium restriction scheme, would Mr. Joshi suggest that the people who should be largely represented on the committee should be the opium addicts?

Then he has brought forward the interests of labour, which is a matter with which the whole of this House has a great deal of sympathy. But he has not told us in the case of this committee what point of view the labour representative is going to put forward. This is a committee primarily for the allocation of tea export quotas: I was waiting to hear from my friend what exactly he expected the labour representative to do, what interests he could put forward. The most definite thing he said was that at any rate he "may be able to do something to protect labour interests." What that something was we got no indication of.

Coming to the remarks of the first speaker, he wanted representation of certain sectional interests in the Kangra Valley. It is true that the number of tea estates in that area is very large, but the number is only large because the estates themselves are extremely small. Out of the total area under tea of, I think, something like 8,26,000 acres—I am speaking from memory—the Kangra Valley represents less than 10,000 acres. Again, in defending his proposal for an appellate board, he seemed himself to bring forward a very strong argument against such a board as he proposed. The board, it is proposed, should consist of three members of whom one should be a High Court Judge and another a barrister or pleader of some kind; and the Honourable Member went on to say that one of the reasons why this board would be able to work so well was that there was not much of legal work to do. That does not seem to me to be a very good reason for setting up a board of three of whom one is to be a High Court Judge and the second is to be a lawyer of repute.

I should like in conclusion again to refer to Government's proposal for an official chairman and to assure the House that Government have no kind of *arrière pensée* in their mind, and no secondary intention in putting forward this proposal that they have not put before the House. The proposal is backed by Government because, and solely because, they consider it in the interests of the small grower and its only connection in Government's mind with the proposal for an appeal tribunal is the connection that I have already made clear in my previous speeches. If in spite of that I am told that this is a gift horse which must be regarded with suspicion, I can only refer him to Bacon's Essay on Suspicion which contains, I believe, the words "Nothing makes a man suspect much more than to know little." With these words, I commend my motion to the House.

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

"That the Bill to provide for the control of the export of tea from, and for the control of the extension of the cultivation of tea in, British India, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I understand that the Government do not wish to proceed with the rest of the Bill—the consideration of the clauses and so on—today; and if that is also the desire of the rest of the House I shall adjourn the House now as there is no other business.

Honourable Members: Yes, yes.

The Assembly then adjourned till Eleven of the Clock on Monday, the 21st February, 1938.

LEGISLATIVE ASSEMBLY.

Monday, 21st February, 1938.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

INCREASE IN SPEED OF TRAINS.

390. ***Mr. M. Asaf Ali** (on behalf of Mr. T. S. Avinashilingam Chettiar): Will the Honourable the Railway Member state:

(a) whether all railways have been asked to consider the possibility of increasing the speed of trains in pursuance of the Wedgewood Committee Report;

(b) whether they have received replies from the various railways; and

(c) whether the speed of trains has been increased: if so, in which railways?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) and (c). I would refer the Honourable Member to the remarks appearing in connection with paragraphs 59, 60 and 171 of the statement showing the action taken on Chapters III to XI of the Indian Railway Enquiry Committee's Report (1937), a copy of which was distributed to the House with the Railway Budget papers on the 14th instant.

Mr. Sami Vencatachalam Chetty: Are the Government aware that the Grand Trunk Express continues to be as sluggardly as before?

The Honourable Sir Thomas Stewart: That does not arise out of this question.

STATUTORY RAILWAY AUTHORITY.

391. ***Mr. M. Asaf Ali** (on behalf of Mr. T. S. Avinashilingam Chettiar): Will the Honourable the Railway Member state:

(a) when the statutory railway authority is expected to be established; and

(b) what will be the powers of this House over the railways after it is established?

The Honourable Sir Thomas Stewart: (a) and (b). I would refer the Honourable Member to the reply given to starred question No. 573 asked by him in this House on the 16th September, 1937.

Mr. B. Das: Have Government made any further progress about the establishment of the Statutory Authority since that reply was given?

The Honourable Sir Thomas Stewart: I do not understand what the Honourable Member means by progress.

Mr. B. Das: Have Government come to any further decision since that reply was given?

The Honourable Sir Thomas Stewart: No, Sir.

PROPOSAL TO OPEN A COMBINED POST AND TELEGRAPH OFFICE AT PATRAKHOLA TEA ESTATE IN SYLHET.

392. ***Mr. Brojendra Narayan Chaudhury:** Will the Honourable Member in charge of Communications (Postal) please state:

(a) if it is proposed to open a combined Post and Telegraph Office at Patrakhola Tea Estate in Sylhet;

(b) if it is also proposed in consequence to convert the existing combined office at Adampore which is only three miles from Patrakhola, into a Branch Office;

(c) for how long the Adampore Office has been in existence;

(d) whether it has been suggested by the people of the locality that the above proposals be substituted by the following:

A combined office at Khurma, which is five miles from Adampore and nearer to Kamalpur, a big trade centre;

(e) if Government are aware that the proceedings of the Assam Legislative Council and Assembly disclose the fact that planters sometimes put vexatious and insulting obstructions to those who go to or pass through their garden; and

(f) whether Government propose to locate the new Post Office outside a tea garden?

The Honourable Sir Thomas Stewart: (a) and (b). Yes.

(c) As a Branch Post Office since 1891 and as a combined Post and Telegraph Office since 1897.

(d) Yes.

(e) Government have no information.

(f) No. Steps are always taken when any public Post and Telegraph Office is opened in a tea estate to ensure free public access to the office.

Mr. Brojendra Narayan Chaudhury: Will the Honourable Member inquire if the people of the locality headed by Sjt. Kelish Ranjan Deb did not represent to the postal authorities suggesting that Khurma should be made a combined office?

The Honourable Sir Thomas Stewart: The relative advantages of Khurma and Patrakhola have been investigated, and the decision come to is that the advantages of Patrakhola are greater than those of Khurma.

Mr. Brojendra Narayan Chaudhury: Will the Honourable Member inquire if Kamalpur is not a big trading centre, and if Khurma is not nearer to Kamalpur than to Patrakhola?

The Honourable Sir Thomas Stewart: I have no information.

Mr. Brojendra Narayan Chaudhury: Will he kindly inquire?

The Honourable Sir Thomas Stewart: No, Sir.

Mr. Brojendra Narayan Chaudhury: Not even in the interests of postal revenue?

The Honourable Sir Thomas Stewart: The question has been thoroughly investigated.

Mr. Brojendra Narayan Chaudhury: With regard to (c), has not the attention of the Honourable Member . . . .

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

CONSTRUCTION OF AN OVERBRIDGE AT GONDIA RAILWAY STATION.

393. ***Mr. B. Das** (on behalf of Mr. Govind V. Deshmukh): Will the Honourable Member for Railways and Communications please state:

(a) if he is aware that Gondia in the Central Provinces is an important business town and a railway junction for several railway lines and that a railway line passes through the heart of the town, and that there are no overbridges for the use of carts, cars, or pedestrians and that the level crossings of the railway have to be crossed over to get from one side of the town to the other and that frequently the gates are closed for shunting of goods trains or for allowing trains to pass;

(b) if the public of this town as well as the Municipality of this town drew the attention of the Government of the Central Provinces and the Bengal Nagpur Railway a number of times to this great inconvenience which results in loss of time and congestion in traffic;

(c) whether in a meeting of the Bengal Nagpur Railway Local Advisory Committee held on the 10th August, 1928, the Chairman of the said Committee also agreed that an overbridge or subway at the west end level crossing of Gondia appeared to be necessary; and

(d) if he proposes to remove this inconvenience early by getting an overbridge constructed and directing the railway authorities concerned, pending the construction of the overbridge, to adopt such measures as will get rid of the congestion of traffic at the gates near the crossings and facilitate the crossing of carts and pedestrians?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) Government have no information.

(c) Yes.

(d) In 1928 the Railway enquired from the Central Provinces Government whether they would be willing to agree to the road authorities bearing their share of the cost of an overbridge at the west end of Gondia station. No answer has been received as yet. The Railway is again investigating the possibility of adopting such measures as will eliminate the present congestion of road traffic at the level crossing gates. It is, however, doubtful whether any improvement is possible.

MEASURES OF ECONOMY ON RAILWAYS.

394. ***Mr. M. Asaf Ali** (on behalf of Mr. T. S. Avinashilingam Chettiar): Will the Honourable the Railway Member state:

(a) what measures of economy, recommended by the Wedgewood Committee have already been carried out; and

(b) what has been the approximate saving out of the carrying out of these measures?

The Honourable Sir Thomas Stewart: (a) I would refer the Honourable Member to the statement showing the action taken by the Railway Department (Railway Board) on the paragraphs in Chapters III to XI of the Indian Railway Enquiry Committee's Report, a copy of which has been placed in the Library of the House.

(b) I regret it is impracticable at this stage to attempt even an approximate estimate of the savings that may accrue. I shall endeavour, however, either through the medium of the Annual Administration Report or otherwise to keep the House informed, from time to time, of the results achieved.

Mr. Lalchand Navalrai: May I know, Sir, if a Bill in order to put into effect the recommendations of the Wedgwood Committee's Report is going to be introduced in this House?

The Honourable Sir Thomas Stewart: Sir, that, I submit, does not arise out of the question relating to economy.

Mr. Lalchand Navalrai: May I know if a Bill is introduced in this House and it is passed, will it entail economy?

The Honourable Sir Thomas Stewart: Not necessarily, Sir.

Mr. Lalchand Navalrai: What are the reasons . . . .

Mr. President (The Honourable Sir Abdur Rahim): You cannot discuss it.

Mr. Lalchand Navalrai: I am not discussing it, but I am asking what are the reasons . . . .

Mr. President (The Honourable Sir Abdur Rahim): Yes, it is discussing . . .

Mr. Lalchand Navalrai: The Honourable Member has not . . . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member may have another opinion; that is another matter.

PROVISION OF WATER PASSAGES THROUGH RAILWAY EMBANKMENTS IN ASSAM.

395. ***Mr. Brojendra Narayan Chaudhury:** Will the Honourable Member in charge of Communications please state:

(a) if he is aware that a Committee under the Chairmanship of Mr. Miles, Engineer to the Government of India, was set up in 1929 to examine cases of obstruction to discharge of flood water caused by Railway embankments in Assam;

(b) if the Committee inspected Sylhet-Kulaura branch of the Assam Bengal Railway and recommended opening of further water passages to equalise water level on either side;

(c) if any gauges have been put up to test water levels and new passages opened; if not, why further water passages have not yet been provided; and

(d) if he is aware that year after year the crops in Pergana Renga, between Fenchuganj and Moglabazar Railway stations, are being damaged by excessive floods and that local people have been protesting at public conferences, sending representations to the district officer and Assam Government who say that this subject is not primarily the concern of the Provincial Government?

The Honourable Sir Thomas Stewart: (a) Yes.

(b), (c), and (d). The Honourable Member is referred to the reply given to question No. 797 in this House on 11th March, 1935, and to the further information laid on the table on 3rd April, 1935.

WATER PASSAGES ON THE BENGAL AND NORTH WESTERN RAILWAY.

396. ***Mr. Brojendra Narayan Chaudhury:** Will the Honourable Member in charge of Communications please state if Government have budgeted money for opening further water passages between Sonepur and Chupra on the Bengal and North Western Railway?

The Honourable Sir Thomas Stewart: A project for raising the bank, for doubling the line and for increasing the number of bridges on the main line of the Bengal and North Western Railway between Sonepur and Chapra, has been sanctioned. Rs. 4½ lakhs have been provided in the budget for 1938-39 to cover the cost of land. Funds to cover the other costs of the project will be provided by the Company.

Mr. Brojendra Narayan Chaudhury: What is the reason for opening out further water passages after the limitation period of ten years as provided in the Railways Act?

The Honourable Sir Thomas Stewart: The reason for carrying out this work is that it was considered necessary to do so.

Mr. Brojendra Narayan Chaudhury: Is the damage to crops one of the reasons?

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

RAILWAY ENGINE ACCIDENT ON THE RAMGANGA BRIDGE.

397. ***Mr. Brojendra Narayan Chaudhury:** Will the Honourable Member in charge of Communications please state:

(a) if the engine of Kasganj-Lucknow passenger train broke down on the Ramganga bridge in the month of November last heavily shaking the entire train;

(b) if Government are aware that the Ramganga accident and the Bamrauli disaster coming in quick succession after the Bihta disaster, have unnerved the public mind; and

(c) if Government are prepared to issue a comparative statement about safety of travelling by railways in India, Great Britain and the United States of America, taking into consideration the number of passengers carried, speed and frequency of trains, to allay the public mind?

The Honourable Sir Thomas Stewart: (a) The Agent, Rohilkund and Kumaon Railway, states that the right side connecting rod of the engine of No. 7-Up broke while the train was passing over the Ramganga Bridge, and that the driver promptly brought the train to a stop.

(b) This is a matter of opinion, but I can assure the Honourable Member that there has been no relaxation of effort to ensure the safe running of trains.

(c) Such statistics, as are available of Railways in other countries, do not provide a comparable basis. I will, however, endeavour to obtain figures showing casualties among passengers in relation to train miles and will place a statement on the table when these have been received.

Mr. Badri Dutt Pande: Is it a fact that all the railway engines of the Rohilkund and Kumaon Railway are of the old pattern and the new pattern has not been introduced?

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

SLEEPING ACCOMMODATION FOR LOWER CLASS RAILWAY PASSENGERS.

398. ***Mr. Brojendra Narayan Chaudhury:** Will the Honourable Member for Railways please state:

(a) if, as a matter of fact, the human necessity of sleeping at night was taken into consideration in fixing the present scale of space allowed for lower class railway passengers;

(b) if the scale is not the same for short distance, long distance, day journey and all night journeys;

(c) if Government, in fixing the scale, consulted medical opinion to ascertain if this scale would not be injurious to the health of passengers undertaking all night journeys;

(d) if so, when and who are the experts consulted; and

(e) if Government have considered whether an allowance of extra space for night journeys with slightly additional fares would be attractive and a paying proposition?

The Honourable Sir Thomas Stewart: (a) The human need for sleep is too generally appreciated to have been overlooked. Economic considerations prohibit the provision of lying down accommodation for passengers paying only the lowest fares and Indian Railways do not differ from railways in other parts of the world, on which night journeys are performed. In modern long distance lower class coaching stock both floor area and cubic space per passenger have been appreciably increased, and luggage racks provided upon which passengers may sleep when the racks are not occupied by luggage.

(b) The minimum scale of accommodation laid down in lower class coaches is the same for short or long journeys and during day or night.

(c) No. The minimum scale of accommodation laid down has been arrived at after mature consideration, and Government have no reason to believe that it would affect the health of passengers undertaking all night journeys.

(d) Does not arise.

(e) Examination of similar proposals in the past has shown that economic considerations prohibit the provision of anything in the nature of guaranteed sleeping accommodation for passengers paying less than second class fares.

Mr. Brojendra Narayan Chaudhury: Have any experiments been made on the lines suggested in (e)?

The Honourable Sir Thomas Stewart: No, Sir.

Mr. Brojendra Narayan Chaudhury: Will the Government kindly make an experiment?

The Honourable Sir Thomas Stewart: It is not a question of experiment. It is a question of calculation, and calculations have been made.

Mr. Lalchand Navalrai: In building these new carriages, will the Honourable Member make an arrangement like the West that there should be sleeping accommodation paid for?

The Honourable Sir Thomas Stewart: No, Sir.

Mr. Lalchand Navalrai: Why not?

The Honourable Sir Thomas Stewart: Government are of opinion that it would not be a commercial proposition.

Mr. Abdul Qaiyum: May I know why Government do not introduce sleeping carriages at a little extra cost?

The Honourable Sir Thomas Stewart: As I have already informed the Honourable Member on my right, Government are of opinion that it would not be a commercial proposition.

Mr. Lalchand Navalrai: When Government have not tried the experiment, how are they in a position to say that it would not be a paying proposition?

(No answer.)

RECRUITMENTS TO AND SERVICE RULES OF THE ALL-INDIA RADIO DEPARTMENT.

399. ***Mr. M. Asaf Ali** (on behalf of Mr. Mohan Lal Saksena): (a) Will the Honourable Member for Communications be pleased to state how many and what appointments have been made in the All-India Radio Department without reference to (1) the Public Service Commission, (2) Selection Committee or Board, and (3) without advertising the post, and by whom these appointments have been made?

(b) Is it a fact that there are no definite rules for appointment and dismissal in the All-India Radio Service, and the Controller or the Directors of Stations appoint or dismiss employees in their own discretion? If so, what guarantees of security of tenure are provided for the All-India Radio Service?

(c) Why are posts carrying salaries of more than Rs. 75 per mensem not usually advertised to secure the best qualified persons, and why is the selection left to the Controller? Is he conversant with any Indian language, Indian music, any vernacular literature or drama?

(d) How many (1) employees, and (2) probationers of the All-India Radio Service have been dismissed or discharged within the last two years, and against how many of these employees were regular charges framed before their services were dispensed with?

The Honourable Sir Thomas Stewart: (a) Since August, 1935, appointments to 65 posts on the programme and engineering side have been made without advertising and without reference to the Federal Public Service Commission or Selection Committees. Of these, three of the higher Gazetted posts were filled by the Government of India. The remainder, consisting of the Editor, *Awaz*, Announcers, Programme Assistants, Technical Assistants and probationers, were filled by the Controller of Broadcasting under powers delegated to him.

(b) The reply to the first part of the question is in the negative. The second part does not arise.

(c) Posts are advertised except when the number of applications already received is sufficiently large to allow a suitable selection to be made without inviting further applications. The Controller is competent to make these appointments but orders recently issued contemplate that wherever possible selections to programme and technical posts should be made on the advice of Selection Committees.

(d) Eighteen persons in all have been discharged, of whom fifteen were either probationers or were appointed to posts on probation. Two Officers were discharged after regular proceedings and one owing to the abolition of his post.

Mr. M. Asaf Ali: May I know when these powers were delegated to the Controller?

The Honourable Sir Thomas Stewart: I require notice of that, if the Honourable Member wants any particular date.

Mr. M. Asaf Ali: I was not asking for any particular date. I only wanted to know when this power was delegated to the Controller, because I remember quite definitely during the last Session an assurance was given that no appointment would be made without reference to the Selection Board and without advertisement. Has the Controller observed this?

The Honourable Sir Thomas Stewart: If the Honourable Member will give me a more exact reference to the assurance that is said to have been given, I shall then attempt to answer his question.

Mr. Manu Subedar: What is your reply to the second part of (c)—Is he conversant with any Indian language, Indian music, any vernacular literature or drama?

The Honourable Sir Thomas Stewart: The second part does not arise in view of the fact that I have said that wherever possible selection committees should be utilised.

Mr. Manu Subedar: The Honourable Member has not read the second part of (c) which asks whether the Controller of Broadcasting is conversant with Indian music, vernacular literature or drama?

The Honourable Sir Thomas Stewart: What do you mean by "conversant"?

Mr. Manu Subedar: Whether he knows any of these things.

The Honourable Sir Thomas Stewart: Yes.

Mr. Manu Subedar: Are Government aware that there is discontent with such puny knowledge which the Controller has got regarding these matters among the lovers of Indian music, especially in regard to programmes?

The Honourable Sir Thomas Stewart: I take the Honourable Member's word for it.

Mr. M. Asaf Ali: The question is a very simple one. Is he conversant with any Indian language, Indian music, any vernacular literature or drama? Is the answer "yes"?

The Honourable Sir Thomas Stewart: No, Sir. My question to the Honourable Member was what he meant by "conversant".

Mr. M. Asaf Ali: Does he know any of these things?

The Honourable Sir Thomas Stewart: He has some knowledge of them.

Mr. M. Asaf Ali: What particular language?

The Honourable Sir Thomas Stewart: What is generally known as "Hindustani".

Mr. Abdul Qaiyum: May I know how applications are received without advertisement?

The Honourable Sir Thomas Stewart: If the Honourable Member had any official experience, he would know how easy it is to get applications without advertisement.

Mr. Lalchand Navalrai: May I know from the Honourable Member whether these officers in charge of day programmes are being appointed through the selection board?

The Honourable Sir Thomas Stewart: I have said that under the instructions now subsisting as far as possible, programme and technical assistants will be chosen with the aid of Selection Boards.

Mr. Lalchand Navalrai: That would also imply that the change in those officers for the purpose of getting the programme carried will also be done in that manner?

The Honourable Sir Thomas Stewart: I am afraid I do not understand what the Honourable Member means by "a change of officers".

Mr. Lalchand Navalrai: I mean a change in the name. Supposing one man is working; he goes out, and another man comes in.

The Honourable Sir Thomas Stewart: Most certainly not; the ordinary routine transfer of officers cannot be referred to Selection Committees; that is an impossible proposition.

Mr. Abdul Qaiyum: Will Government frame rules that applications received without being called for will not be considered,—because that means that people who are in touch with the subordinates in that Department secure an undue advantage over others?

The Honourable Sir Thomas Stewart: No, Sir. I see no reason to change the procedure I have described in my answer to part (c).

Mr. Abdul Qaiyum: Possibly Government might be able to get better men if these posts were duly advertised?

The Honourable Sir Thomas Stewart: Not necessarily, Sir.

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

ADVISORY COUNCIL OF THE ALL-INDIA RADIO.

400. ***Mr. M. Asaf Ali** (on behalf of Mr. Mohan Lal, Saksena): (a) Will the Honourable Member for Communications please state how many meetings of the Advisory Council of the All-India Radio were convened during the course of the last year, and how many of their recommendations were carried out?

(b) What are the functions of the Advisory Council of the All-India Radio, and do they include the consideration of *all* the programmes broadcast?

(c) Are they in a position to consider the programmes of other than the Delhi Station? If not, why not, and further why have no advisory

councils been so far constituted in respect of Bombay, Calcutta, Lahore, and Peshawar, which have been working for some time?

The Honourable Sir Thomas Stewart: (a) Two meetings of the Advisory Council were held during the last year. Of the seven specific recommendations made by the Council, six have been accepted and one is under the consideration of Government.

(b) The functions of the Advisory Council are stated in the press note dated the 21st August, which was laid on the table in reply to part (a) of the Honourable Mr. Hossain Imam's question No. 224 in the Council of State on the 2nd October, 1937. Its functions are purely advisory and include consideration of programmes broadcast from Delhi.

(c) No, Sir. The Advisory Council was constituted for the Delhi Station alone, as an experiment. The establishment of Advisory Councils for other stations will be considered in the light of experience gained at Delhi.

Mr. M. Asaf Ali: May I ask what has been the exact result of the experiment which has been carried out with respect to the Delhi Station, and why are the Government not prepared to appoint an Advisory Council or Committee for other stations also?

The Honourable Sir Thomas Stewart: I have never said for a moment that Government were averse to appointing Advisory Councils in other stations.

Mr. Manu Subedar: May I ask when Government expect to come to a decision on this subject?

The Honourable Sir Thomas Stewart: I expect the decision will be taken in the reasonably near future.

Mr. Abdul Qaiyum: May I ask how long the Delhi Advisory Council has been in existence?

The Honourable Sir Thomas Stewart: The *Communique* announcing the Committee's composition is dated the 21st August, 1936.

Mr. Abdul Qaiyum: Is not that a long enough period? Have not Government had enough time to come to a decision?

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

INSIDE CATCHES FITTED IN UPPER CLASS COMPARTMENTS ON THE EAST INDIAN RAILWAY.

401. ***Mr. Abdul Qaiyum** (on behalf of Mr. Sri Prakasa): Will the Honourable Member for Railways state:

(a) if it is a fact that catches are fitted in first and second class compartments on the East Indian Railway which effectively close the doors from the inside;

(b) if persons inside a compartment use these catches to close the doors with the result that passengers at wayside stations at night find it difficult to get admission; and

(c) if Government propose to consider the desirability of taking away these catches?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) Government have not received any complaints, but recognise that difficulties may occasionally arise due to the necessity for waking up the occupants.

(c) If there is any general feeling that these catches should be removed, Government have no doubt that members of the Advisory Committees on the various Railways will bring it up for discussion at their meetings.

LATE RUNNING OF CERTAIN TRAINS ON THE EAST INDIAN RAILWAY.

402. ***Mr. Abdul Qaiyum** (on behalf of Mr. Sri Prakasa): Will the Honourable Member for Railways state:

(a) if it is a fact for some time past the mail and express trains on the East Indian Railway have been running very late; if so, why, and

(b) if the speed of the mail and express trains on the East Indian Railway has been lately reduced and if so, whether Government are prepared to consider the desirability of changing the time-table accordingly, so that passengers may not be kept waiting for long periods of time at railway stations as at present?

The Honourable Sir Thomas Stewart: (a) Yes. Without a detailed analysis of the detention caused to each train, it is not practicable to say to what extent each of the several factors that normally affect the punctuality of a train, such as crossing other trains, speed restrictions, and the like has contributed to the trains running late.

(b) Government have no information as regards the first part of the question. As regards the second part, it is understood that the East Indian Railway Administration have, under consideration, changes in their time tables to have effect from 1st April, next.

Mr. Badri Dutt Pande: Is it a fact that since the Bihta disaster almost all the East Indian Railway trains are running late?

The Honourable Sir Thomas Stewart: I am unable to tell the Honourable Member whether it is since or before the Bihta disaster that there has been this failure to run up to the timings given in the time-tables.

NON-ADMISSION OF PRESS AND PUBLIC TO THE MEETINGS OF THE BOMBAY PORT TRUST.

403. ***Mr. N. M. Joshi:** (a) Is the Honourable Member for Communications aware that there is nothing in the existing Bombay Port Trust Act to preclude attendance of the Press or the public at the meetings of the Port Trust Board and that such attendance is a matter entirely within the discretion of the Board?

(b) Will he be pleased to state whether the Bombay Port Trustees have recently considered the question of admitting the Press and the public to the Board meetings?

(c) If so, will he be pleased to state what the decision of the Trustees was and lay on the table of the House a copy of the minutes of the Board meeting which discussed the above question?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) No.

(c) Does not arise.

NON-PUBLICATION OF THE MINUTES OF THE MEETINGS OF THE BOMBAY PORT TRUST.

404. *__Mr. N. M. Joshi:__ (a) Is the Honourable Member for Communications aware that the minutes of the Madras Port Trust Board meetings are published, but the minutes of the Board meetings of other major Port authorities like the Bombay Port Trust are not published?

(b) Will he state whether he proposes to issue the necessary orders or make the necessary amendments in the various Port Trust Acts so that the Port Authority of every major Port shall be required to publish the full official minutes of its Board meetings in the Government Gazette?

The Honourable Sir Thomas Stewart: (a) and (b). The Madras Port Trust Act requires the publication of the minutes in the local official Gazette. The other Acts do not require such publication, but I understand that it is the practice of some of the other Port Trusts to publish a summary of the proceedings in the press. I am not prepared to undertake any amendment of the Acts to make the publication of minutes in the Gazettes obligatory, but I shall enquire into the existing practice and consider the Honourable Member's suggestion.

MAKING THE MINUTES OF THE MEETINGS OF THE BOMBAY PORT TRUST OPEN TO PUBLIC INSPECTION.

405. *__Mr. N. M. Joshi:__ (a) Is the Honourable Member for Communications aware that in the Acts of several major Port Trusts, like the Bombay Port Trust, there is no provision for the official minutes being open to the inspection of the public?

(b) Is he aware that the Chittagong Act provides for the inspection of the minutes by the public?

(c) Will he be pleased to state whether the Trustees of Bombay and other major Ports are prepared to keep the minutes of their Board meetings open to the inspection of the public?

(d) Will he be pleased to state whether he is proposing to make the necessary amendments in the Acts of Bombay Port Trust and such other Trusts so as to provide that the minutes of their Board meetings shall be open to the inspection of the public?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) Yes, but discretion is vested in the Chairman to withhold such portions of the minutes as he thinks fit.

(c) I have no information on the subject, but I shall make enquiries.

(d) I shall consider the Honourable Member's suggestion.

SUPPLY OF COPIES OF THE MINUTES OF THE MEETINGS OF THE BOMBAY PORT TRUST TO THE PUBLIC.

406. *Mr. N. M. Joshi: (a) Will the Honourable Member for Communications be pleased to state whether copies of the full official minutes of the Board meetings of the Bombay Port Trust and of the Port Authorities at other major Ports are available to the public on request?

(b) If not, will he be pleased to state whether he proposes to make the necessary amendments in the various Port Trust Acts so as to provide that copies of the full official minutes of the Board meetings shall be supplied, on demand, to any commercial or public bodies or public libraries or any member of the public on payment, if necessary, of a reasonable price? If not, why not?

The Honourable Sir Thomas Stewart: (a) So far as I am aware, they are not.

(b) I shall give careful consideration to the proposal of the Honourable Member.

REDUCTION IN THE PRICE OF POSTCARDS.

407. ***Mr. Thirumala Rao** (on behalf of Mr. C. N. Muthuranga Mudaliar): (a) Will the Honourable Member for Communications please state whether it is a fact that there is a surplus revenue under the head 'Posts and Telegraphs' during the current year?

(b) If so, are Government prepared to consider the advisability of reducing the price of post cards from nine pies to six pies?

The Honourable Sir Thomas Stewart: (a) and (b). I am afraid I must ask the Honourable Member to await the Budget statement of my Honourable colleague, the Finance Member, towards the end of this month.

ESTABLISHMENT OF POST OFFICES BETWEEN TIRUKKOILUR AND SANKARAPURAM IN SOUTH ARCOT DISTRICT.

408. ***Mr. Thirumala Rao** (on behalf of Mr. C. N. Muthuranga Mudaliar): (a) Will the Honourable Member for Communications please state how many post offices are there between Tirukkoilur and Sankarapuram, a distance of 25 miles in the South Arcot District?

(b) If there are no post offices between these two places, do Government propose to consider the advisability of establishing one or two experimental post offices there?

The Honourable Sir Thomas Stewart: (a) None on the direct route.

(b) The matter is within the competence of the Postmaster General to whom a copy of the Honourable Member's question will be forwarded for such action as he may consider suitable.

PAUCITY OF POST OFFICES IN KALLAKURICHI TALUQ, SOUTH ARCOT DISTRICT.

409. ***Mr. Thirumala Rao** (on behalf of Mr. C. N. Muthuranga Mudaliar): (a) Will the Honourable Member for Communications please state if it is a fact that there are very few post offices in the Kallakurichi Taluq, South Arcot District?

(b) If so, are Government prepared to consider the advisability of opening more village post offices in that *taluq*?

The Honourable Sir Thomas Stewart: (a) There are 19 Post Offices in the *taluq*. Whether this number corresponds to the description of the Honourable Member is a matter of opinion.

(b) The matter is within the competence of the Postmaster-General to whom a copy of this question is being forwarded for such action as he may consider necessary.

POSTAL DELIVERIES IN THE HILL AREAS OF KALLAKURICHI TALUQ, SOUTH ARCOT DISTRICT.

410. ***Mr. Thirumala Rao** (on behalf of Mr. C. N. Muthuranga Mudaliar): (a) Will the Honourable Member for Communications please state whether it is a fact that the hill areas of the Kallakurichi Taluq, South Arcot District, were being served by only one postal delivery in a week?

(b) Is it a fact that even this weekly service was discontinued lately, and that the area is now deprived of all postal communication?

(c) Are Government prepared to consider the advisability of restoring postal facilities to the hill area and give at least two deliveries a week?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) No.

(c) The first part of the question does not arise. The number of articles for the hill area is so few that two deliveries per week are not justified.

RECONSTRUCTION OF QUETTA.

411. ***Mr. Badri Dutt Pande:** (a) Will the Foreign Secretary be pleased to state what progress has been made with the reconstruction of the Quetta town?

(b) What has been the expenditure so far?

(c) How much money has been allotted for the reconstruction in the city of houses for widows and destitutes?

(d) What was the number of applications from widows and destitutes?

Sir Aubrey Metcalfe: (a) 63 shops and 93 residential houses have been constructed on earthquake proof lines.

(b) Rs. 43,938.

(c) Rs. 2,05,000.

(d) 368, out of which 206 have been passed, 54 were rejected and 108 are under consideration.

Mr. Lalchand Navalrai: May I know if these houses have been built by private people or by Government?

Sir Aubrey Metcalfe: These houses have been built by private persons.

Mr. Badri Dutt Pande: With reference to the answer to clause (d), may I inquire what was the reason for rejecting such a large number of applications from such people?

Sir Aubrey Metcalfe: Mainly because they did not comply with the building code which has been laid down.

FAQIR OF IPI'S LETTER TO PANDIT JAWAHARLAL NEHRU.

†412. ***Mr. M. Ananthasayanam Ayyangar:** (a) Will the Secretary for External Affairs state whether the attention of Government has been drawn to the Associated Press of India's message reported in the *Hindu* of the 27th January, 1938, regarding the criticism made by Pandit Jawahar Lal Nehru on the frontier policy of Government?

(b) Are Government aware that the Fakir of Ipi has invited the Congress President to visit his territory and to verify the truth of the accusation against him regarding raids into the British territory?

(c) What have the operations in the frontier cost during the year 1937?

(d) What is the total loss of life sustained by our troops in the operations, and the loss sustained by the tribesmen?

Sir Aubrey Metcalfe: (a) Yes.

(b) Government has no information beyond what is contained in the press reports.

(c) and (d). Attention of the Honourable Member is invited to the reply given by the Defence Secretary on 7th February, 1938, to question No. 170 by Mr. Abdul Qaiyum. As regards enemy casualties, it is estimated that between the 25th November, 1936, and the 15th December, 1937, 880 persons were killed and 800 severely wounded. No figures are available for persons slightly wounded.

BRANCH LINE PROJECT FROM CHINNA-SALEM TO TIRUVANNAMALAI ON THE SOUTH INDIAN RAILWAY.

413. ***Mr. Thirumala Rao** (on behalf of Mr. C. N. Muthuranga Mudaliar): (a) Will the Honourable the Railway Member please state whether there was any proposal to construct a branch railway line from Chinna-Salem (South Arcot District) to Tiruvannamalai on the South Indian Railway?

(b) Was the said line included in the programme of projected railway lines?

(c) Is it a fact that a Resolution of the District Board, South Arcot, regarding the above proposal was sent to the Railway Board?

(d) Is it a fact that a number of representations have been made by the public and local bodies to Government, pressing for the opening of the above branch line?

(e) Do Government propose to consider the advisability of expediting the construction of this branch line?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) This line was included in a list of projects investigated by the Special Engineer, Road Development, of the Madras Government. It was rejected by him on the ground that the area was at present well served by roads and railways, and proposals for improvements to the former were

† Answer to this question laid on the table, the questioner being absent.

on foot. It was rejected also by the South Indian Railway to whom the Madras Government forwarded the Special Engineer's report for comments, as it was not considered to be a remunerative proposition.

(c) Yes.

(d) Yes.

(e) No. This line cannot be justified financially.

PAUCITY OF SINDHIS ON THE NORTH WESTERN RAILWAY.

414. *__Mr. Lalchand Navalrai:__ (a) Will the Honourable Member for Railways be pleased to place on the table a statement showing how many Sindhis, Hindus and Muslims, respectively, are employed in the subordinate and higher grades on the North Western Railway and what is their proportion to those residents of the Punjab similarly employed on the North Western Railway?

(b) Are Government aware that the Sindhis, both Hindus and Muslims, complain that their number employed on the North Western Railway is much smaller than they are entitled to? Is this a fact?

(c) What is their proportion and on what system is it based?

__The Honourable Sir Thomas Stewart:__ (a) Staff statistics are not prepared by Provinces, and Government do not consider that the labour and cost involved in collecting the information would be justified by the results to be obtained.

(b) Government have seen the representation on the subject which my Honourable friend submitted some four years ago to the Honourable Member for Commerce and Railways. Government do not accept the policy of recruitment into railway services on a Provincial basis, but they consider that the system of recruitment through Selection Boards, held in the offices controlling the areas in which the staff are likely to be employed on appointment, affords opportunity to inhabitants of all territories, served by the North Western Railway, to enter its service.

(c) In view of the replies to parts (a) and (b) above, this does not arise

__Mr. Lalchand Navalrai:__ May I ask if the Honourable Member knows that the system of recruitment that has been followed at present has proved detrimental to the Sindhis?

__The Honourable Sir Thomas Stewart:__ I would refer the Honourable Member to the answer that was given to his representation some four years ago in which it was categorically stated that the existing system did not prejudice Sindhis.

__Mr. Lalchand Navalrai:__ May I know if the system has since been revised or re-considered because since then four years have elapsed?

__The Honourable Sir Thomas Stewart:__ No, Sir: there has been no such change in the circumstances as to justify the re-consideration of the question.

__Seth Haji Sir Abdoola Haroon:__ Is it not a fact that the present system does not allow the Sindhis to get into the Government Railway Service?

Is it not also a fact that the present system of recruitment by the North Western Railway does not allow a sufficient number of Sindhi Hindus and Muhammadans to be taken into service, especially so far as the Karachi Division is concerned?

The Honourable Sir Thomas Stewart: My information is that the present system does not prejudice the Sindhis in matters of recruitment.

Mr. Lalchand Navalrai: Does the Honourable Member know that there is a request from the Sindhis that there should not be double selection, *i.e.*, one by the Karachi District Committee and the other in Lahore?

The Honourable Sir Thomas Stewart: I am prepared to take the Honourable Member's word for it that there have been such protests.

Mr. Lalchand Navalrai: Will the Honourable Member then look into that question at least?

The Honourable Sir Thomas Stewart: No, Sir. I can see no objection myself.

HOLDING OF SELECTION FOR RECRUITMENT OF THE SINDHI SUBORDINATE STAFF FINALLY AT KARACHI.

415. *__Mr. Lalchand Navalrai:__ (a) Will the Honourable Member for Railways please state whether Government propose to hold the selection for the recruitment of the Sindhi subordinate staff finally at Karachi?

(b) Are Government aware of the complaint that they are put to much inconvenience, expense and disadvantage by double selection finally held at Lahore? If so, why are they put to such inconvenience?

The Honourable Sir Thomas Stewart: (a) and (b). No. This is a matter within the competence of the Agent, North Western Railway, to decide, and Government do not propose to interfere.

Mr. Lalchand Navalrai: Will the Honourable Member kindly send a copy of this question and answer to the Agent? That will do some good.

The Honourable Sir Thomas Stewart: As a special concession, yes.

Mr. Lalchand Navalrai: Thank you very much.

UNSTARRED QUESTIONS AND ANSWERS.

DEFALCATION CASES AGAINST EXTRA-DEPARTMENTAL POSTAL OFFICERS.

32. **Mr. Brojendra Narayan Chaudhury:** Will the Honourable Member in charge of Communications please state:

(a) the number of defalcation cases against extra-departmental postal officers (i) inquired into by the department and (ii) made over for inquiry to the Police, (iii) instituted in court, (iv) conviction obtained, (v) amount of money or money value involved, (vi) amount recovered from actual defaulters, (vii) amount recovered from other officers and (viii) amounts which could not be recovered, in the whole of India and in the districts of Sylhet and Cachar in particular; and

(b) the total budget for salary and allowances of extra-departmental employees and the same budget figure for Sylhet and Cachar?

The Honourable Sir Thomas Stewart: (a) The information is not readily available and its collection would involve an expenditure of time and labour which Government do not consider to be justified.

(b) Extra Departmental employees are not paid salaries. The total amount provided in the Budget for the current financial year for allowances to be paid to them for the Department as a whole is Rs. 30,88,000. The figure for Sylhet and Cachar Districts is Rs. 44,000.

AMALGAMATION OF CLERICAL GRADES IN THE DIVISIONAL OFFICES ON THE NORTH WESTERN RAILWAY

33. **Mr. Lalchand Navalrai:** Will the Honourable Member for Railways be pleased to state:

(a) whether it is a fact that clerks in grade I, employed in the Divisional and Extra-Divisional Offices on the North Western Railway, have been representing their cases for amalgamation of grades I and II, for the last seven years or so;

(b) whether it is a fact that the Agent, North Western Railway, in 1930 acknowledged the grievances of grade I clerks as genuine and recommended to the Railway Board, *vide* his letter No. 501-E./39, dated the 22nd January, 1930, that grades I and II should be amalgamated immediately, as the scale of grade I clerks which ceases at a rate of pay, *i.e.*, Rs. 60 was an unduly poor remuneration for the services rendered;

(c) whether it is a fact that in actual practice there exists no line of demarcation in the duties entrusted to clerks grades I and II;

(d) whether it is a fact that this has been admitted by the various Divisional Superintendents who recommended amalgamation of grades I and II; if so, whether no effect has been given to such recommendations;

(e) whether it is a fact that the scale of pay of the two corresponding classes of clerks in the Railway Accounts Department were amalgamated in 1935, chiefly on the grounds that the duties of the class clerks were identical; and

(f) whether it is a fact that a good number of higher grade posts in the clerical branches in the various Divisional Offices are being abolished; if so, how Government propose to give relief to the lowest paid clerks in the Divisional Offices on the North Western Railway; whether they propose to amalgamate grades I and II, so that a clerk reaches a decent maximum of Rs. 95?

The Honourable Sir Thomas Stewart: (a) Government have seen certain representations made by the staff referred to by the Honourable Member.

(b) I would refer the Honourable Member to the reply given to parts (c) and (d) of starred question No. 1046 asked by him in this House on 9th March, 1936.

(c) and (d). Government have no information.

(e) I would refer the Honourable Member to the reply given to part (a) of unstarred question No. 288 asked by Mr. M. S. Aney in this House on the 9th March, 1936. The scale of pay of clerks, grades II and III, were amalgamated for administrative convenience.

(f) The abolition of higher grade clerical posts is a matter within the competence of the Agent, North Western Railway, and Government are not prepared to interfere.

MOTION FOR ADJOURNMENT.

ARREST OF HAJI AKBAR ALI KHAN, A MEMBER OF THE FRONTIER LEGISLATIVE ASSEMBLY.

Mr. President (The Honourable Sir Abdur Rahim): I have received notice of a motion for adjourning the business of the Assembly from Mr. Abdul Qaiyum to the following effect:

"That the Assembly do now adjourn to discuss a definite matter of urgent public importance of recent occurrence, namely, the arrest of Haji Akbar Ali Khan, a member of the Frontier Legislative Assembly at Miranshah, Waziristan."

Is it the mere arrest of the Member of the Frontier Assembly on account of which the Honourable Member wishes to adjourn the business of the Assembly?

Mr. Abdul Qaiyum (North-West Frontier Province: General): It is a matter of public importance.

Mr. President (The Honourable Sir Abdur Rahim): What has happened? You have given no information.

Mr. Abdul Qaiyum: Sir, if I am asked to give reasons for my motion of adjournment, then I shall say that it is a matter which may lead to a crisis in the Frontier Province like the one we recently had in the United Provinces and Bihar. The political authorities have stepped in and they have arrested a prominent worker and a Member of the Frontier Assembly on the eve of the Budget Session of that Assembly. It might have very serious repercussions and a crisis may also develop in that corner of India. I, therefore, consider it a matter of urgent public importance.

Mr. President (The Honourable Sir Abdur Rahim): Is there any objection to the motion for adjournment?

Sir Aburey Metcalfe (Secretary, External Affairs Department): Yes, Sir. First of all, I should like to take objection on the ground that the rules lay down quite clearly that the Government Member in charge should receive notice before the commencement of the session. I received notice of the motion only 10 minutes ago after 11 O'clock.

Mr. President (The Honourable Sir Abdur Rahim): Did you give any notice to the Honourable Member in charge?

Mr. Abdul Qaiyum: I gave all the three copies of the motion for adjournment to the Secretary, one of which was intended for the Honourable Member in charge.

Mr. President (The Honourable Sir Abdur Rahim): It is not the business of the Secretary to distribute notices like that.

Mr. Abdul Qaiyum: I had noted in my notice to the Secretary that I am attaching one copy for the Honourable the President and one copy for the Foreign Secretary.

Mr. President (The Honourable Sir Abdur Rahim): It ought to have been sent to the Government Member by the Honourable Member himself.

Mr. Abdul Qaiyum: The Honourable Member was not here and I could not go after him and find him out.

Sir Aubrey Metcalfe: May I say on a point of explanation that I was in the House at five minutes to eleven.

Mr. Abdul Qaiyum: Then the Secretary should have returned the notice to me forthwith.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member ought to know the rules.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Is it necessary for the Honourable Members to go to the houses of the Government Members and give them copies of notices of motions?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must find out the means of communicating the notice to the Government Member. This is being done every day: what is the good of raising these objections.

Mr. Abdul Qaiyum: If the notice had been returned to me . . . .

Mr. President (The Honourable Sir Abdur Rahim): The Secretary is under no obligation to return the notice so that it may be sent to the proper person. The Honourable Member ought to know to whom the notice is to be sent.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): At least, the Secretary of the Legislative Assembly Department is under an obligation to hand over a notice received from an Honourable Member of the House . . . . .

Mr. President (The Honourable Sir Abdur Rahim): No, the rules require that the Honourable Member must send the notice himself. It is bound to raise all sorts of complications if the Secretary were to accept such notices for the Member of the Government concerned. The motion is out of order.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, the following message has been received from the Council of State:

"With reference to the provisions of sub-rule (4) of rule 36 of the Indian Legislative Rules, I am directed to inform you that the Council of State has, at its meeting held on Thursday, the 17th February, 1938, agreed to the Bill to consolidate and amend the law relating to the business of insurance as further amended by the Legislative Assembly at its meeting held on Tuesday, the 8th February, 1938."

SECOND STAGE.

Mr. President (The Honourable Sir Abdur Rahim): Before the discussion of the Demands for Grants relating to Railways begins, I may inform the House that, so far as I know, no arrangement has been arrived at, which is usual in such cases, between the different Groups and, therefore, the only way I can deal with these motions is to take them up in the order in which they are printed. I may mention that the first motion is in the name of Mr. Ram Narayan Singh. It is a motion for the refusal of supplies to the Railway Board.

Mr. M. Asaf Ali (Delhi: General): May I just say a word about this? So far as the question of the arrangement is concerned, it is agreed now that the European Group and the unattached Members may take the whole day today and in the course of the day . . . . .

Mr. President (The Honourable Sir Abdur Rahim): I do not know anything about this arrangement and, therefore, I have got to go on with the list of amendments as it is printed.

Mr. M. Asaf Ali: Even in that case, the result would be exactly the same.

Mr. President (The Honourable Sir Abdur Rahim): If the result would be the same, let it be.

Mr. M. Asaf Ali: Most probably it will lead to the convenience of everybody if . . . . .

Mr. President (The Honourable Sir Abdur Rahim): I understand from the Honourable Member (Mr. Asaf Ali) himself that the first and second motions are not going to be moved.

Mr. M. Asaf Ali: Yes, that is so.

Mr. President (The Honourable Sir Abdur Rahim): In that case, the next motion stands in the name of Mr. Joshi and he belongs to the Group of unattached members.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): I rise on a point of order. Will you kindly inform the House what time limit you are going to impose?

Mr. President (The Honourable Sir Abdur Rahim): I cannot impose any time limit. The usual time limit that has been arranged by the House in the past is 20 minutes for the Mover of the motion and 15 minutes for the other speakers. If that is agreeable to everybody, I shall enforce it.

Honourable Members: Yes, it is agreeable to us.

Lieut.-Colonel Sir Henry Gidney: Sir, there is another point. There are many Members who have tabled similar motions. Will they have the privilege of talking on those motions out of their turn?

Mr. President (The Honourable Sir Abdur Rahim): They are entitled to speak on any motion that is before the House.

Mr. M. Asaf Ali: It is only for this reason that I wanted the arrangement to be understood because, I think, it will be in the interests of everybody if this arrangement is agreed to.

Mr. President (The Honourable Sir Abdur Rahim): The Parties have not agreed to it and, therefore, I cannot enforce it.

Mr. M. Asaf Ali: The Parties have agreed to the arrangement that today should be given to the European Group and the unattached Members.

Mr. President (The Honourable Sir Abdur Rahim): Very well, I will ascertain the wishes of the House.

Is it agreed by every section of the House that the unattached Members and the European Group will occupy this morning, and this afternoon . . . . .

Mr. N. M. Joshi (Nominated Non-Official): I cannot agree to that.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): It has been agreed to, Sir, that this morning be given to the unattached Members and this afternoon to the European Group; and, during this interval, we will come to some arrangement among all the other Parties as to what motions should be taken up during the rest of the three days.

Mr. President (The Honourable Sir Abdur Rahim): Let me first ascertain from the House whether this is agreed to by all sections.

The Honourable Sir Thomas Stewart (Member for Railways and Communications): May I make one representation? It has been agreed to that the Mover of a motion should have 20 minutes and other Members should have 15 minutes. As far as I am able, I shall endeavour to keep myself within the limit of 15 minutes, but I think it would be in accordance with precedents, were I given some indulgence if, in particular cases, my reply extends beyond 15 minutes.

Mr. M. Asaf Ali: May I say a word?

Mr. President (The Honourable Sir Abdur Rahim): Let me first ascertain whether this is agreed to?

Mr. M. Asaf Ali: No, Sir, it is not agreed to. If Mr. Joshi is not prepared to agree to any of our proposals, we do not agree to this time limit.

Mr. President (The Honourable Sir Abdur Rahim): In that case, let the motions be taken in order. Let the Demand be moved by the Honourable Member.

DEMAND NO. 1—RAILWAY BOARD.

The Honourable Sir Thomas Stewart: Sir, I beg to move:

"That a sum not exceeding Rs. 9,00,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Railway Board'."

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

"That a sum not exceeding Rs. 9,00 000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Railway Board'."

Provident Fund for Low Paid Employees.

Mr. N. M. Joshi: Sir, I beg to move:

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

Sir, I am glad that this important motion is coming up for discussion as the first motion. At the same time you will agree with me, Sir, that it is inconvenient for Honourable Members to have to move their motions without having sufficient time . . . .

Mr. President (The Honourable Sir Abdur Rahim): Let me make it clear now that the time limit has not been agreed to by all Parties. I understand that Government do not agree to the time limit of 15 minutes to the reply on behalf of Government.

The Honourable Sir Thomas Stewart: No, Sir. I expressed no general disagreement. I was perfectly willing to accept 15 minutes or 20 minutes. All I asked for was that though I would be prepared to keep within the 15 or 20 minutes, in special cases, I should be allowed some indulgence to exceed that time limit as was done in the past.

Mr. President (The Honourable Sir Abdur Rahim): That is not agreed to.

Mr. M. Asaf Ali: I made my position perfectly clear. In the beginning there was general agreement in the House that today should be given to the unattached Members and to the European Group. They were also prepared to abide by this time limit of 20 minutes and 15 minutes. If there is no agreement on the first proposition, what is the use of agreeing to anything else?

Mr. President (The Honourable Sir Abdur Rahim): As regards that, I know there is no agreement as regards the order in which motions are to be moved. The question now is about the time limit.

Mr. M. Asaf Ali: Under these circumstances, we agree to no time limit.

Mr. N. M. Joshi: I was saying, Sir, that it is somewhat inconvenient to Honourable Members to speak on their motions without knowing when the motions are likely to come up for discussion.

My object in moving this motion is to draw the attention of the Government of India to the desirability of altering the rules for eligibility to provident fund for railway employees. Sir, for many years, employees of Indian railways have been given the privilege of being members of provident fund. On the whole the provision of this provident fund is of great use to the railway employees. Unfortunately, the provident fund rules are such that there are some classes of railway employees who are not eligible for being

members of the provident fund. Generally speaking, all the railway employees who get more than Rs. 30 per month are required to be members of the provident fund. Those who get, generally speaking, between Rs. 30 and Rs. 15 have the option of either becoming members of the provident fund or not becoming members of the provident fund, so that people who get less than Rs. 15 a month do not get the advantage of the provident fund. There is also another class of railway employees who do not get the benefit of the provident fund, that is, railway employees who are considered to be daily rated men who work in the workshops, unless they work for three years. These rules are disadvantageous to these two classes of people, that is, daily rated men and men who get Rs. 15 or less. The Royal Commission on Indian Labour gave their consideration to this question and they recommended that the rules regarding the provident fund should be changed. Those who get Rs. 20 and more and who have put in one year's service should be required to be members of the provident fund, that is provident fund should be compulsory to those employees of the Indian railways who get Rs. 20 and more. They also recommend that those employees of the Indian railways who get less than Rs. 20 should be given the option of either becoming members of the provident fund or not becoming members of the provident fund. Provident fund is of great use, as I have said, to the railway employees as a provision against their old age and also premature death. The necessity for providing against old age and premature death will be recognised by the Government of India and by Honourable Members of the Assembly. The Government of India provide pensions for some of their employees and they also provide provident fund for their railway employees who get more than Rs. 15 a month. My suggestion, therefore, to the Government of India is that they should accept this recommendation of the Royal Commission.

I am sure the Honourable Member in charge of Railways will recognise the principle of providing against old age of even the poorer class of railway employees. I am sure he will recognise also that if there is any class of railway employees who needs the provident fund more, it is the lowest paid railway employees. The man who gets a thousand rupees a month can easily save enough for his old age, but a man who gets only Rs. 15 a month cannot save money to make provision for his old age. If, therefore, the Government of India had to exclude for some reasons some class of railway employees from the benefit of the provident fund, they should have excluded the more highly paid railway employees. Unfortunately, the Government of India always follow a wrong principle in the treatment of their employees. They generally give the benefits of the provident fund and other things first to those employees who need it least, and when the time comes for making provision for the lowest paid employees, they find it difficult to do so. I, therefore, feel that the Government of India will now recognise that as they have provided for their better paid employees by giving them provident funds, they should immediately take steps to make provision to enable the low paid railway employees to get the benefit of this. I am sure the Honourable Member will accept the principle, but I shall not be content with mere acceptance of principle. I do not think there is anybody who will not accept the principle. But what we need, Sir, is an immediate alteration of the rules so that the lowest paid employees will get the benefit of the provident fund.

[Mr. N. M. Joshi.]

I have no doubt that if the rules are changed and the recommendation of the Royal Commission is given effect to, it will cost the railways a few lakhs of rupees. But the railways during the last two or three years have been making profits. In 1935-36 they made a profit of 1½ crores; in 1936-37 they expect to make a profit of 2¾ crores; and in the current year also they expect to make a profit of 2½ crores. If they are making profits now it is time that they should do justice to the lowest paid employees. To tell the lower paid employees that for want of money the Government of India cannot give them a provident fund is to do a double injustice. In the first place it was wrong to first give the provident fund to the better paid employees and exclude the lower paid employees; and it is a double wrong again to tell the lowest paid employees that all our money has been spent in giving a generous provident fund to the better paid employees leaving no funds for them and that, therefore, they must wait. I, therefore, hope that the Government of India will find money, as they have surpluses, to alter the rules of the provident fund and give the benefit of the provident fund as recommended by the Royal Commission; that is to say, the provident fund should be made compulsory for those railway employees who get Rs. 20 and more, and voluntary for those who get less than Rs. 20. I hope, Sir, the House will accept my motion.

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

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

Lieut.-Colonel Sir Henry Gidney: Sir, not being a socialist it is not often that I find myself in agreement with my Honourable friend, Mr. Joshi; but on this occasion I whole-heartedly support him and for the very reasons he has given to this House. Sir, I only reiterate one of his chief reasons when I say that the mere meaning of the word "provident" is to be of providence to those who are able to be provident owing to the smallness of their pay. The higher paid servants of the railway who can easily make providence for their old age are given a very handsome provident fund whilst the lowest paid poor employees are deprived of it. Why? In principle and in practice I submit that is quite wrong. I do realise that the provision of a provident fund for the lower paid employees, who number many thousands, will incur a very serious liability on the revenues of the railways. But apart from this fact, there is this very important aspect of this demand and it is this—by giving inferior servants this provident fund you will encourage continuity of service; you will encourage a providence of something material for these poor labourers to look forward to in their old age. And you will, therefore, be fulfilling in practice and substance what is actually meant by the words "provident fund". Mr. Joshi has correctly pointed out, it should be the duty of the Railway Board first to consider the comforts and the providence, in their old age, of the poorer servants before considering the old age super-comforts of those of its servants who can by their larger salaries provide for themselves. Sir, the Royal Commission on Labour was very explicit on this point. They recommended it should be given to those servants getting Rs. 20 a month and leaving it to their option of those drawing a lower salary to contribute to this fund. I consider the Railway Board should follow that recommendation in its entirety. I, therefore, support this motion.

The Honourable Sir Thomas Stewart: Sir, I shall reply very briefly indeed to this motion which has been moved by my Honourable friend, Mr. Joshi. As he said, the Government of India and, I am sure, every Honourable Member of this House, are entirely in sympathy with the root idea underlying the motion that he has moved, the root idea being that as far as possible not only railway servants but every individual in this country should be assured a comfortable old age after retiring from their employment or ceasing to work. But I hope Mr. Joshi will forgive me if I characterise his proposal as purely utopian in the present circumstances. His proposal is not one which is new to us; it has been under the consideration of the Railway Board before, and it has been rejected as impracticable. Mr. Joshi would have us believe that the cost of his proposal is a few lakhs. My Honourable friend, Sir Henry Gidney, did not even get as far as lakhs. But to get down to actual figures, the calculations which we have made show that to introduce such a provident fund system over the railway systems of India would cost half a crore of rupees per year; and in respect of State Railways alone it would cost something like 27½ lakhs per year. Now, Mr. Joshi has said that we can easily afford this money. He is cheered by the thought that in the past two years there has been a surplus of 1½ crores in one year and 2⅔ in another; and he now feels so confident of the secured position of the railways in future that he believes that the Government of India can without hesitation undertake a recurring liability for the future of 27½ lakhs. Now I should like, as the Railway Member, to be so assured of the position of the railways as he is, but even if I were assured in my own mind that there was twenty-seven and a half lakhs to spare each year, I do not think that I should hand it over without any further consideration to a body of say 300,000 of our employees. I believe there are competing claims. There are the Provincial Governments and the men, women and children who live in the provinces. There is the general user of the railway, the third class passenger for whom so many claims are made on the floor of this House. Could I not get better value for my 27½ lakhs in improving the accommodation for the third class passenger or in reducing his fares. There are, I believe, something like 40 crores of third class passengers: have they the greater claim or have the 300,000 of our employees. For myself I have no doubt as to who should get the benefit of any money that could be spared, and for this reason I resist the cut motion.

12 NOON.

Mr. President (The Honourable Sir Abdur Rahim): I have always treated these motions as amendments. There is no right of reply.

The question is:

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

The motion was negatived.

Railwaymen's Grievances.

Mr. N. M. Joshi: I move, Sir:

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

The object of this motion is to draw the attention of the Government of India and of the Legislature to the urgency of removing some of the important grievances from which railway employees have suffered and are suffering. Sir, the first grievance which I would like to place before the House is as regards recognition of certain trade unions of railway employees. I do not know, Sir, what the policy of the Government of

[Mr. N. M. Joshi.]

India is as regards recognition of their trade unions, but today it is a fact that on some of the important railways the most important trade unions of their employees are not recognised. The Bengal Nagpur Railway does not recognise the Bengal Nagpur Railway Indian Labour Union. It is a very important union. It has more than 25,000 members, and it has been in existence for a very long time. Sir, the withdrawal of recognition of this union has a long history, but I shall not tire the House by narrating all the facts. Last year, Sir, or year before last there was a strike on the Bengal Nagpur Railway. After the strike was settled the Agent of the Railway one day informed the president of the union that he had withdrawn the recognition of that union. The Government of India appointed Mr. Mudie to inquire into some of the matters connected with the strike, and Mr. Mudie on some grounds defended the action of the Agent. His main argument was that the union was under the influence of outsiders. Now, Sir, the Royal Commission on Labour has considered the question of the influence of outsiders on trade unions. The Commission came to the conclusion that under the present circumstances the help of outsiders is absolutely necessary for the proper growth and for the proper working of trade unions. Therefore, it was very wrong of Mr. Mudie to try to defend the action of the Agent of the Railway on the ground that the union was under the influence of outsiders. Then, Sir, he gave certain other grounds: he said that the union did certain things which he did not approve of and the Agent did not approve of. I raised the question of the withdrawal of recognition by way of a question at the last Assembly Session. The Honourable Member in charge of Railways at that time suggested that if the union was reorganised it would be recognised. Then I made certain suggestions to the Honourable Member in charge of Railways about the reorganisation of the union. He agreed, and then I made these suggestions to the union itself. The union has agreed and reorganised itself. After reorganisation the union approached the Agent. The Agent seems to be sympathetic, he discussed the question with the president of the union and also with some of the representatives of the union. Unfortunately, Sir, the matter is being delayed. The Agent, although he seems to be sympathetic, I am afraid, is meeting with some difficulties, and my fear is that the difficulties are not from the Agent himself—from the talks which the Agent had with the representatives of the union, the Agent seems to be satisfied. He attended the annual general meeting of the union, and he actually made a speech at the annual general meeting. Still the Agent finds it difficult to recognise the union. Last year the Honourable Member in charge of Railways, Sir Sultan Ahmad, said that the Bengal Nagpur Railway, being a company-managed railway, the Government of India could not dictate to the Agent to recognise the union. It seems to me, Sir, that although the Government of India could not dictate to the Agent to recognise the union, they are prepared to dictate to the Agent not to recognise the union. I, therefore, suggest to the Government of India that if they are standing in the way of the Agent in the matter of recognising the union, they should not do so. On the other hand, I would suggest to the Government of India to use their influence with their Agents to secure recognition for unions on their Railways. Now, Sir, besides the Bengal Nagpur Railway Union, on the Bombay, Baroda and Central India Railway also there is a union which is not recognised. My friend, Mr. Jamnadas Mehta, whom most of the members in this House know, is the president of that union. This

Union, so far as I know, is working on very right lines. Still the Agent who had taken away its recognition has not restored it. Then, Sir, the Madras and Southern Mahratta Railway Union is not recognised. I, therefore, suggest to the Government of India that they should take a very sympathetic view of the matter and recognise that a properly conducted trade union is a great help to the railway administration itself, and do their best to secure recognition for unions which are working on Indian railways.

Now, Sir, I shall not take up the time of the House by dealing with this question of the recognition of trade unions. I shall now deal with some other grievances on some of which the Royal Commission has made recommendations supporting the demands of the railwaymen. Sir, the first question is about medical examination. The Indian railways hold periodical medical examination of their employees. This examination is held, not only for those people who have work on the trains, in whose case perhaps a re-examination may be necessary, but the re-examination is held even of other staff, and the Royal Commission made a recommendation, as regards this subject, that where an employee is not satisfied that the report on his health made by the doctor appointed by the railway, the railway employee should have a right to secure consultation and advice of a private doctor. Unfortunately, the Government of India do not accept this recommendation of the Royal Commission. The Government of India suggest that as they are responsible for the safety of the Indian railways they must accept the opinion of their Chief Medical Officer. I am not suggesting that the Government of India should not accept the opinion of their Chief Medical Officer. What I am suggesting is this: that before the Government of India come to any decision, where a railway employee feels that the report of a railway medical doctor is not fair, the employee should have a right to bring into consultation a private medical doctor. The opinion of the private medical doctor should be before the Chief Medical Officer and the Government of India before they come to a final decision. This practice of giving a railway employee the right to bring the opinion of a private doctor as an advice or help to the railway doctor is followed in many countries and the recommendation of the Royal Commission is a very sound one, and I hope that the Government of India will see their way to accept this recommendation.

Then, there is the question of hours of work on Indian railways. I have two grievances on that point. In the first place, although the Government of India have ratified a convention of the International Labour Organisation binding themselves to regulate the hours of work on certain classes of railway work, the Government of India have not given full effect even to their ratification. The complaint was made at one of the meetings of the governing body of the International Labour Organisation that the Government of India had not carried out their international obligation. At the meeting the Government of India representative said that the Government would give effect and carry out their obligations as soon as possible. Unfortunately, we have been waiting to see that the Government of India would carry out their international obligation. It is now more than two years since the Government of India made that promise to the governing body and they have not yet done so. The Government of India are giving effect to those regulations one by one on different railways; it is true that they have applied those regulations to some of the important railways. But, there are many railways still to which the

[Mr. N. M. Joshi.]

regulations regarding the hours of work do not apply. I would like the Government of India both from the point of view of the welfare of their employees as well as from the point of view of their duty to carry out an international obligation, to apply the hours of work regulation to all the employees of the Indian railways. That is one of my grievances.

My second grievance is that the hours of work on Indian railways are too long. The hours of work regulation lays down that the hours of work shall not exceed sixty hours a week, *i.e.*, about ten hours for daily work. I feel that that period for daily work is too long. Most of the countries in Europe do not take more than eight hours work from their railway employees, and in India also the Government of India have passed the Factory Act, reducing the hours of work from 60 to 54; and if the hours of work in factories could be reduced from 60 to 54, it is time that the hours of work on railways also should now be reduced.

Then, there is another grievance. That is that trade unions which are recognised are not allowed to make representations to the Agent regarding the individual grievances of their members. Here also the Royal Commission has recommended that the trade unions should be allowed to make representations to the Agents or the railway authority as regards the grievances of individual members. The Government of India do not agree to that recommendation of the Royal Commission, and I would like them to reconsider their decision and accept the recommendation of the Royal Commission.

The Government of India announced that they have appointed a Conciliation Officer and they propose to appoint also an advisory committee to advise the Government of India or the Railway Agents on the points in dispute with the railway employees. In this connection I would like to state that the appointment of a Conciliation Officer and the appointment of an advisory committee is not carrying out the recommendation of the Royal Commission on this point. The Royal Commission recommended that a joint board should be appointed in order that the questions in dispute between the railway authorities and the employees on the Indian railways should be discussed and a settlement should be arrived at. I would have liked the Government of India to accept the carefully thought out recommendation of the Royal Commission. The Government of India have not done so. They have appointed a Conciliation Officer; unfortunately, this officer, I am told, has been asked to remain in touch with or receive complaints only from recognised unions. We are in this position. A Conciliation Officer has been appointed and he has been receiving his salary; but he is asked not to deal with unrecognised unions. He has been appointed in Calcutta: the most important railway near Calcutta with which this officer will have to deal is the Bengal Nagpur Railway; unfortunately, the largest union on that line is not recognised, with the result that the Conciliation Officer cannot be made use of by the employees of the Bengal Nagpur Railway. I would like the Government of India in any case to permit the Conciliation Officer to take complaints even from unrecognised unions. Let them recognise the union; but if they do not recognise it, let them at least permit the Conciliation Officer to receive complaints from even unrecognised unions.

Then my next complaint is that the Government of India are following a wrong policy in giving contracts of certain kinds of work which the railways were doing departmentally for many years. I do not know why the

Government of India which maintains a large administration on every line should only for certain purposes employ contractors. How contract work can be profitable to railways I cannot understand, unless there is exploitation of the workers. The railways have not been paying their employees over generously, and if the railways can get contractors to do their work more cheaply, either the workers employed by the contractors are exploited or there is something wrong in th railway administration itself. If a contractor can do a work cheaply and also make profits, I cannot understand why a railway officer should not be able to do it, unless either the contractor is exploiting the labourers or the railway officers are corrupt. The Government of India must accept one of the two things. It is only on that hypothesis that a contractor can do the work cheaply, otherwise a contractor who undertakes to do work for profit must be more costly than departmental work. Unfortunately, the Government of India are following this policy. I feel that the Indian railways do not make a profit out of the system of contract work. There is something wrong somewhere. It is a very suspicious business that railway officers should be willing to hand over work, which they themselves were doing, to contractors. There is somewhere somebody who is making money, and I would like the Government of India to make inquiries into the business of contract labour. In any case, I would like the Government of India not to give any work in their workshops on contract, because the contractor in order to make a profit exploits his employees, and if he does not do so, he does his work in a bad manner, otherwise he cannot make a profit, and if he does make a profit, the railways must be losing. Sir, I read in the last Administration Report that the Government of India have gone to the length of giving the work of even cleaning engines to contractors. Sir, these railway locomotives and engines are very valuable public property, and to hand over the cleaning of these engines to contractors is not a sign that the Government of India are looking after the public property in this country wisely and properly. They are running the railways; they run big workshops, and in small things like the cleaning of engines and locomotives they give out this work to contractors. Sir, it is an unwise policy to hand over locomotives and engines to contractors. They will not be kept clean, and our property will deteriorate. But, unfortunately, the Government of India have allowed their officers, whenever they are so pleased, to give the work out on contract. I would like the Government of India to change this policy and give up these contractors and do all these things themselves.

Sir, these railway employees have many grievances; I cannot deal with them all, but, before I close, I would like to refer to one more grievance, and that is of the clerks in the offices of the Divisional Superintendents and Divisional Offices. There are two grades of clerks in these offices called the 1st grade and the 2nd grade. I do not really understand the exact nomenclature. These two grades of clerks do almost the same kind of work, but they are paid at different rates. This grievance of the clerks is a long standing one. It has been placed before the Legislature several times. Unfortunately the Government of India have not so far paid much attention to the complaints made on this point. I would, therefore, like the Government of India to give their sympathetic attention to the grievances of the clerks who are divided into two grades, although there is really no need for dividing them into grades, and remove their grievance, and those people who are paid lower should be given the higher

[Mr. N. M. Joshi.]

grade. Sir, I don't wish to take up any more of your time. I hope the Honourable Member in charge of the Indian Railways as well as the House will accept my motion.

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

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

Mr. A. G. Clow (Labour Secretary): Sir, my Honourable friend, Mr. Joshi, has covered a very wide field, most of which pertains to the Railway Board itself, but he has touched on two matters for which now my own Department is primarily responsible, and I shall try to deal briefly with those.

The first is that of the Conciliation Officer on the railways. I think he complained,—I heard very little thanks for the new system which was inaugurated,—but I think he complained that owing to the Conciliation Officer's purview being limited to recognised trade unions, he was not able to deal with a large number of the employees who should be his special care. That is not precisely the position. So far as the unions are concerned, undoubtedly he has to take into account only recognised unions, and I suggest that we would be stultifying ourselves if Government on the one hand or their Agents recognised certain unions and refused recognition to others and then told their Conciliation Officer to go and keep close contact with the unrecognised unions. And the mere fact that a union is unrecognised does not prevent its members or any group of its members from availing themselves of the services of the Conciliation Officer if they so desire.

As regards the statutory application of the hours of work, my friend, I think, suggested that we had accepted a Convention and failed to implement its provisions. That is not the case in my opinion . . . .

Mr. N. M. Joshi: That is the decision of the International Labour Office.

Mr. A. G. Clow: That was not the decision. I must deny that. The matter was thrashed out a number of years ago at Geneva. I am afraid I have not got the papers with me; I had no warning that it was going to be raised here. But if I may quote from memory,—and my friend will correct me if I am wrong,—the wording of the Convention roughly is that the principle of the sixty hours work shall be accepted in such branches of railway work as may be specified by the competent authority. Well, Sir, we have accepted that principle. We have gone further, and we have embodied it in legislation. We have gone further still; we have brought that legislation into force, and we have gone further still and applied that to a very large extent, and have been gradually engaged in extending the application. Today we have applied it, believing that charity begins at home, to the great State Railways, the East Indian, the N. W. R., the G. I. P. and the Eastern Bengal Railways. We have gone on to the company-managed railways and applied it to the M. & S. M., B. & N. W. and the B., B. & C. I. R. and that leaves, I think, four first class railways to which extensions have to be made in the future. That does not mean of course that there are not an enormous number of men on those four

railways who are already enjoying a shorter week than the Convention provides. All it means is that our legislation does not extend as far as those railways as yet.

Well, the enforcement of the provisions only came under the Labour Department a few months ago, and since then I have tried to familiarise myself with the position, and I must say frankly that I am surprised at the thoroughness with which these extensions have been made. In fact, my opinion is that if the Railway Board some years ago had been less ambitious and had tried to cover fewer classes on the railways to which they extended this Convention, its general extension would have been a much easier matter than the task that has actually been undertaken. I can only repeat that, as regards the remaining railways an enormous number of men, the great bulk in fact, I believe, enjoy a shorter week or no longer week than the Convention provides, and that we have under active consideration the steady and further application of the Convention. So that, I hope, it will be no distant date before it has been applied to all the big railways of India.

Mr. Lalchand Navalrai (Sind, Non-Muhammadan Rural): Sir, I give credit to my friend, Mr. Joshi, for always taking up the question of the unions and labour. There is one point with regard to unions to which I would like to refer. There are some unions which are not being recognised by the railways. In my humble opinion, those unions which are working under the Railwaymen's Federation ought to be recognised. There is one union in Karachi which is not recognised and that requires to be recognised. At present everything is left to the Agents. The Railway Board has too much faith in the Agents, and they give them so many powers that the Agents are not able to cope with their work properly. Whenever we put a question to the Railway Board, we get the reply that it is a matter primarily in the hands of the Agent. This subject requires to be revised as to what powers should be given to the Agents and what powers should be reserved for the Railway Board. The Railway Board feels itself responsible for only the policies, and not for the administration. As regards administration, they leave everything to the Agents and that is a great mistake.

There is one subject in regard to which my friend, Mr. Joshi, did not do full justice. He did refer to the subordinates drawing small salaries without any increment and retiring on small emoluments. He did also refer to two classes but I would say something about them, in some detail. These subordinates are luggage clerks, booking clerks, signallers and subordinates of that nature. The number of them is very great. There is no doubt about it; but their prospects are very low and so many complaints have been made to the Railway Board that this is not a new subject at all. They have made representations. They have approached Members and questions have been put with regard to them but nothing has been done for them so far. They are in a pitiable plight. I must warn the Railway Board that they must keep their subordinate staff contented. To leave them discontented will mean that the railway administration will not go on efficiently and they may take Mr. Joshi's advice and strike. These are the things that require to be looked into. These clerks start on 33 and they rise by Rs. 3 to Rs. 60. This is one grade. The next grade is of Rs. 90. Do they ever reach this grade? I have received representations in which they say that even after a service of 25 or 30 years, they retire on Rs. 60.

[Mr. Lalchand Navalrai.]

Is this fair to these people who are doing so much work? For instance, booking clerks not only do booking but they take care of any money that is entrusted to them from other departments of the railway. They do so much other work. It is only fair that these two grades should be amalgamated. When we raise that question, we are asked to go to the Agent and the Agent does nothing and there is thus seething discontent on this matter. When it is brought up before the advisory committee where there are some of the Members of the House as also others, we are told that it is not the function of the advisory committee to advise on that. Where are these poor people to go? This is not a matter on which the Railway Board should sit silent. This is a matter which the Railway Member should take in his own hands and give relief.

In the civil departments, the figures of emoluments that have been given to me for such grade service are different. They start on 40 and they go up to 120. There is the Postal Department where they start on 40 and go up to 120. It is the same in the Military Department and also in the Clearing Accounts Office. In the Chief Accounts Office of the North Western Railway also, they have amalgamated the two classes. Why should not these grades be amalgamated also. Then there are the station clerks on the North Western Railway, Grade I. They get from 30 and go up to 50 and then they rise to 60. Those are the persons for whom also I am pleading. This is a point that should be carefully gone into and redress given at a very early date.

As regards the other grievances of the railwaymen, their greatest grievance is the deprivation of their passes. So many complaints have been made on this subject and yet what is the result? When we went in deputation to the Railway Member and Sir G. Russell, it was said that these questions would be considered by a certain date. The predecessor of the Honourable Member, Sir Sultan Ahmed, fixed upon some particular date by which they would take up the question, but nothing has been done. When I put a question the other day as to when these pass rules were going to be modified and the original pass rules put into operation, the reply was "We cannot give any information". These subordinates have been suffering from 1937 and those pass rules have not yet been revised. I cannot understand why this matter should be kept so very confidential. Why has not the present Honourable Railway Member told us that he is going to come out with these revised pass rules soon and that they will come into force from such and such a date or at least that the decision will be announced on such and such a date? Sir, these are not small matters. It may be urged that these are matters of detail, but I say that that is not so; these are matters of very great importance in the administration of the railways and I would, therefore, submit that this motion should be supported. I need not at this time say anything more on this because many of my cuts on these points will also come up later and I wholeheartedly support this cut.

Mr. Thirumala Rao (East Godavari and West Godavari *cum* Kistna: Non-Muhammadan Rural): Sir, I rise to support the cut moved by my friend, Mr. Joshi. I do not want to go into the details of the very many grievances of labour, but I want to bring to the notice of the Honourable Member in charge of Railways one glaring instance in which the M. & S. M. railway authorities have behaved unjustly and in a high-handed manner;

it is with regard to one Mr. Narasimham who is the Secretary of the labour union for Bezwada. Sir, he was elected a Member of the Madras Assembly for the labour seat reserved for non-railway labour in my part of the constituency. He was an active member of the labour union and he was the Secretary, taking keen interest in the welfare of the labour union. As such, he had already come under the attention of the authorities and as soon as he was elected a Member of the Madras Assembly on the Congress ticket, he came in for a good deal of disfavour. From that very moment the authorities began to look down upon him and they wanted to see that he was out of his job as soon as possible. He applied for leave to the Agent of the M. and S. M. Railway but the leave was refused and he was compelled either to remain as a Member of the Assembly or to be an employee of the railway. Such a public-spirited gentleman who has been devoting much of his time to the betterment of the conditions of labour was not encouraged by the railway company. If the latter had any regard for the welfare of the labour whose welfare he was looking after, they would have given him leave of absence for as long as he was a Member of the Assembly. Sir, this question was raised on the floor of this House in the Simla Session by way of interpellation and there was no encouraging reply from the Railway Member on that point. Now, Mr. Narasimham was compelled to resign his job on the M. & S. M. Railway because he was devoting his time to work as a Member of the Legislative Assembly.

Then, Sir, with regard to the rules governing the conditions of labour on some railways, they are always one-sided. There is a case in which several ticket collectors in my part of the constituency were suddenly discharged from service without assigning any reason. No doubt some frauds had been going on and some C. I. D. constables were employed to detect the frauds committed by some outside people who were systematically carrying on the sale of used tickets and they defrauded the company to some extent. None of those who were thought to be guilty of this offence could, however, be convicted in a Court of law. The whole case was based on the evidence given by a C. I. D. constable and serious strictures were passed by the Deputy Magistrate of Cocanada against the nature of the evidence adduced by the prosecution to prove its case. The railway company could not prove their case against the accused who were outside people, and what they have done is to suddenly discharge eight ticket collectors without assigning any sufficient reason. The Agent of the M. and S. M. Railway sometime before the criminal case was started against outsiders simply gave a notice to these ticket collectors telling them that their services were not required. No charge had been framed, no warning had been given, they were never apprised of the guilt which they were thought to be guilty of, and the Railway Agent simply gave them a notice asking them that they should quit. In at least two or three of these cases I know that they were given promotion just a week before their discharge, but they were discharged without assigning any reason. Sir, I urge that the Honourable the Railway Member should investigate these two matters and rectify them. With these words, I support Mr. Joshi's motion.

The Honourable Sir Thomas Stewart: Sir, at the commencement of his speech Mr. Joshi suggested that he was unaware of what was the policy of the Railway Board in regard to the recognition of trades unions.

[Sir Thomas Stewart.]

I propose, therefore, to tell him very briefly what is the policy of the Railway Board. The policy of the Railway Board is that of the Government of India, which has always recognized the importance and value of a properly organized, and a properly administered trade union system. The Government of India have laid down certain conditions under which they are prepared to recognize a trade union. The three initial conditions which should be fulfilled are these: firstly, that the trade union must consist of a distinct class of Government employees; secondly, that all Government employees of the same class must be eligible for membership; and thirdly, that it must be registered under the Trade Unions Act. These are the preliminary conditions which should be fulfilled. But it does not follow that any trade union by fulfilling these preliminary conditions is thereby entitled to recognition, or entitled, once recognition has been given, to remain as a recognized union. There are other circumstances which may arise, and the most obvious case I could put forward as an illustration would be the case of a trade union which, while fulfilling these three initial conditions, was managed in such a way as to exploit the workers so as to subordinate their real interests to the political ends of those who were running the trade unions. I think that it is common knowledge that examples of this nature have been found to occur in India. The Railway Board, of itself, does not recognize trade unions for I think the very obvious reason that they themselves, as a body, are not in direct relationship with the labour masses: their policy, therefore, is to leave to the Agents of the State-managed Railways the discretion to recognize, or not to recognize, a union. At the same time the Railway Board, in the event of a refusal of recognition by an Agent, is prepared to hear representations from the union whose recognition has been refused. They themselves are not altogether out of touch with labour conditions and labour views. A convention has grown up that the Railway Board should meet twice a year representatives of the All-India Railwaymen's Federation, and in the course of the last meeting there arose an issue, which has some considerable degree of relevance to this question of the recognition of trade unions. In the course of discussions between the Chief Commissioner and the representatives of the Federation, the suggestion was made that the Federation should examine the possibility of framing a model set of rules for railway trade unions which would be acceptable both to the railway authorities and to any reasonable trade union. The Federation, I believe, have this task under consideration and, should we and they evolve between us a model set of rules, I venture to think that the problems of the recognition of trade unions by the railways will be far on their way to a solution. Mr. Joshi proceeded from the general to the particular and made a special reference to the B. N. Railway union, the recognition of which was withdrawn about a year ago. The withdrawal was, as Mr. Joshi pointed out, the subject of an investigation by Mr. Mudie and now at this stage negotiations for its re-recognition are going on. Mr. Joshi has not ventured a direct accusation, but he has insinuated that it is the Government of India or the Railway Board who are interfering in this question of the recognition of the B. N. Railway union. I am in a position to inform him that there has been no interference of any sort. The question of the recognition of unions by the Agents of Company-managed railways is entirely within the discretion of those Agents and we have interfered in no way with the discretion of the Agent in this matter.

Another grievance to which Mr. Joshi made a reference was that the Railways, when a medical examination of their employees is necessary, insist that such a medical examination should be carried out by the railway administration's own medical officers. The justification for that, I think, is obvious. The railways are carrying a great responsibility. If there are accidents, if there is any damage to person or property, the railway is held responsible; and if they have in their employment any employee whose disability contributed to the accident and damage, then, if the railway authorities have not taken proper care to see that their employees were fit to carry out their work, they are certainly rendering themselves liable to an accusation which they cannot resist. Certificates may be obtained from private practitioners, but what responsibility do private practitioners carry upon themselves in the event of anything going wrong? This is a matter to which the railway administration must attach the utmost importance. But I would point out that in every case in which a railway employee is aggrieved by the decision of the medical officer who first examines him, he is entitled to appeal to the higher authority, to the Chief Medical Officer of the railway. So far as I am aware, there is no reason why, in order to reinforce his appeal, he should not place before the Chief Medical Officer the opinion of an outside specialist.

The third point of which complaint was made by Mr. Joshi was that trade unions were prevented from representing individual grievances. Of the soundness of that prohibition I have not the slightest doubt, for if that practice were permitted I can conceive of nothing which would contribute more towards the exploitation of the individual worker in order to secure an influential position for the trade union organiser. I feel certain that the unscrupulous organiser would not hesitate to jeopardise the rights and interests of the individual in his own self-interest.

Another matter was that of contract labour. Now, I wonder whether Mr. Joshi condemns contract labour on railways only or whether he is prepared to extend his condemnation to contract work in general. I have always understood that the occupation of a contractor was a very important one and that many of the most important engineering works in the world have been carried out by contractors. But, apparently, so far as Mr. Joshi is concerned, a contractor involves either inefficiency or corruption, the reason being, apparently, that Mr. Joshi could not see how a contractor could make any profits. Well, I believe that contractors have made profits and without corruption, and there are very excellent reasons why contractors can make profits where a large departmental institution could not do so. A contractor, for example, is relieved of the very high overhead charges that a large departmental institution has to bear. So, I do not think that it follows that because the work may be done cheaper from the point of view of the railway, it therefore means either exploitation of the labour or corruption of our railway officials. He complained bitterly of one particular case, that we were handing over to contract cleaning the care of our very valuable locomotives. I think he might do our mechanical engineers the justice of believing that they have not blindly embarked upon a policy which will involve the break-down of their most important machinery.

Mr. N. M. Joshi: The losses will be ours and not those of the officers.

The Honourable Sir Thomas Stewart: I believe that the officers are responsible enough to recognise that without admonition from Mr. Joshi.

There was brought up the case of Grade I and Grade II clerks. Mr. Joshi was not quite sure where they were, but Mr. Lalchand Navalrai has crossed his t's and dotted his i's. The reference is entirely to the Grade I and Grade II clerks on the North Western Railway, with regard to which Mr. Lalchand Navalrai has been bombarding the Railway Department with questions for some considerable time. Now, the case for these clerks, in my opinion, rests not on the merits of these particular grades. The case is based, I think almost entirely, on the fact that there was an amalgamation of grades in another office, *viz.*, the Accounts Office where clerks who formerly formed two grades were amalgamated into one. Seeing this amalgamation carried out, the ordinary clerks of Grade I and Grade II have set on foot an agitation that they should be treated similarly. But the cases are not the same. There are distinct differences in the work that was performed by the two grades of accounts clerks and the work that is performed by these ordinary clerks. However sympathetic the Agent might have felt in regard to the treatment of the two classes, the accounts and the ordinary clerks, in the same way his examination of the situation revealed that this only could be done at an expense that was disproportionate to any benefit that would accrue. It has been said that the effect of maintaining these two grades is, the clerks in the lower grade have to retire on the maximum pay of that grade. Now, my latest information is that there are sufficient vacancies occurring in the upper grade as to allow a reasonable flow from the lower to the upper.

1 P.M.

Mr. Lalchand Navalrai also referred to the passes question. I do not know that I can say very much more than I did a few days ago. I have told Mr. Lalchand Navalrai that the matter is under consideration. He may ask, am I considering it now? When I say that for the next few days I shall be unable to do so, Honourable Members will understand that I have other pre-occupations, but in any case it is a matter which will receive my early consideration. But I am not in a position to say what my decision will be.

There was raised from the other side of the House the case of Mr. Narasimham, and I am not quite sure that my Honourable friend gave the true chronology of what happened in respect of that officer. I, therefore, propose to read out again the reply that was given in this House a few days ago:

"Government understand that Mr. V. V. Narasimham applied for permission from the Madras and Southern Mahratta Railway Administration to stand as a candidate for election to the Madras Legislative Assembly. This permission was refused in writing. In spite of this Mr. Narasimham stood as a candidate and was elected. The Madras and Southern Mahratta Railway Administration then told him that he must decide whether he would retain his seat in the Assembly or remain an employee of the Company, as he would not be permitted to do both. He did not comply with this order but applied for long leave of absence without pay, with the obvious intention of continuing both as an employee of the Madras and Southern Mahratta Railway and a Member of the Madras Legislative Assembly. Thereupon, the Madras and Southern Mahratta Railway Administration advised him to resign his job as otherwise he would be discharged. He was eventually discharged from railway service. I may add that

the policy laid down in June, 1937, by the Government of India is that subject to the necessary legislation being enacted by a Provincial Government for the removal of disqualification under section 69 (1) (a) of the Government of India Act, 1935, employees on State-managed Railways should not be prevented from standing for election from railway labour union constituencies in provinces where they exist and from other labour union constituencies where separate railway labour union constituencies do not exist. Government have also agreed that an employee who may be elected from a labour union constituency or from a non-labour union constituency under the circumstances stated above should be granted leave due or leave without pay so long as he holds a seat in the Legislature and provided no additional expenditure is incurred thereby by the railway on which he may be employed. Government are not prepared to go further than this. In the case of the Madras and Southern Mahratta Railway, which is a Company-managed Railway, the Government are not in a position to issue instructions in a matter of this nature. I would, however, add that the Madras and Southern Mahratta Railway Administration have acted in accordance with the policy of the Government of India, in this matter."

In short, Mr. Narasimham was not discharged because he stood for the Madras Legislative Assembly and was elected. He was discharged, Sir, because he disobeyed orders.

The last complaint that was made by Mr. Thirumala Rao was in respect of certain individuals who were suspected of some criminal practices. I regret that I cannot regard that as a labour grievance of the employees of the State Railways. I think, Sir, that Mr. Clow and myself, between us, have dealt with all the representations made by Mr. Joshi, and, for the reasons we have given, I oppose the cut.

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

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

The motion was negatived.

Policy behind Increased Output of State Railway Collieries.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I beg to move:

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

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

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

Mr. T. Chapman-Mortimer (Bengal: European): Sir, at the outset, I should like to explain why it is that we, in this Group, have decided to raise once again this thorny question of the coal policy of the Railway Board. Briefly, Sir, our purpose is three-fold one; firstly, to set before this House the importance to Government and to industry in general of stability and some measure of reasonable prosperity in the Indian coal trade. Secondly, to call the attention of the House to the effect upon the coal industry of the policy of the Railway Board and, thirdly, to seek from the Government some assurance that they will take early steps to reconsider their present policy with a view to assist the colliery owners to place the industry once more upon a stable basis, or at least on a basis more stable than it is in today. There will, I think, be agreement in this House regarding the duties and responsibilities of the Government not merely in regard to railways but in regard to the coal industry itself and as regards the general public. Briefly, these duties and responsibilities may be set

[Mr. T. Chapman-Mortimer.]

out follows. First of all to safeguard the railways in matters of their coal supply both as regards the quantity of coal they require and as regards the prices at which they secure that supply, and secondly, to safeguard the interests of industrial consumers in general and of private consumers of coal both now and in the future. These two responsibilities are those that are most apparent to the average man and those that must naturally come to one's mind in discussing a matter of this type. But it should not be forgotten that Government have a third responsibility, namely, to foster the development of a stable coal industry on a basis that will enable owners to pay reasonable wages to labour, improve their methods of production, contribute by way of income-tax to public revenues, and yield to thousands of investors a better return on their capital than they receive today,—in other words, a fair return, because of these thousands of shareholders in railway concerns very few now get any return at all upon their capital.

From this statement of Government's responsibilities we at once come to the question of how to supply the railways with their coal requirements at a reasonable cost and at the same time in such a manner as not to do harm to the coal industry. Clearly, this issue cannot be considered at all without reference to the railway collieries. I should like therefore, Sir, to make it quite clear that on this occasion it is not our intention to criticise the policy of State ownership of the collieries or to question in any way Government's right to adopt in regard to those collieries such a policy in the matter of raisings as it thinks fit. Debates on the coal trade and on the Railway Board's coal policy have in the past unfortunately caused some high feeling in this House. I trust that on this occasion such feeling will be absent. The issue we believe to be an important one, and we hope that when Honourable Members have heard what we have to say in this connection they will share our view that the proposals we now put forward are constructive and helpful, not merely to Government but to all sections of the trade. Large and small companies alike are affected and it is our earnest hope that the representatives of both large and small concerns, no less than the spokesmen of Government, may be able to reach an agreement on this important question. Our object is to secure examination of an altogether wider issue than the narrow one of advancing the prosperity of certain commercial undertakings, great or small, at the expense of the railways or of the public. To do this I would ask the House to examine what steps can and should now be taken to help towards the creation of stable conditions in the coal trade. The Public Accounts Committee and Honourable Members of this House as well as the representatives of Government have on more than one occasion in the past emphasised that railway collieries are essential to the welfare of the railways; that they must be worked as economically as possible; and that to that end Government must retain their freedom to adapt their policy, in the matter of raisings, to the circumstances of the year to which that policy relates. We recognise, Sir, that much as the policy of the Board may in the past have done injury to the coal trade, the Railway Board and their Chief Mining Engineer are today sincerely anxious to co-operate with the trade in solving some of the great difficulties that have been and still are facing them. The closest co-operation between the Railway Board and the colliery owners is obviously highly desirable. It is clear that the policy of Government in the matter of raisings from railway collieries and still more

in regard to its coal purchase policy must continue to have a profound effect upon coal prices and upon the prosperity of the industry generally.

Mr. President (The Honourable Sir Abdur Rahim): Perhaps the Honourable Member would like to stop now and resume 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. T. Chapman-Mortimer: Sir, I should like to recapitulate, very briefly, the points which I endeavoured to make before the House adjourned for lunch. The first point I made was that we were not on this occasion raising the issue of State versus private ownership of collieries. Secondly, I endeavoured to draw a distinction between three different aspects of the duties and responsibilities of Government: first of all, the responsibility that is on Government to safeguard the position of railways in regard to coal supplies, both as regards prices and as regards quantity; secondly, to safeguard industrial users and other consumers of coal both in regard to their present supplies and in regard to their future supplies of coal; and thirdly, to foster by all means possible a stable coal industry. Lastly, I tried to show the great influence the Railway Board's coal policy has, and must continue to have, on the coal industry, and urged that there should be the highest possible degree of co-operation between Government and the trade. These, Sir, were the points I made before lunch.

Suitable coal at cheap prices—when I say cheap, I mean fair and reasonable prices—is of such vital interest not merely to the railways, but to every industry in the country, more especially the iron and steel and other heavy industries whose fortunes are so closely bound up with the railways that all of us must desire a continuation of relatively cheap prices—by relatively cheap I do not mean the kind of prices we have seen in recent years; I mean something more approaching the prices of coal as they were last year. But if the railways and industries of this country are interested in cheap coal, they are no less interested in the conservation of India's coal resources for the benefit of her future generations. According to the report of the Coal Mining Committee,—that is to say, the Committee better known as the Burrows Committee, the loss of coal incurred owing to the cost of recovery being higher than the market value amounted to no less than 15 per cent. of coal mined. In this connection, I should like to make it clear that I am not here speaking of loss of coal due to bad mining, which has been estimated by the Coal Committee at 5 per cent. I am speaking solely of coal that has been lost, because it is not profitable to work it when the best quality coal is being sold at what the Burrows Committee themselves declared to be rubbish prices. Clearly, it is of the utmost importance to the railways and industry, and also, of course, from the national point of view, that loss of coal due to unduly high cost of recovery should be reduced to the lowest possible figure. Reasonable and stable prices for coal will help to achieve this.

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The Coal Mining Committee felt it to be so serious a problem that they proposed a vast and expensive scheme of coal conservation. The Indian Mining Association have given a well considered reply to the Coal Committee's scheme, and we on these Benches trust that their views on this matter will receive the careful consideration not only of the Labour Department whose primary interest it is to examine that report, but also of the Railway Board who are equally vitally interested in it. In the considered view of men who speak with authority on these matters this tremendous waste of good coal, that is to say, waste of the particular kind to which I have referred, can be stopped—or, at all events, largely checked—if, but only if, the Railway Board takes a hand in the matter, and I shall have occasion to return to this again very briefly.

Improved safety measures for the safeguarding of labour in mines are now under consideration by Government and the industry. The effect of these measures, when brought into force, must be to increase the cost of coal production. Proposals are also now under consideration by Government,—that is, the Government of Bihar,—for the improvement of wages of colliery labour, and these will likewise have the same effect of increasing the cost of coal production.

It will be seen, Sir, that the interest of this House in the coal policy of the Railway Board extends beyond the immediate problems of cheap coal for the railways and of reducing to the lowest possible level the cost of coal production in railway collieries. The efficient management of railway collieries and cheap coal for the railways must remain important considerations, but we submit they are not by any means the only ones. Fortunately these important considerations are compatible with the proposals dealt with in detail in the memorandum of the Indian Mining Association to which I have just referred, and I now put forward what some of these proposals are. They are proposals which, in our view, will help to give some measure of stability to the coal trade. They require, however, a change of policy on the part of the Railway Board.

Under the present system the Government calls for tenders for the whole of its requirements (that is to say, other than those satisfied by the Railway collieries) by a system of of open tenders. When the tenders are received the procedure is for the Chief Mining Engineer of the Railway Board to scrutinize them and then make his recommendations for the requirements of the various railways. This is a task of considerable magnitude; for, the majority of those who tender, frequently offer far more coal than they could possibly supply if called upon to do so. The maximum output of a colliery has, therefore, to be considered together with the quality of its coal, the price quoted for it, railway freight, and so on. The Chief Mining Engineer's recommendations are then forwarded to the Railway Board, and in due course, usually after the lapse of three or four months, acceptances are announced. This long delay in announcing the acceptances is unsettling to the trade and does nothing but harm. An important feature of the present method of calling for coal tenders is the fact that when the Railway Board announces its programme for the coming year, it merely states that its coal requirements will amount to "X" lakhs of tons of which "Y" lakhs will be taken from the railway collieries, and the balance purchased from the open market. If collieries were able

in normal times to maintain themselves in working order and to keep their costs reasonably low by relying on their sales of coal in the open market, the method of calling for tenders, as is now adopted by the Railway Board, would probably not do any serious harm, though in any circumstances the calling for tenders for so large an amount of coal must at all times have considerable effect on coal prices. The trouble, however, is that except in years of very good trade, such as the years 1936 and 1937, large numbers of collieries are only able to keep alive with the help of their railway contracts. At all costs, therefore, Railway contracts must be secured in any but exceptional years by all smaller collieries and by many larger ones. This leads to cut throat competition and price cutting, necessitating still lower cost of production, which in turn forces companies to increase their output to the limit of their capacity, sometimes involving a sacrifice of coal that can only be won at a high mining cost; that is the sacrifice of coal to which I have already referred when I was speaking of waste of coal due to unduly high cost of recovery. So the vicious circle of lower selling price and increased production to ensure lower costs goes on, leading to over-production both actual and potential and to waste of coal.

This has been the experience of the coal trade for the last twelve years and though occasionally prices have, for a short time, for some special reason as was the case last year, risen somewhat, the general tendency has been steadily downwards.

We suggest, Sir, that a remedy for this state of affairs exists and it lies in the power of the Railway Board and of the Railway Board alone.

Our suggestion is that much could be done to restrict this evil of cut throat competition, if each year the Railway Board consulted before-hand with the trade regarding the particularly coal requirements of the Railways for the coming year as well as with regard to the prospects of the industry generally over the period of the next twelve months. Such a conference, leading as it should do to mutual understanding of each other's difficulties and removing to some extent uncertainties in regard to the immediate future, would, we feel, help in no small measure to secure that stability in the coal trade which we believe to be of such great importance. But mutual co-operation on these lines valuable as it would be, is not, we think, enough. As I have already hinted we should like to see a re-examination by the Railway Board of their present methods of calling for coal tenders and the following is the line we suggest that might offer some prospect of achieving good results.

Having consulted with the trade regarding railway and industrial requirements for the coming year and decided upon the minimum raisings from railway collieries, the Railway Board should call for tenders from the market; but only after classifying its requirements and quoting the amount required of each class of coal. Six or seven main types should be sufficient for this purpose and there should be no difficulty in working such a system, as an examination of figures during the last three years has revealed that there is sufficient uniformity to prove that railways should have little trouble to ascertain their probable requirements. Indeed, no extra work would be involved in such a classification as the Railway Board has already awarded to the coal of each colliery a "figure of merit" based on its value-

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from a technical point of view. If, however, the Railway Board feel that the "figure of merit" system must be maintained,—there are some who suggest that it might perhaps be abolished—so that is not the view we are putting forward now—each colliery should have the right to learn its own type classification before the date of submission of the annual tenders. Nothing has caused so much dissatisfaction among colliery owners as the mysterious workings of the present system and we trust this proposal will receive the Railway Board's most earnest consideration. Lastly, Sir, we suggest that the Railway Board should refuse to consider any tenders from collieries that offer coal in excess of their maximum capacity for output.

If these proposals should prove acceptable to Government we believe the result would go far to remedy the worst evils apparent in the cut throat competition of today; they would help largely towards a solution of the problem of coal conservation; and finally they would help to speed up the period that must elapse between the date on which tenders are called for and the date on which the results are announced, and give the industry a real opportunity to stabilise itself thus adding an additional bulkwork to this country's trade. Sir, I support the motion.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, there is something rotten in the Kingdom of Denmark. My Honourable friend, the Member for Communications, in his new role seems to have forgotten that he has certain obligations as a Member of the Government of India. He has by his speech repudiated the assurances of the various Railway Members who preceded him. This morning he has made one or two speeches and I was pained to hear that he was speaking as the mighty boss of the Indian Railways and not as a Member of the Government, on whom depended the welfare not only of the people of India but the welfare of the industries of India and their development and application of means towards stabilisation of the prosperity of India. That is a surprise to me, and the very fact that my Honourable friend, Mr. Clow, is sitting by him—and who is the villain in the piece, I would say, for the present coal crisis owing to his international partiality through the combination of Joshi, Clow and Company in this House and bringing out international conventions for ratification at the wrong moment—and then the Honourable Member for communications says that there is an acute shortage of labour, in the coal trade. Is not the shortage due to the sudden ratification of certain international convention? I do not wish now to dilate much on these international conventions, but I would like to state on behalf of the industries of India that it is good if India gets out of the International Labour Office and international labour conferences. While aggressive nationalism in industrial affairs is growing so much in Italy, in Germany, in Japan and even in the United States, the Indian Government and their representative, my Honourable friend, Mr. Clow, become so very internationalist in mind that they want to apply to Indian industries those international measures which are unsuited even in many European countries and which many of the European States have not fully accepted . . . . .

Mr. A. G. Clow: Which Conventions are you referring to?

Mr. B. Das: Most of the Conventions. I do not want India to be a party to these international labour conventions and thus do away with our industries and make us remain producers of raw materials and tillers of the soil. That is my present considered view and I have come to it . .

Mr. M. Asaf Ali: Not of the Party.

Mr. B. Das: The Party has not yet decided: the Party will have labour members and socialists like Prof. Ranga; and it will have also industrially-minded people like Mr. Manu Subedar and Mr. Sami Venkatachalam Chetty and myself. The Party will have to consider the industrial view-point, as that of labour, and the Congress Party is not the whole hogger today that it wants to ratify every labour convention that my Honourable friend, Mr. Clow, wants India to ratify in the fulness of his heart. As I was saying, it is owing to this sweet will of the Government to which my Honourable friend, the Member for Communications, is a party, by introducing resolutions for ratifying a certain labour convention whereby woman labour was suddenly debarred from being used in the collieries that has brought about a shortage of labour in the collieries, and yet the cry of shortage of labour is raised by my Honourable friend. But Government need not be in a panic on that account. Government should not repudiate its past assurances that they gave to the coal industry. Did not Sir George Rainy state this,—I shall quote his own words, "It would be of no use to give increased orders to a few firms and leave the rest to go to the wall"? And Sir Alan Parsons made it clear that if the railways do not give orders to the Indian collieries, most of them will go to the wall. Sir, on 22nd September 1932, Sir Alan Parsons said this:

"We came to the conclusion that it was not on the whole to the advantage of the railways in the long run if the coal trade was in an unhealthy position, and we do not want to see numerous collieries owned, I believe, mostly by Indians to go out of business because they got none of our orders . . . . ."

And what does our present Member for Communications do? By one stroke of the pen he gives orders to increase raising of coal from the State Railway collieries by about 25 per cent. These collieries have already increased their output by another 10 lakhs of tons of coal this year. In his Budget Speech he said that is 5 lakhs of tons, but the latest information goes to show that the railway collieries have raised 10 lakhs of tons more and thereby the purchase of coal for the State Railways will further be restricted.

But, Sir, I must congratulate my friend, Mr. Chapman-Mortimer, on his able analysis of the position of the coal industry. I wish he had raised a debate on the conservation of coal based on the Burrow Committee's Report on another cut motion. I am not prepared just now, nor is the House prepared to express its opinion as to how the coal of India should be conserved, and I think it will be the duty of the Honourable the Commerce Member,—I do not know if it falls to the lot of the Honourable Member for Communications who took some part last Session in Simla in the discussion on the Burrow Committee's Report,—to allot a day to this House so that it may be able to deal with it fully and exhaustively. It is true that the coal industry must be stabilised and coal should be conserved, but it is very difficult to express our views on a motion, the

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object of which specifically is to censure the Government for their policy in increasing the output of the State collieries.

Sir, I will confine my observations to that policy, why that policy has been changed, and how my friend, the Honourable Sir Thomas Stewart, has taken a somersault. Somehow, there are certain Members of this House with peculiar financial outlook, who want that the railway collieries should be self-supporting. Three or four years ago in the Public Accounts Committee, the predecessor of my friend, Mr. Staig, Sir Raghavendra Rau, said in the Public Accounts Committee that there is a loss of about 12 lakhs of rupees to the State collieries because they did not work the Railway collieries to their full capacity. There was a lot of discussion in the Public Accounts Committee, not once, but successively for three years. I quote here a line from the observations of the Chairman,—and the Chairman was the Honourable Sir James Grigg. It is in the Public Accounts Committee Evidence Volume for 1934-35,—relating to Railways:

"Chairman : As this has been mentioned in the last year's Report, it will have to be mentioned this year also, namely, the opinion of the Railway Board that expansion of output would not benefit the railways at the present rate of development."

That was in 1936. The Public Accounts Committee and the Government spokesman, the Finance Member of the Government of India, were of opinion that it would not pay the railways to increase the capacity of their collieries at the then prevailing price of coal. What has happened since? Government determined to raise 10 lakhs of tons more besides the 30 lakhs tons they usually raise to meet a certain emergency. If that was the fact, I would welcome the decision of the Railway Board, but when I find they decide to work their collieries to their maximum capacity and increase their output, it shews that the Member for Communications is functioning as the head of the railways, and is not thinking of the stabilisation of the coal industry and the various implications that would result if the railways raised more coal and purchased less from the open market. Does the Honourable Member realise that in those collieries,—I am particularly talking of the Indian-owned collieries,—there are lakhs and lakhs of workers employed, and all of them will go to the wall? When these coal mines will stop work, there will be less movement of coal on the railways and the railways will lose the freight on transmission of the various kinds of coal. Then does the Honourable Member also realise that the Finance Member of the Government of India will lose a certain amount of income-tax, because when these collieries are shut down, the officer class employed in those collieries will not be able to pay any more income-tax, nor will those Indian-owned corporate companies be able to pay any income-tax as to swell the coffers of the Finance Member of the Government of India.

I may tell the Honourable Member for Communications that in the past the Government had a settled policy about their coal purchase. He is new to the Department, and he has been hoodwinked by his advisers and by the Railway Board, for, if he had only read the evidence before the Public Accounts Committee he would have found that Chief Commissioners after Chief Commissioners were not in favour of increasing the production of coal from railway collieries. My Honourable friend, Mr. Chapman-Mortimer, paid a compliment to the Chief Mining Engineer. Sir,

this House has heard of a series of Chief Mining Engineers. We all know of the Church scandal, we also know of other scandals in Calcutta, because the House has discussed them. I am not going to take the memory of the House back to old scandals, for most of us remember the old scandals which came out after 1924—26. At the same time, I wish to say this,—I am glad of the confidence of Mr. Chapman-Mortimer in Mr. Harrison, because he belongs to Calcutta, and he knows the gentleman,—I do not know him,—but I will say this, that the Chief Mining Engineer should by his actions show that he wants to serve the interests of India. He is not simply the Chief Mining Engineer of the Government of India; he also advises the Government of India in the matter of policy of coal raising in Railway Collieries and if he suddenly advises the Government of India that the Railway Board should increase the output of their collieries, what will happen? And, Sir, how many collieries do the Railway Board possess? Only 10 . . . .

Mr. M. Asaf Ali: They ought to have more.

Mr. B. Das: I quite agree if Government were to buy up all the collieries. That will please my friend, Mr. Joshi but Government is not prepared to buy industries. But, I will stoutly oppose as long as I am a Member of this House when this Government recklessly and lightheartedly do things whereby industries go to the wall, while the predecessor of my Honourable friend said that it should not be so. Sir, I will also quote from the Report of the Public Accounts Committee for 1934-35. There the Committee decided with the concurrence of the Government Member that the expansion of output of railway collieries would not benefit the railways. I think I have got here the statement of the Chief Commissioner. I cannot trace it. I do not know if my Honourable friend Mr. Tylden-Pattenson will be in a position to enlighten his chief in the matter—whether there was not a definite undertaking given to the coal industry that the railway collieries will never work beyond 50 per cent. of their capacity. I ask my Honourable friend to place that document before his Chief.

3 P.M.

I am glad my Honourable friend, Mr. Clow, is here. Will he enlighten us whether it was not a fact that Government assured us that women labour will not be employed in the collieries and mines at all? Of course, my Honourable friend will take the plea that Government collieries are surface collieries and quarries, and women labour can be employed in them. Those of us who know Bengal and Bihar and who know the condition of Santhal labour and know how the Santhal man wants to work with his woman can realise what has happened today. All labour is being drifted and drafted towards the Government surface collieries. The Chief Mining Engineer need not take pride in the fact that he could increase the output of Railway collieries at short notice. No special credit is due to him. He could manage to raise additional ten lakhs tons of coal because there was a surplus labour. The men were discontent in their work in the other collieries, because their women were not getting any wages. Naturally, they drifted towards the Government collieries. This House was generous enough to ratify that particular International Convention, but Government must take into account the difficult situation that has

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suddenly arisen in the country. My Honourable friend, Mr. Chapman-Mortimer, says that the coal industry is not doing very well. I was looking into the *Indian Finance*. About 50 collieries are mentioned there. Some 50 or 60 firms are mentioned there. They are all big firms, run by big capitalists, mostly Europeans. Very few are Indians. Unless coal mines are owned by big magnates of Calcutta, their names do not appear in the Commercial Press. I find that out of this number only eight or ten pay dividends. It is about 6¼ per cent. Most of them pay nothing. Some are paying 2½ per cent. A few are paying 7½ and 12.

Mr. M. Asaf Ali: The sooner they are bought up the better.

Mr. B. Das: I entirely agree with my friend, Mr. Asaf Ali, that Government should buy up all industries, all the zamindaries in India too . .

Mr. M. Asaf Ali: I did not say that.

Mr. B. Das: . . . . that Government should buy up all the collieries, Tata Iron and Steel Works, jute mills and the industrialists will be jolly glad over it. They will take the money and start new industries and compete with the Government. If my friend, Mr. Joshi, had his way, labour will be paid more wages and will work shorter hours a week and thereby Government industries will never prosper and industrialists will always have the upper hand.

Apart from what fell from my Honourable friend, Mr. Chapman-Mortimer, I would suggest that the Honourable Member-in-Charge of Communications should himself preside over a conference of colliery proprietors, industrialists who use coal and the Chief Mining Engineer and find out how the coal industry could be rationalised. Government as the proprietor of 10 collieries should not ruin the coal industry in Bihar and Bengal, Mr. Chapman-Mortimer spoke as the representative of various coal mines in Jharia and Dhanbad. I do not own any colliery nor am I a shareholder in collieries and I have been in this House for the last 15 years and know the slipshod way in which Government change their policy, suddenly under the inspiration of some of their officials. I feel that the Government have done the greatest mistake in deciding that they will raise additional 10 lakhs tons of coal in 1938-39 from the railway collieries. They did well in raising it in 1937-38. I ask the House to take back its mind to what happened in 1924. There was large tonnage in arrears and Sir George Rainy or Sir Charles Innes did not feel that they are to function only as the big boss of the railways. They felt that the primary duty of the Government of India is to see that there is prosperity in the coal industry, and prosperity of industries means the prosperity of the nation and incidentally prosperity of the railways. Will my Honourable friend, Sir Thomas Stewart, assure this House that the policy of raising these 10 lakhs tons of more coal will keep down the price of coal? (*An Honourable Member*: "It should".) It has not and it will not. Why does my Honourable friend, Mr. Joshi, always shout, "Nationalise all industries"? Why was he asking this morning that Government should employ all labour in the railways, have four hours' work, give ten hours' scale of wages and more holidays, and thereby the industry will go to the

wall? I do want my Honourable friend, Mr. Clow, sometimes to think of the industries of India and of industrial economics. If there are no industries, he will have soon to follow Prof. Ranga and have a Kisan Convention introduced in the International Labour Office next time he visits Geneva.

Sir, I have to make one suggestion: it is not too late to make amends and I would respectfully ask the Treasury Benches to remember that it is not a matter which particularly interests the Member for Communications; it interests the whole of the Government of India and interests the Finance Member as well,—*viz.*, the present policy of coal-raising in railway collieries. Let the Governor General in Council reconsider again their present policy,—which may have been inspired from Calcutta or from the Railway Board, I do not know from where it is inspired, but if it has been inspired by the Railway Board, then I say the Railway Board are running amok. How is it that the Railway Board, in a year, no, in six months' time, suddenly changes its settled policy, its reasoning, its considered views, and everything else? Sir, it appears to us, laymen as we are in matters of railway administration, that the Railway Board at times tries to be rational in outlook and tries to understand the difficulties that the public have to face, and it is no use talking to this House that the railways are merely a commercial concern. I must remind the House that the Railways are a public utility concern and the taxpayer has paid heavily in the past for it. I am not going to raise any financial issues. The Honourable Member knows it that the general finances have yet to receive 36 crores from the railways. Am I to remind the Honourable Member that the present method of charging more expenditure to revenue than ought to have been charged was one adopted simply because the Provinces will get more money if there is a larger surplus? Sir, the Railway Board is not a private commercial concern, and Honourable Members need not go qouting chapter and verse as if they were quoting a chapter and verse from the Companies Act or any other Commercial Act. The railways are not worth existing if they wish to destroy the coal industry. And in that province from which you come, Sir, coal happens to be one of the key industries and one of the national industries in Bengal. No doubt there is the jute industry, but very few of it is in Bengali hands, and most of it is in European and Marwari hands. Of course, thereby I do not mean to discriminate, but that is the fact as it stands. The coal industry, however, is in the hands of Bengalis a great deal, and most of them are small proprietors; they are not large colliery owners; and if Government by a freak of genius, I won't say by a stroke of genius, wants to destroy the capital of this poor industry, they will repent themselves. Their railway revenues which they have under-estimated this year will prove to be actually going down next year if they destroy the coal industries of Bengal. Therefore, a neighbour as I am of Bengal, and knowing as I do the conditions of Bengal, I would point out that the prosperity of the Bengali middle classes will be ruined, the Bengali industrialists will be ruined, and that will not only have its repercussions upon railway revenues but also on the general revenues. Therefore, I would just like my Honourable friends of the European Group to excuse me if I have not to any extent supported the big issue of the conservation of coal and I do hope we will have a vote on that some other day, but I also do hope that all of us will agree in this House that the Bengali colliery proprietors should not go to the wall,—as in

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fact was the considered view of the predecessors of the present Member for Communications and the present Financial Commissioner. Government must have one uniform consistent policy and if they make mistakes, they will rue the day, as they have often rued by the mistakes of successive Members of Government and by the mistakes of irresponsible Government Members who have no responsibility to the people of this country save that of responsibility to the Governor General. Sir, with these few observations, I support the motion.

Mr. A. G. Clow: Sir, I find myself a little confused by this debate. It began by Mr. Chapman-Mortimer pleading, if I understood him rightly, that there was over-production of coal, or the danger of it, and the Government was responsible. We went on to hear Mr. B. Das saying that there was scarcity of labour, scarcity of coal, and that Government was responsible through their slavish adherence to the Conventions of Geneva.

Mr. B. Das: That is in his speech.

Mr. A. G. Clow: I heard that complaint about our ratification of the Geneva Conventions from another member of the Congress Party a few days ago, and I put the question, "which Convention?" and I got no reply. I put the same question to Mr. B. Das this afternoon and I was told "all of them", including I presume the Convention about the age of trimmers and stokers at sea. Now I tried to cast my mind back over any Conventions that we have ratified that have a bearing on the coal industry and I could remember only two that were ratified. One was the hours of work Convention. But the hours of work are no longer regulated by the Convention because this House in its wisdom—I am not using that word ironically—has decided upon shorter hours of work than that Convention proposed. I seem to remember a little more; Mr. Das said that I was one who wanted to reduce the hours of work to such an extent that it would have very adverse effects on industry and he pleaded that I should remember the interests of Indian industry. A very short time ago we had a debate in this House on the subject of the forty hours a week Convention at Geneva. . . .

Mr. B. Das: I was not referring to you but to the I. L. O.

Mr. A. G. Clow: . . . . over the principle of a forty-hour week and what happened on that occasion? We pleaded from this side of the House that it would have adverse effects upon Indian industry. On the other side of the House there were arguments for the forty-hour week and there was a division in which my Honourable friend's Party voted for the forty hours a week! Then he turned round and said I was one who is trying to ruin Indian industry by introducing absurdly short hours. I should like to look up the division list and I should be rather interested to find out what my friend did.

Mr. B. Das: I obey my Party mandate, as you obey yours.

Mr. A. G. Clow: There is another Convention,—that about weekly holidays. Does my friend mean to suggest that the miners in the mines should not have a weekly holiday? I can tell him that the ordinary

miner takes not only one weekly holiday, but two and sometimes three, so that I do not think our provision requiring that they should have at least one statutory holiday has any effect upon coal production at all.

There is one further Convention which is in process of ratification and that is the Convention relating to the exclusion of women from mines. The actual policy of excluding women from mines was announced by the Government of India in 1929, years before it was thought of at Geneva, and I am quite sure that at least the bulk of my friend's Party are in sympathy with us on this side of the House when we say that women should not be allowed to work underground. My Honourable friend was drawing a harrowing picture of crowds of women proceeding from the underground mines to work in the quarries of my Honourable friend, the Railway Member. I would just recall the fact that the railways have imposed on themselves a kind of self-denying ordinance which is not applicable to open mines belonging to private employers by which they have placed restrictions on the number of the women they employ. There is no complete exclusion in the railway collieries from the labour point of view and I am not very clear why there should be. But, there is this big restriction and it operates still as a restriction on the inclusion of further women in the mines.

Dr. P. N. Banerjea (Calcutta Suburbs: Non-Muhammadan Urban): Sir, in rising to support this Cut motion, I desire to make it clear that it is not my intention to condemn the Railway Board or the Government of India for the steps which they took in order to increase the output of railway collieries in the special circumstances in which they were placed. It is undeniable that the contractors failed to supply the contracted amounts of coal in proper time and this would have led to a dislocation of railway traffic if the Government had not taken the necessary steps at the proper time.

But, while this action on the part of the Government in an emergency was justified, I think there is not sufficient justification for the statement which was made by the Railway Board some time ago and for the statement which was made by the Honourable Member for Communications in the course of his Railway Budget speech. Sir, the Government and the railways were placed in a difficult position, but I would request the Government to consider the difficulties in which the coal trade itself was placed. It has been admitted that there was a shortage of labour and it should also be remembered that there occurred a series of accidents in the mines which had their repercussions on the coal trade. Therefore, the whole situation was an abnormal one; and to say that the experience which was gained in such abnormal circumstances should be a guide for the future policy of the Government is, I think, not quite justified. I would like to point out in this connection that this statement of the Honourable Member for Communications has given rise to a feeling of consternation among the mine-owners, particularly the small mine-owners, whose interests it is our duty to safeguard. I desire that the Honourable Member for Communications should stick to the position which the Government adopted in September last when they said that there had been no reversal of the previous policy in this connection and that the increase in raisings from railway collieries was a temporary measure to cope with an admittedly emergent situation.

[Dr. P. N. Banerjea.]

That was quite all right, but what about the future? The circumstances have now become practically normal, and it is not necessary in these circumstances to alter the policy of the Government. But unfortunately on October 11th, the Railway Board said that they "must be guided by their experience in the present emergency including, *inter alia*, the measures of co-operation and assistance they receive from the coal industry in facing it." They further observed that the Railway Board would be "reluctant to reduce this until they are satisfied that contractual supplies from other sources could be relied upon." Now, Sir, I may be permitted to point out that there has been no desire on the part of the coal trade to non-co-operate with the Government, nor have they any desire to place any impediments in the way of the proper working of the railways. As a matter of fact, I may point out that when during the period 1922 to 1925 the Government entered into contracts with the coal trade and when they failed to receive deliveries of the coal contracted for, the coal trade raised no difficulties. On the other hand, they offered their help and their co-operation to the Government. This is the present policy of the coal trade and I hope the Government in view of this fact, will co-operate with the trade.

Sir, if the situation has become or is becoming normal, it is not likely that there will be failure on the part of the trade in future. Therefore, there is no justification for a reversal of the whole policy. As my Honourable friend, Mr. Chapman-Mortimer, has pointed out, it is most essential to secure suitable conditions in the coal trade and for that purpose what is needed is co-operation between the railways and the colliery-owners. I, therefore, request the Government to stick to the policy which was laid down in 1935 when the Honourable Member in charge of Railways at that time observed:

"The Railway Board would consider the whole question, namely, the coal purchase policy, from a broad point of view because the railways have no hostility towards the coal trade, being themselves large carriers of coal."

In view of this clear statement of policy, I would earnestly request the Honourable Member for Communications to reconsider their latest decision; and I hope he will bear in mind the importance of this coal industry not only from the standpoint of the railways but also from the standpoint of the general public.

Mr. Sami Vencatachelam Chetty (Madras: Indian Commerce): Sir, if I am not much of an industrialist, I have been sufficiently long in the Congress Party to familiarise myself with its proper attitude towards industry and labour. If my Honourable friend, Mr. B. Das, who has been in this Assembly for the last 15 years, has stressed one aspect of the Congress Party more than the other, I think he merely wanted the Government to take it from us that we are no mere blind-fold followers of the Conventions that might be promulgated by the International Labour Office, but that we can decide for ourselves what particular facilities and what beneficent measures and ameliorative attempts must be made in regard to the protection and the improvement of labour in this country. Sir, I see no inconsistency in the Congress Party being able to look after the differences between the labour and the industries in this country in a just and an equitable measure. We do not want that any particular section of our country's population should be sacrificed for the other.

We are quite competent to hold the scales even between the varying sections of the population much perhaps to the amazement of those who are on the Treasury Benches to-day. If to-day we are supporting this motion, namely, to disapprove of the change of the Government's policy in respect of increasing exploitation of railway collieries, it is because we are to-day more mindful of the development of Indian industries than to allow any encouragement for State capitalism. Sir, in our view, State capitalism under the bureaucratic control is as unpalatable as Provincial Autonomy at the discretion of the Governor General. So, it is, that while we are for nationalisation of industries, we are certainly for earlier nationalisation of the Government before we can think of nationalisation of industries. Certainly when we nationalise Government, our first and foremost duty would be to nationalise key industries such as coal mining and concerns like insurance. Therefore, if we to-day insist that the Government should not undertake this State capitalistic concern and thereby affect the chances of improvement to Indian industry, we are doing it mindful entirely of the interests of Indian industry. We are too well aware of the manner in which State concerns are worked. Apart from our dis-satisfaction against the manner in which this irresponsible Government is carried on, take, for instance, the railway administration itself which is practically a State concern. Now, have we not been complaining against the manner in which railway administration is being carried? Are we satisfied with this railway administration in order that we might encourage this railway administration to undertake concerns of this sort?

Sir, what has been our experience with regard to the very collieries exploitation by the railway collieries department. My Honourable friend, Mr. B. Das, has mentioned to us instances where the Chief Commissioners of Railways, one after another, deposed to the fact that they have not been working profitably. Apart from that, the excuse for this extraordinary change of front of the Government is that there has been last year a panic, as it were, in the coal market and the contractors failed to discharge their obligations to the railway administration. I am not quite sure that the Government have really meant this to be a serious change of policy on their part. It is perhaps a threat to trade that they might not quote rates higher than the demand would warrant. I believe the latter is the case, because last year they were quite aware not only for the reasons that this coal trade in this country had to meet certain extraordinary difficulties and situations but also on account of world demand for coal, that there had been quite a panic in the demand of coal. It was not only India that wanted to stock coal but also, I believe, many countries on the West also wanted to reserve stocks of coal for the next year. I do not know how that panic has arisen. It might be on account of the international situation or on account of various other reasons of which I am not quite familiar. But nobody can deny that the demand for coal was not only in India, but also in other countries. Neither the Honourable Member for Government nor Mr. Chapman-Mortimer told this House what was actually the stock at the end of the year in order to think that the railways would have been dislocated but for their opening of the railway collieries. I am not quite sure if they have not overbought last year, and if there is a large stock still remaining at the end of the year in order to meet for any emergencies that might arise. As has been pointed out it is not a proper policy for the Government to

[Mr. Sami Vencatachelam Chetty.]

throw cold water upon this industry. When I am speaking of this industry, I am speaking for the small and the big alike, because in the matter of trading and commercial concerns I do not think that we need draw any difference on racial considerations. So far as these concerns are in India, so far as these industries are worked in India my sympathies and my Party's sympathies will go towards them to the extent that they might not injure the general prosperity of the country. Sir, it is from that point of view that I strongly approve of the appeals made to this Government not to injure this trade.

Now, there are other reasons why the Government ought not to change their policy with regard to railway collieries. After all, the one guarantee for getting the most reasonable prices for any commodity is the fear of competition. If the railway collieries begin to work, there is absolutely no check over their expenditure and with the constitution of the Federal Railway Authority the little criticism that we might pass will disappear. That will be an irresponsible body and nobody can say what has been actual and proper expenditure that was necessary for turning out so much of coal. Then, of course, it can be said that accounts can be managed to show that a ton of coal turned out from the railway colliery is much cheaper than the price that would be charged by the contractors for their supplies. But it cannot be easily believed because, in a Government department, statistics have got a funny way of escaping proper scrutiny. Apart from that, granting that you begin to work these railway collieries and thereby close some of the coal concerns, what will happen later on? Easily, there being no competition even from private concerns, your prices will easily go up, you will be employing a lot of officers who will be paid very high salaries and the ratio of expenses will certainly go up. I am never a thorough going supporter of these State capitalist concerns. I quite see the reasonableness of having always on one's side the threat of running your concerns in order that private people may not increase their prices, and to that extent railway collieries must be retained. But apart from that, it does not seem to me to be either reasonable or profitable business for the Railway Department to undertake these collieries business. I would, therefore, expect the Government to adhere to their old policy of working the collieries to the extent of 10 lakhs of tons each year in order to keep the prices even. As has been stated by my Honourable friends, Mr. Das and Mr. Chapman-Mortimer, after all the dividends on these coal concerns do not seem to be attractive enough to them. After all the industry can thrive upon an assured market. In regard to this industry also, we expect the Government department which is also the ablest department to assure us of a certain amount of market in order that that industry might be useful for other purposes also. If at this time, you discourage these industries and if these industries are allowed to fall into disuse, the railway collieries might supply the railway requirements; but what about private concerns who depend on coal for the fuel. Will it not result in very high rate for private consumption thereby affecting the economy of every industry as well? Nobody has thrown any light upon what will happen with regard to the slack that will be left out of the raised coal in the railway collieries. I can say that so far as the private concerns are concerned, they can dispose of this slack. With regard to railways, they do not themselves use

this slack for their purposes and, therefore, they have necessarily to dump it on the private markets. That will again be competition with private concerns instead of the Government helping the indigenous industry. Sir, it seems to me very unjust on the part of Government to try to kill this industry which is perhaps considered to be one of the most important industries in this country and particularly to Bengal. I, therefore, support this motion.

Mr. F. E. James (Madras: European): Sir, I only wish to intervene for a few minutes in order to bring back the discussion to the original argument with which it began. We are of course exceedingly grateful for the valuable support given to this motion by my Honourable friends, Mr. Das and Mr. Chetty. Their reasons for supporting this motion were in some respects very different from ours and in other respects contradictory to one another. As far as Mr. Das is concerned, he has in this House represented a number of causes from time to time and he has a habit, a very engaging habit, of changing his colour with the seasons. We are reminded today that winter is over and spring is not far behind, and apparently with the coming of the hot weather he is already beginning to change his particular colour. It has always been a matter of surprise to me that he is allowed to remain in the Congress Party at all! I suppose the real reason is that he is a very engaging member of that Party, and like a poet they give him a certain amount of license, and that is all to the advantage of the House. We should not otherwise get those speeches which not only contradict one another from time to time but seem to repudiate previous votes given in division lobbies.

An Honourable Member: He is open to conviction.

Mr. F. E. James: Yes; and that again is an engaging quality of his on which I congratulate him.

Now, Sir, the point of my remarks is to endeavour to bring back this discussion to the two points which were made by my Honourable friend, Mr. Chapman-Mortimer, because I am very anxious that on this occasion Government should not be able to hide behind the rather picturesque reasons that have been advanced by other speakers. The two main points that have been urged are these; first of all, that Government, in their exceedingly onerous responsibility as the owner of the railways and also as the owner of certain collieries, should do everything possible in their power to foster the stability of this great industry. Various detailed suggestions were made by my Honourable friend, Mr. Chapman-Mortimer, and I trust Government will deal with them very sympathetically. The main purpose of that general principle is to prevent those tremendous rises and falls in the price of coal which lead to so much uncertainty and incidentally to so much misery to the community. I have had opportunity on more than one occasion in the past to urge upon the railway authorities, in regard to their public works programme, the same principle of so developing their policy as to spread over their programme in order to maintain greater stability in the industries that are affected; and that is the first purpose that Mr. Chapman-Mortimer had in mind during his speech.

[Mr. F. E. James.]

The second purpose is, that in pursuit of the first purpose,—that Government should do everything in their power to foster stability in the industry,—there should be a little closer co-operation between the railway authorities and the representatives of the industry in the future than has been possible perhaps in the past. I should like to make it quite clear, to emphasise what Mr. Chapman-Mortimer said previously, that we are not using this discussion to criticise the Railway Board for what we may think they might not have done or have done and should not have done. We are not using this discussion in order to rake up anything from the past. Various points were made by Mr. B. Das upon which we have no desire on this occasion to enter into a discussion. We merely want to urge that in order to create conditions which will give that stability which I think is necessary in an industry of such nation-wide importance, there should be a closer coming together of the leaders of the industry and of the Railway Board in regard to the important question of tenders for coal contracts. After all, if something can be done by way of the improvement of the co-operative machinery between Government and the industry which will give greater stability to the industry, it is going to be better for employment, better for the price of coal, better for the consumer, certainly better for the shareholder who at present gets no return on his money for a greater part of the time, and what is important over everything else, it is going to be better for the community. I hope, therefore, that when the Honourable the Communications Member replies, he will be able to direct himself to these points.

Mr. M. Asaf Ali: Sir, I had not the slightest desire to intervene in this debate for the simple reason that this is not my subject, and I have considerable hesitation in intervening at this stage. But unfortunately conflicting opinions have been expressed on the floor of the House and it is my duty to express the authoritative opinion of the Congress Party as far as this particular motion is concerned. In the first place, I want to make it perfectly clear that we are all for nationalisation of key industries. We place that in the forefront of our programme anywhere. Whether the nationalisation of the coal industry is possible in the circumstances is another question. And if the Railway Board or Government do not find it possible to take over all the collieries we do not blame them. We certainly would not like to place any restrictions upon their discretion in so far as the question of keeping down the prices or getting sufficient quantities of coal is concerned. If they find that the market is not easy for them at a particular time or that deliveries are not sufficient, I think they are perfectly justified in working their own collieries in such a manner as may be beneficial to the State, to the railways and to the public generally. That is one thing.

In so far as the point of International Labour Office and its Conventions are concerned, I am afraid I have absolutely no authority whatsoever to endorse any of the opinions expressed by my Honourable friend, Mr. B. Das. We have always stood for the ratification of most of these Conventions for the simple reason that we know it perfectly well that if these Conventions are ratified, instead of the Indian industries being hit it will mean perhaps greater employment of Indian labour. If the hours

of work are curtailed, it will certainly mean more room for labour. There is not the slightest doubt about it; and we do not see why labour should not be well paid and well looked after. So, generally speaking, we are for the ratification of these conventions. Of course, we would not be indiscriminate. Once again, in so far as the present policy of Government is concerned, I see no reason why we should blame Government for having adopted the attitude which they have done under the circumstances, although I must say one thing. I do not want under the present circumstances the poorer men to be hit unnecessarily. There are certain collieries in Bengal which are managed mostly by Indians and which are poor collieries; they should not be hit by any unfair competition being introduced in the market. . . . .

Mr. Sami Vencatachelam Chetty: By the State.

Mr. M. Asaf Ali: By the State if you like. I do not mind mentioning the word. I have also to recognise the fact that the present State is not a national State, and, therefore, my friend's point will certainly claim consideration. We are not for State capitalism, but we are certainly for nationalisation of key industries as far as possible. I have not the slightest doubt that if the quantity of coal required by the railways or a considerable portion of the quantity required by railways is raised by the railways, generally the prices in the market are bound to be kept on an even level. So far as I can judge, it will help industries in the country, because more coal will be available at easier prices, and that being so, I certainly do not find it possible to support the motion made by my friend, Mr. Chapman-Mortimer. I know full well he simply wanted that a gesture should be forthcoming from Government, and probably it was never intended as a censure of Government, and if it is not a censure of Government, he is perfectly free to withdraw it if he so wishes.

An Honourable Member: It is the Deputy President's motion.

The Honourable Sir Thomas Stewart: Sir, I greatly appreciate the spirit in which Mr. Chapman-Mortimer supported the Honourable the Deputy President's motion. He appealed to me and to the House, "Let bygones be bygones, let us not rake up the murky history of this coal question, let us rather start with as clean a sheet as we can, and see whether something constructive can emerge from our discussions." I am perfectly prepared to go so far with him and let bygones be bygones so long as it is quite well recognised that it is "bygones" on both sides. But though I say that I am prepared to let bygones be bygones and not to delve into murky history, certain speeches which were made this afternoon impel me to go back not into the very distant past, but to go back in one case at least a year or two. I wish to do so in order to absolve myself of the accusation made by Mr. B. Das that I was breaking the solemn promises made by my predecessors, when he indicated that the Government of India were bound by solemn promises not to increase their raisings of coal. Now, I am not going back very far, I only go to the Budget Debate Proceedings of 1935.

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

[Sir Thomas Stewart.]

If I may quote an extract from the speech made by Honourable Sir Joseph Bhore, he said:

"We could, did we so wish at the present moment, raise all our own requirements from our own collieries at prices advantageous to ourselves. Our collieries have been in process of being developed. In 1927-28, we raised something like 54 per cent. of our requirements from our own collieries. Then, later, came the great slump, and in order to assist the coal industry as a whole we decided to take a self-denying course of action, to limit our own raisings and to buy the bulk of our requirements in the open market. In the last three years we have been raising only one-third of our requirements and we have been buying two-thirds in the open market with the idea of assisting the industry as a whole during a period of unparalleled depression."

He then goes on to repeat what was said by Sir George Rainy on a previous occasion. Now, Sir, I defy my friend, the Honourable Mr. B. Das, to deduce from these words of Sir Joseph Bhore that there was any absolute commitment on behalf of the Railway Department not to resume in other times the raising of coal to any extent whatever. That enunciation of the position by Sir Joseph Bhore was challenged by no Member and has not been challenged until this day when Mr. B. Das has thought fit to accuse me of breach of faith, and that I deny.

Mr. B. Das: That statement was made before the Public Accounts Committee.

The Honourable Sir Thomas Stewart: You have just anticipated me by about three seconds. I was coming to the Public Accounts Committee. It is perfectly true that in the Public Accounts Committee the Chief Commissioner of Railways admitted that coal at that particular time could not be raised profitably, but in the interval something rather significant happened, perhaps Mr. Das is not aware of it. The price of coal doubled within this year, and is it not possible that, with that circumstance intervening, it may be a profitable thing to raise coal from our own collieries without being accused of uncommercial methods by Mr. Das? But, mind you, there were others who supported our view that more coal should be raised. In the proceedings of the Public Accounts Committee to which my Honourable friend referred, in regard to railway collieries, the Chief Commissioner said they were then working at full capacity. Another member said, "I hope that is a permanent policy"—and who was the other member? The Honourable the Deputy Leader of the Congress Party—I regret he is not here today to confirm my statement. Mr. B. Das endeavoured to make my blood creep when he talked of unemployment in the mines. I wonder if he read any of the public representations which were made some six or seven months ago regarding the scarcity of labour in the mines: he asks me to believe that unemployment is rife in the mines today. He also enlists my Honourable friend, the Finance Member, against me and asks me to think of the loss of income-tax to him.

Dr. P. N. Banerjea: He speaks of the future, not of the present. There will be unemployment.

The Honourable Sir Thomas Stewart: That is not quite what he said. It was very difficult to follow any sort of continuous argument throughout his speech. He made many disconnected remarks, and amongst other things he said railways' raisings keep down the price of coal. Well, I do not want it to be thought that the object of railway raisings is to depress

the coal prices at all. But as a purely academic economic proposition I cite the old theory of supply and demand. Extra production of coal not only in the railway collieries, but in all collieries will tend to depress the price of coal. But that is by the way: I do not think that it has really any effect on the present argument.

4 P.M.

Dr. Banerjea said that my statement in the Budget speech had created great consternation amongst coal interests. If that is so, I am somewhat surprised. Dr. Banerjea's statement suggests that my Budget speech was the first indication that the trade had that the Railway Board had under contemplation measures which would make secure their position as regards supplies and which would prevent a recurrence of what was undoubtedly a serious and critical situation in the present year. I do not propose to repeat the narrative that I gave in the course of the general discussion of the Budget. But Dr. Banerjea did refer to the fact that sometime in September (or it may have been August) when the Chief Commissioner and the Financial Commissioner went to Calcutta they met coal interests and explained to them that under the force of circumstances they had been obliged to increase their raisings from railway collieries; and at that time they said "We do not regard this as a reversal of our previous policy". But about a month after that the situation had not improved in any way and the Railway Board followed up that interview with a letter to the various coal interests, and if the House will bear with me I will read a paragraph from that letter because I think it has a good deal of bearing on the consternation issue. This letter went to the three main coal bodies—the Indian Mining Association, the Indian Mining Federation and the Indian Coal-owners' Association. The paragraph run as follows:

"I am now, however, to place clearly before your Association (or Federation as the case may be) the position of railways in this regard (*i.e.*, in regard to shortages). They are an essentially public utility service and are under a statutory obligation to carry all traffic offering. They will be failing in their responsibilities to themselves and to the public if they omitted to take every possible step to safeguard their position in regard to coal supplies. The importance of this question has been accentuated by the very considerable increase over the last nine months in the traffic to be handled, which increase there is reason to hope will continue. It is further a matter of railway policy to build up coal stocks prior to the busy season (which last year somewhat abnormally commenced as early as the end of November). This policy facilitates the liberation of wagons for other traffic in that season and is equally in the interests of commerce and industry in general (including the coal trade) as of railways. It is, therefore, essential that all arrears of deliveries against this year's coal contracts should be made good before the end of November, if the risk of grave restrictions in public traffic is to be obviated . . . . .

Dr. P. N. Banerjea: I admitted all that. I admitted the necessity on the part of the Government to take these steps.

The Honourable Sir Thomas Stewart: After explaining further the difficulties the letter goes on to say:

"If a substantial improvement is not secured in the near future, your Association (or Federation) will fully appreciate that no other course will be open to the Railway Board in the protection of its own and the public interests than to resort to such measures as will provide a more or less permanent remedy against the recurrence of this grave and embarrassing situation."

That was the statement of the possibilities of the future which was made so long ago as last October. So I think I may with confidence claim that the announcement in the course of my Budget speech can hardly be regarded as a bombshell. I look at Mr. James and remind myself that

[Sir Thomas Stewart.]

he had at a previous stage recalled the discussion to where it had once been leading. I may claim that I have no need to be reminded. As I said, I appreciated the way in which Mr. Chapman-Mortimer had put forward his case, and had that been the only speech of the afternoon our business would probably have been settled in a very few minutes. But though I say that, I am not quite certain that I can without somewhat more mature consideration accept the statement of the responsibilities of Government in regard to the prosperity of the coal trade. It may only be a question of a verbal difference, but I am not at this minute prepared to accept the phraseology or formula that has been put forward by Mr. Chapman-Mortimer; nor do I think it is beyond argument that it is essential for the railways to contribute their demand in order to stabilise coal prices. It is an arguable proposition that if railways went entirely out of the market a very much more stable position would be created, perhaps not immediately but certainly ultimately. These are arguable propositions, but one point I am not going to argue. I realise, and quite fully, that our present tender system with its cumbrousness is undoubtedly a drawback to the coal industry as a whole. I do not know whether it can be improved, but I am prepared to take the Honourable Member at his word and to meet representatives of the coal industry with a view to seeing whether we can devise any possible method of issuing our tenders, which will ease the situation and make things easier for the coal industry as a whole.

Mr. Akhil Chandra Datta: In view of the assurance given by the Honourable Sir Thomas Stewart and in view of the attitude of the Government towards the coal trade, and in view of the suggestion made that the two parties might meet and come to a satisfactory arrangement—because after all they are mutual customers—I should not like to press my motion and I beg the leave of the House to withdraw it.

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

Maulana Shaukat Ali (Cities of the United Provinces: Muhammadan Urban): Sir, I do not move my motion*. I will bring it up at the time allotted to my Party.

Mr. President (The Honourable Sir Abdur Rahim): There is no arrangement like that.

Maulana Shaukat Ali: All right, Sir. I do not move it.

Advertising for Drivers and Guards on the G. I. P. and E. I. Railways on Terms in violation of the Railway Board Notification.

Lieut.-Colonel Sir Henry Gidney: Sir, there are many motions standing in my name, and I should like, with your permission, to move them all together. There are only 22. My desire is to facilitate the task of the Government and in the interests of the economy of time, I ask you, Sir, to permit me to talk on these amendments as a whole and not separately . .

Mr. President (The Honourable Sir Abdur Rahim): No, no, you cannot do that.

* "That the demand under the head 'Railway Board' be reduced by Rs. 100 (Inadequate Muslim representation in railway services)."

Lieut.-Colonel Sir Henry Gidney: Then I will move No. 77; Sir, I move:

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

Sir, I would like to draw the Honourable Member's attention to the fact that of late years since the new scales of pay have become operative, it has increasingly become the practice on the part of State Railways to take, what I might call for want of a milder term, inconsiderate action in advertising for appointments which are vacant and which should be filled by qualified subordinates from every cadre waiting for promotion. And when I make that statement, I support it by quoting what has happened on three important State Railways, the E. I., E. B. and G. I. P. Railways. The G. I. P. Railway lately advertised for guards on the A grade on Rs. 120 a month, fully conscious of the fact that there are many guards on the B, C and D grades waiting for and entitled to this promotion to A grade, but which they are not given because their salary is on the old higher scale and such promotion would cost more. Now, Sir, it is idle to say that there are not a number of sufficiently qualified guards on the G. I. P. Railway capable of being promoted from grade B to grade A, because if any administration made this excuse, it accuses itself and stands guilty of inefficiency for it stands guilty of not having provided an adequate number of trained and qualified subordinates in the different cadres who should be promoted to the higher grades when vacancies occur. Now, Sir, what is the real purport behind this subtlety? I shall tell the House presently. Let me take another railway, the E. I. Railway. The E. I. Railway recently advertised for drivers, knowing full well that there are a number of well trained and qualified shunters and firemen who are capable of taking and should, by all the canons of justice, be promoted to the posts of drivers. They advertised for these drivers because no doubt there are a certain number of vacancies in that grade. The administration has replied, they have not sufficient qualified firemen and shunters. If that is so, God help this Railway in a crisis! I refuse to accept this. Similarly, the Eastern Bengal Railway also recently advertised for two fitter chargemen. Now, taking these three points together, I can say that the purpose of advertising for such men is nothing else but a trickery in economy. It is to save railway expenses. They desire to economise but at the expense of their employees and by depriving them of their just dues and rights. For instance, take the E. I. Railway. They advertised for drivers. Where do they expect to find skilled and experienced drivers? There is no institution in India that qualifies a man to become a driver in one month or six months or even in two years. It is by promotion, step by step, from the lower grade that makes an efficient driver, but instead of promoting these firemen and shunters the railway advertises for these men. And whom do they get to fill these vacancies? Derelicts from all other railways, the HAS-BEENS—men who have been discharged or who have resigned or men who have been turned out for inefficiency or for some other cause, men who are roaming about the streets in quest of work and who gladly accept these low rates of pay rather than starve. I think it is very unfair to a lower class of subordinates that such rank outsiders and undesirables should be recruited when they have been waiting years for promotion—their dues—I can only characterise this action as "dishonest economy". Sir, it is not playing the game with the staff, and it should be stopped. I know that two Railway Agents have replied to representations made by the N. U. R. One Railway Agent in his reply says that they have to resort to this form of advertisement so as to adjust

[Lieut.-Colonel Sir Henry Gidney.]

communal inequalities, and to give effect to the recent order of the Railway Board, *i.e.*, to get a younger class of educated men and put them into a grade which will in time qualify them for promotion to higher grades as vacancies occur. In other words to recruit men at a younger age so as to fit them for higher appointments in the railways later on—rather a lame and certainly a very tame excuse. Sir, this is not fair. The Railway Board have ordered this method of recruitment—I have their letter,—I say it is not fair. While I admit that there has been a disproportion in the appointments of Muslims on the Railways and that they should get their fair share, surely the Railway Board cannot deny when I say that "efficiency" should not be sacrified at the expense of public safety. How can you take young men fresh from school and put them into a grade and start them off and expect them to make good employees in comparison with the trained men? The Agent of the E. I. R. in his reply to the National Union of Railwaymen says he has not got a sufficient number of trained firemen and shunters to promote to drivers. Sir, all I can say, if this is true, is that the mechanical side of the railway administration has failed in its most important duty, *i.e.*, in providing an adequate number of fully trained men. Sir, I charge the Railway Administration with practising dishonest economy on men who deserve better from them. Would it dare treat these officials in this ruthless and unfair manner and when a vacancy arises would they dare advertise for candidates? They would not dare do this, so, why do it with subordinates?

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

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

The Honourable Sir Thomas Stewart: Sir, the Honourable Member who has moved this cut motion has very much the advantage of me, because he seems to be in possession of all the facts, and I am in possession of none; but even so, on the information he has given me, I am prepared to carry the argument a little further. Sir Henry's condemnation of the railway administration is based on two points,—one is that the railway administrations, in order—to use a colloquial phrase,—in order to "do down" the existing incumbents of posts in a lower grade, have decided to resort to advertisements for outsiders. Now, I submit to this Honourable House that it is at best a deduction. We might be prepared to accept Sir Henry's deduction as right were there lack of evidence to the contrary, but Sir Henry assures us that there is evidence. He has written to the administrations and has received a letter the purport of which suggests to me that the Agent of the Railway is endeavouring to carry out a process which was, I think, recommended in this very House, namely, that in order to adjust the communal proportions more rapidly in the higher grades of the service it was decided to recruit, in communal proportions, at intermediate grades on the way up, and that I take it is what really has been happening on these railways. If so, the railway administrations have been following a mandate of this House and I hardly think that it would be proper of the House to censure them for that reason.

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

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

The motion was negatived.

Violation of Rules governing the Payment of Wages Act.

Lieut.-Colonel Sir Henry Gidney: Sir, I beg to move:

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

This House must remember the time when this Act was passed. I shall not traverse the entire Act because that is quite unnecessary. I will confine myself to section 8 (4) and 8 (6). In quite recent times, when a railway servant committed an error or a crime or a loss, he was either fined, reduced or censured or he was sent for, sworn at in Billingsgate language and asked to go away. He stood that. But, fines became so heavy that it became a subject of serious report to the Railway Board and the Railway Board in response moved in the matter and finally the Payment of Wages Act was passed. Its chief purport was to abolish fines except to a very limited extent. Let me quote the relevant sections of this Act:

Section 8 (4) says:

"The total amount of fine which may be imposed in any one wage period on any employed person shall not exceed an amount equal to half an anna in the rupee of the wages payable to him in respect of that wage period."

Section 8 (6) says:

"No fine imposed on any employed person shall be recovered from him by instalments or after the expiry of sixty days from the day on which it was imposed."

Now, Sir, these are very necessary and salutary sections. They limit the action of railway authorities in this direction and the men have been saved from the imposition of very heavy fines such as have been their unhappy lot in the past. But what has been done to replace this? Evidence there is in abundance to prove that the railway administration having their hands tied and being unable to impose a fine of more than six pies in the rupee are now resorting to the practice of reduction in grades. For example, a subordinate of the crews department misses his train at night though he has no call boy to wake him up. He is reduced for a period of six months. That is a reduction of about Rs. 5 per month. Again, a driver breaks a coupling. This is not an unusual occurrence on railways. At one time he was for this minor offence fined a rupee or two. He is now reduced by one grade. That is a loss of about 13 rupees per month. This may be a justifiable deterrent to the habitual offender. It may be a means of showing to the administration who are bad and who are good workmen, but be that as it may, I ask: what is a reduction if it is not a fine and what is a fine if it is not a reduction? They appear to me to be synonymous terms as each entails a loss of money. If you take the definition of the word "fine" in the Oxford Dictionary, you will find "A fine is a certain sum of money imposed as a penalty for an offence". If the Act does not give you the power to impose a fine of more than half an anna in the rupee, is it right or just that you should be allowed to substitute that form of punishment by a reduction which amounts to several rupees per month and is certainly more than two pice in the rupee? I consider it is not a right interpretation. I know the Act is at some pains to define what a reduction is, but it is remarkably silent as to the definition of the word "fine". Sir, it is to obtain a ruling from the Government and a clarification of the point that I have brought this motion to the serious notice of the Honourable the Communications Member, because it is today one of the chief causes of great discontent among railway servants of all classes.

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

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

Mr. Lalchand Navalrai: Sir, I wish to add a few words in support of this cut. It has also been brought to my notice that these tactics of reduction instead of fine are being employed by the North Western Railway too. Some of the subordinates came to me to relate their grievances. When they are not able to fine the employees beyond the limit that has been fixed by the Wages Act, they resort to reduction. This is not fair. I hope that this practice which has been going on will now cease. There should be fair play. They should not in a crooked way punish these men. With these words, I support the cut motion.

Mr. A. G. Clow: Sir, I am not a spokesman of the Railway Board and employers must be left to work the Act as seems best to them; but I would contest the view expressed by Sir Henry Gidney that it is necessarily illegal to impose by way of reduction a severer form of punishment than the Act provides. When the Payment of Wages Act was under discussion in this House, the warning was given that if you restrict the power to impose fines, you might be encouraging a more severe form of penalty by way of dismissal, against which the Act provides no remedy. The point, as I see it, is this. You can restrict your fines as much as you like but all the Act really is designed to secure is that the wage that the workman starts on his work in the expectation of receiving will be paid to him and it will not be subject to illicit deductions. As I understand, it, the Act does not prevent the employer from saying, "I had you in my employment on such and such a grade, but I am no longer willing to retain you on that grade and I will employ you on a lower grade". The Act does not prevent that . . . .

Mr. Lalchand Navalrai: The point is if it is fairly done.

An Honourable Member: That is the point.

Mr. A. G. Clow: I agree: the point is if it has been fairly done. I understood that the gravamen of Sir Henry Gidney's charge was that the employees of railways are a good deal worse off now than they were before the passing of this Act in this respect; and I have the authority of the Honourable Member for Railways to say that that is a matter which will engage the attention of the Chief Commissioner and the Railway Board.

Lieut.-Colonel Sir Henry Gidney: Sir, in view of the reply of my Honourable friend I would ask the leave of the House to withdraw my motion.

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

Deprivation of Passes to Railway Employees.

Lieut.-Colonel Sir Henry Gidney: Sir, I beg to move:

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

Sir, I hope the Honourable Member when he considers the replies he will receive from Agents of Railways he will also consider two minor aspects of the picture I should like now to draw before him in connection with house rents. There is a parent who has a child, that child has got

a pass from a railway to go to a school. That school closes for its holidays, the child is to be brought back, but he is now refused a pass. Another aspect: the case of the young bachelor with an aged and widowed mother dependent on him for her livelihood and she gets a pass. He takes it into his head to get married, promptly his mother is taken out of the "dependants' list". These are not what you call just or kind acts.

The Honourable Sir Nripendra Sircar (Law Member): Those are accidents.

Lieut.-Colonel Sir Henry Gidney: Yes, Sir, but on railways many accidents are done on purpose and with intent. These actions are not kind. They really carry the pass rules to an absurd extent, to an unkind extent and it is not only provocative and irritating to the staff but creates a great wave of discontent which is surging amidst the staff today. Sir, take this warning from me in all earnestness and sincerity. I, therefore, ask the Honourable Member, when he considers this matter also to consider if it is possible to give these men happiness and contentment by giving them the 1933 pass rules, which were accepted with much happiness and joy by every member of every community. Also give them passes for their dependants.

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

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

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, I rise to oppose the motion of my friend, Sir Henry Gidney. I do not want passes. I would go so far as to say that no railway servant from the Agent downwards should get any passes on any railways (Interruption) or any free accommodation. Sir, it is a fact that we Members of the Assembly have to pay our fares and we do not get any passes, and I see no reason, therefore, why railway employees and others of the Railway Department should get passes. Sir, it is my own experience that when I travel from Lucknow to Delhi very often I find railway servants travelling in the same compartment with me and the result is that generally seats are reserved, and it is all bogus reservation Under these conditions and for the reasons which we have discussed in this House, I say that passes should not be indiscriminately given to the servants of the railways. (*An Honourable Member*: "That passes should be cancelled.")—yes, that the system of passes should be cancelled.

Mr. Lalchand Navalrai: Sir, this decision about passes has been hanging fire since a very long time and we want that this decision should come out very soon. I hope that the Honourable Member for Railways would now see that this decision is arrived at a very early date. That will at any rate remove the suspense under which the railway people are labouring. They do want that the rules of 1933 should be reverted to. But, whatever is to be their fate, they are waiting for that fate and that fate is in the balance. It is, therefore, very necessary that an early decision should be arrived at. So far as my Honourable friend on the right is concerned, it is true that railway servants who get passes do occupy the compartments which are intended for passengers, but there is one rule that they can get their reservation from the station from

[Mr. Lalchand Navalrai.]

which they start—not on the other stations on the way. Therefore, what can be prescribed is that when railway employees get passes they should be made to travel in certain trains and not in all trains, and that will I think remove the inconvenience which my friend is referring to. I think my Honourable friend should not be selfish by saying that he should get a free passage from his place to this place but not those subordinates who have been after all the backbone of the Department. During the period that the Railway Department takes in order to go into this matter wholly and fully, and until that time, we cannot but help requesting them to make certain suitable arrangements so as to keep the staff contented. With these words, I support the motion.

Mr. N. M. Joshi: Sir, I should also like to support the motion of my Honourable friend, Sir Henry Gidney. Sir, the Railway Board is aware that since the passing of the new pass rules there has been a great deal of discontent amongst the railway employees. Their complaints are, in the first place, that persons who used to be considered dependants are not considered dependants, under the new rules,—like widowed mothers, a sister or a minor brother—and thus these are not eligible for free passes under the new rules as they were under the old rules.

Then, the second complaint is that the number of passes has been drastically curtailed. This system of giving free passes to employees is followed by railways of several countries and the system in some countries is more generous than ours. On the Indian railways the policy which is followed by the Government of India is not to give facilities according to the needs but according to the class to which the railway employee belongs. If a railway employee belongs to a higher class, to the superior service, he gets a larger number of passes. A superior railway servant is not necessarily a man with a larger family, but he gets a larger number of passes. If a man belongs to the subordinate class of railway employees, he gets a smaller number of passes, and if a man belongs to the lowest-paid grades, he is a separate class altogether. The subordinate railway employee may get some passes and he may get passes both on foreign railways and what are called home railways. But if you are inferior servant or the lowest paid employee, you get not only a smaller number of passes but you cannot get a pass on foreign lines. I cannot understand this discrimination and I would like the Honourable Member to look into this question of discrimination. Why should not an inferior servant get passes on what are called foreign lines? Therefore, I am not merely content with what Sir Henry Gidney wants. He wants to go back only to the position as it existed in 1933. I want that the old rules should also be changed in the case of the lowest paid employees. I cannot understand why there should be discrimination in the number of passes. A poor man perhaps may have a larger family and a middle class man may have a smaller family and a man getting very high salary may have a small family too, even smaller than what a subordinate employee may have. It is, therefore, wrong to base your passes on the social position which the man holds. The need of everybody is the same. Therefore, let the number of passes be the same. If the giving of passes to inferior servants is likely to cost Government a little more, let them reduce the number of passes which the officers get. They get ten set of passes every year. I am not sure about the exact number,

it may be 14 instead of 10. But they do get a large number of passes every year. I am sure these officers cannot travel on those passes for the sake of their business but they travel because the railways give them a large number of passes. This is a waste of money in my judgment. The Government of India can save money in the passes given to the higher class of officers and give a larger number of passes to the subordinate staff and thus bring the inferior servants to the same level as the other classes of railway employees.

As a matter of fact, the giving of a larger number of passes to the inferior servants will not cause any inconvenience to the travellers. The real inconvenience caused to the travelling public is in the first and second classes and not in the third class. I would like the Government of India to go into the figures. Some of these railway organisations have gone into the figures and I would like to give some figures to the Honourable Member. Out of every 13 first class passengers there is one railway employee and out of every 18 second class passengers there is one railway employee. In the case of the third class there is one railway employee out of every 254 passengers. So, if you increase the number of third class passes to the inferior servants, it is not going to add to your overcrowding. There is overcrowding in the first class due to the railway employees. Therefore, what you should do is to reduce the number of the railway passes given to the superior officers and then there will be less overcrowding in the first class. I, therefore, suggest that the Government of India should alter their pass rules and reduce the number of passes given to the superior officers. They should bring the number of passes of the subordinate staff to the level of 1933 and increase the number of passes given to the inferior servants. This will be fair to your employees and it will not cause any inconvenience to the railways.

The Honourable Sir Thomas Stewart: Sir, I will make no attempt to follow Mr Joshi through this other example of his railway arithmetic. I have no doubt it is as fallacious as the other examples that he has quoted on the floor of the House. But my real reason for not doing so is not my dislike of arithmetic but really a suspicion that Mr. Joshi was talking about something that Sir Henry Gidney was not. Sir Henry was drawing our attention to the necessity for the restoration of certain privileges that had been lost, and Mr. Joshi has asked us to bring into existence an entirely new system of giving passes to our railway employees. If Sir Henry will forgive me, I will not repeat yet again what is my position in regard to the pass rules, but I can assure him and, indeed, Mr. Lalchand Navalrai too, that the considerations they have urged today will have my very earnest attention.

Lieut.-Colonel Sir Henry Gidney: Sir, in view of what the Honourable Member has just said and, with the permission of the House, I beg leave to withdraw my motion.

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

Violation by Railway Administrations of Railway Board Rules governing Promotion of Subordinate Staff.

Lieut.-Colonel Sir Henry Gidney: Sir, I beg to move:

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

[Lieut.-Colonel Sir Henry Gidney.]

Sir, I shall dispose of this motion with a few words. I do not think the Railway Board will disagree with me when I say that their policy today is to make money but they call it for want of a better name "Economy". "Make money honestly if you, but make money", that is the advice which a Scotchman gave to his son, when he left for India. I do not mean to say that the Railway Board are making money dishonestly. Not at all. What I mean to say is that you are out for economy of any kind. I should, however, like that economy to be practised on lines indicated by the Railway Board to the various railway administrations. There are certain rules in force which have emanated from the Railway Board controlling the rights and privileges of every railway employee. Added to them is the honourable agreement that the Government of India entered into on behalf of the Secretary of State with every railway subordinate when it took over the Company-managed railways in 1925. They had then given an honourable pledge to recognise as inviolable all the privileges that the employees enjoyed at that time.

Now, Sir, it has often been brought to the notice of the Railway Board that Railway Agents were not practising what they were told but were practising just what they were pleased to preach and do. For instance, notwithstanding the undeniable fact that there are vacancies of drivers, they keep a large number of firemen and shunters from permanent promotion, and instead of confirming them in the vacant higher grades, these very men are put on to officiate. Now, take the case of the G. I. P. Railway. It will surprise the Honourable the Communications Member to know that there are firemen who have been employed as firemen and have not been confirmed as drivers for nearly 20 years and they are still officiating. Sir, if you are going to economise in that way and if you are going to allow the Agents to carry out your orders as they like, it will cause grave discontent. Why should the Railway Agents have the power to flout the orders of the Railway Board and why should they be allowed to continue a practice which I consider to be bad. This is a practice that is going on everywhere. It is the studied policy of the railway administrations so as to show to the Railway Board the economies they have effected. They do not sack the man: they do not fill up the vacancy in a higher grade: but they ask the junior man to do the work of the senior man in an officiating capacity, and on much less pay and thus save money. Is this honest economy? Is this fair to junior employees? Surely not. You do not treat your officials in a similar manner. No official would do his duty unless he were treated squarely and with no tricks of economy. Why do you discriminate between subordinates and officials? Why do you deprive the poor railway subordinate or his family of Rs. 60 simply in the interest of economy? I do beg of the Honourable Member to give this his attention, because the position does exist and it is not proper to treat these men like this.

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

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

Mr. Lalchand Navalrai: Sir, I have a few words to say with regard to the promotion of subordinates of grade I. Sir, this was a point which came under another cut and it was pointed out by me then that these

subordinates who get Rs. 60 retire in that grade even after a very long period of service. I submit that there are two ways of meeting their grievances. First is that the clerks grades I and II should be amalgamated and the second is that the maximum grade promotion should be increased.

Now, as regards the first, the Honourable the Railway Member suggested that the grades that have been amalgamated in connection with Railway Clearing Accounts Office have a difference and, therefore, their grades have been amalgamated. I do not see any difference at all. It should be remembered that on the contrary it seems to me that these subordinate clerks on the lines in Grades I and II deserve to be amalgamated more than those in the Accounts Office. My Honourable friend, the Railway Member, will realise that in the Accounts Office, they do work at particular hours, they attend office at 10 and leave office at 5 in the evening. They have to do certain figure work. What do these poor booking clerks, the goods clerks, the trains clerks, the sorting clerks, etc., do? They do work even at night time, at all odd hours. Should it not, therefore, be considered that these clerks do more onerous work than accounts clerks? There is greater justification that in their case, there ought to be amalgamation.

Then, Sir, take the work itself. They are doing all kinds of work and they have to do at all odd hours extra duties, day and night. These are the persons who should be kept more content. Therefore, I submit that the Honourable the Railway Member should consider this over again whether there should be no amalgamation. If not, if there is any policy behind it which says that these grades should not be amalgamated then, I may request him to adjust this thing sympathetically. Their pay should not be restricted in three grades. Let the second grade of Rs. 90 be the first grade. Under these circumstances, I hope that considering all their representations, all their pitiable appeals which they have placed before the Government for months and months, I hope that the Honourable the Railway Member would give his best consideration to this matter.

The Honourable Sir Thomas Stewart: Sir, on this cut motion two matters have been raised. My Honourable friend, Col. Gidney, has raised the question of certain lower grades in the locomotive department who have not been promoted when there have been officiating vacancies. I regret that I have no information at the present moment as to the cases. It may be that the information is in my office, but on account of the short notice that I have received with regard to these cut motions, I have not got the information here, but I can assure Col. Gidney that if we have it, we shall make enquiries as to what is happening. If we do not have this information in the office, I should be obliged if he would supply it to us and we will take similar action.

Mr. Lalchand Navalrai has returned to the charge on a subject which we discussed this morning. One of the points that I made in resisting the demand that Grade I and Grade II clerks should be amalgamated was that really they were not comparable with the accounts clerks who at another time had been converted from two grades into one grade cadre. Well, Sir, my Honourable friend, Mr. Lalchand Navalrai, has given very strong confirmation of my argument and he has demonstrated beyond a shadow of doubt that there is nothing comparable between the two grades. I may remind him of what I said this morning that our latest information from the Agents of the Railways is that there is reasonable prospect of promotion from Grade I to Grade II.

Lieut.-Colonel Sir Henry Gidney: Sir, in view of the promises made by the Honourable Member for Railways, I beg leave to withdraw my cut motion.

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

Composition of Staff attached to the Office of the Conciliation Officer—Col. Wagstaff—in Calcutta.

Lieut.-Colonel Sir Henry Gidney: Sir, I beg to move:

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

Sir, I am sure I am voicing the opinion of this House when I thank the Department of the Railway Board for having given heed to the request of this House. We have for years been appealing to the Government, we have also defeated them on four or five occasions when we asked them for an Arbitration Board to settle railway grievances but they remained adamant. It wanted a Royal Commission on Labour to visit India to show them that there was some justice in our demand and that the conditions of service of our railway subordinates needed a proper tribunal and that railway disputes had better be settled in a friendly rather than in an unfriendly way as has so often happened in the immediate past. I thank the Railway Board in appointing a Conciliation Officer. But, Sir, while the report of the Whitley Commission has recommended the formation of an Arbitration Board today the Railway Board after much delay and demands on our part have consented to appointing a Conciliation Officer as an experiment. This Conciliation Officer is to be in a town where there are termini of three railways—Calcutta. The claims of Bombay and Madras have not been considered. While this is a step in the right direction its only advantage is that "something is better than nothing". This Conciliation Officer sits alone in his office and he is expected to get into harmonious touch with the labourers of the railways and to effect friendly settlements of labour disputes before it gets too late. We are promised that when this experiment proves a success, we will have a sort of Advisory Committee of appeal. That is certainly a little better. My desire in moving this cut motion is to bring to the notice of the Honourable Member for Railways the desirability of going a step further and to make the duties of this Conciliation Officer more practical and effective. And what could be better than supplying him with two or three assistants of reliable experience as office subordinates? They know the views of the men much better than Colonel Wagstaff does. Moreover, Colonel Wagstaff is a servant of the railway. He is a very eminent officer with experience of labour problems, but why appoint a labour officer to the office? Why do you not appoint another officer?

5 P.M.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can continue his speech tomorrow.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 22nd February, 1938.

LEGISLATIVE ASSEMBLY

Tuesday, 22nd February, 1938.

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

STARRED QUESTIONS AND ANSWERS.

(*a*) ORAL ANSWERS.

TANGANYIKA MARKETING ORDINANCE.

416. ***Mr. Manu Subedar** (on behalf of Seth Govind Das): Will the Secretary for Education, Health and Lands be pleased to state:

(a) whether Government have received a copy of the Tanganyika Marketing Ordinance;

(b) whether the Ordinance provides for a regulation sale of agricultural produce;

(c) whether he will lay a copy of the Ordinance on the table;

(d) whether Government are aware that the Indians in Tanganyika are strongly opposed to the Ordinance;

(e) whether Government have examined the provisions of the Ordinance;

(f) the suggestions made by Government thereon;

(g) whether Government made any representation to His Majesty's Government in the Colonial Department in the matter;

(h) if so, the result thereof; and

(i) if they have not done so, the reasons therefor?

Sir Girja Shankar Bajpai: (a) to (i). The Honourable Member presumably refers to the Tanganyika Native Produce (Control and Marketing) Bill, 1937, which was published in the *Tanganyika Gazette* last September as a preliminary to legislation. The Government of Tanganyika, who were addressed in the matter, have reported that a substantially modified measure entitled the Native Coffee (Control and Marketing) Ordinance applying to coffee only was passed during the October Session of their Legislative Council. No representations have been received from the Indian community in Tanganyika in regard to this Ordinance, and the Government of India have taken no further action regarding it. A copy of this Ordinance is available with the Government of India and will be supplied to the Honourable Member, if he so desires.

RESTRICTIONS ON INDIAN RESIDENTS AND TRADERS IN AFGHANISTAN.

417. ***Mr. B. Das** (on behalf of Mr. Govind V. Deshmukh): Will the Honourable Member for Commerce and Labour please state:

(a) if it is a fact that the Afghan Government do not buy anything Indian and realise a huge custom duty ranging between 25 and 60 per cent. on Indian exports and the Government of India do not charge anything on Afghan imports;

(b) what restrictions the Afghan Government have imposed on the Indian residents in the country as regards purchase of property and doing independent trade in that country;

(c) if the Chambers of Commerce and Merchant's Associations in India made any representations as regards their Afghan trade; and

(d) what the reply of the Government of India was to those representations?

Mr. H. Dow: (a) No. The Honourable Member is referred to the replies given by me to parts (a) and (b) of Seth Govind Das's starred question No. 335 on the 17th February, 1938.

(b) No foreigner can acquire interest in immovable property in Afghanistan. As regards the latter portion, foreigners can carry out private trade in Afghanistan subject to their obtaining a permit from the Afghan Government and furnishing security. Owing, however, to the monopolies granted to State controlled companies, there is very little scope left for private trade.

(c) Representations have been received from the Indian Chamber of Commerce, Lahore, and the Frontier Chamber of Commerce, Peshawar.

(d) Government have asked for some further details.

PROMULGATION OF ORDINANCES ON THE LINES OF EMERGENCY EXPORT-IMPORT ADJUSTMENT LAW IN JAPAN.

418. ***Mr. Manu Subedar** (on behalf of Seth Govind Das): Will the Commerce Secretary please state:

(a) whether Government have been apprised by the Indian Trade Commissioner in Japan about the promulgation for immediate enforcement of three ordinances in accordance with the emergency Export-Import adjustment law in that country;

(b) the extent to which the promulgation of these ordinances has affected the export of Indian cotton in seed or ginned, sheep's wool, wood and various other materials described under categories "2 and 3";

(c) the action Government have taken in the matter; and

(d) the action Government propose taking in the matter?

Mr. H. Dow: (a) Yes.

(b) There are no such categories under the Ordinance as those mentioned by the Honourable Member. There are three categories labelled A, B, and C, and cotton in seed or ginned and sheep's wool and wood come under category A. The Ordinances are of the nature of restrictions on the free export and import of commodities, but it is impossible to estimate the precise extent of their effect on India's trade with Japan.

(c) and (d). Government have published such extracts from the Export and Import Regulations as are likely to be of interest to Indian commercial interests in the *Indian Trade Journal* of 2nd December, 1937, and they do not propose to take any other action at present.

Mr. Manu Subedar: Will Government please call for a report on this subject from the Trade Commissioner in Japan?

Mr. H. Dow: We have a report from the Trade Commissioner, and it is on his report that we have published the notice in the *Indian Trade Journal*.

Mr. Manu Subedar: I suggested in my question that a fresh report be called for as in the interval since the last report was received many serious things have happened, and we would like to know the present position.

Mr. H. Dow: We are in constant touch with the Indian Trade Commissioner in Japan, and I have not the slightest doubt that he will let us know of his own motion if it is necessary to do so.

Disabilities of Indian Traders in Afghanistan.

419. ***Mr. M. Asaf Ali** (on behalf of Mr. T. S. Avinashilingam Chettiar): Will the Commerce Secretary state:

(a) whether recently certain disabilities have been imposed on Indian traders trading with Afghanistan;

(b) if so, what are the disabilities; and

(c) what action Government have taken in the matter?

Mr. H. Dow: (a) and (b). The Honourable Member is referred to the reply given by me to part (b) of Mr. Govind V. Deshmukh's starred question No. 417. These disabilities were imposed a few years ago.

(c) The attention of the Honourable Member is invited to the reply given by me to part (f) of Seth Govind Das's starred question No. 335 on the 17th February, 1938.

Fall in Trade of India.

420. ***Mr. M. Asaf Ali** (on behalf of Mr. T. S. Avinashilingam Chettiar): Will the Commerce Secretary state:

(a) whether there has been a great fall in exports from India and a greater increase in imports into India during the nine months ending with December, 1937; if so, what is the extent of the decrease and the increase;

(b) whether the trade statistics for December show an adverse balance which had to be made good by the export of bullion;

(c) what the reasons for this sudden change of trade are; and

(d) what steps Government have taken in the matter to check the loss of trade to India?

Mr. H. Dow: (a) The Honourable Member is referred to the Accounts relating to the Sea-borne Trade of British India for December, 1937, a copy of which is in the Library. His attention is particularly invited to pages v, 2 and 27-28 of the publication.

(b) The balance of trade in merchandise for the month of December, 1937, was adverse to India by Rs. 87 lakhs, but for the nine months ending in December, 1937, it was favourable to India by over Rs. 17 crores.

The Honourable Member's idea that the monthly balances have to be adjusted by exports or imports of bullion is elementary but incorrect.

(c) The adverse balance in December, 1937, was due mainly to reduced exports of raw cotton.

(d) A variation in India's trade figures in any one month does not call for action.

MANUFACTURE OF AEROPLANES IN INDIA.

†421. ***Mr. M. Ananthasayanam Ayyangar:** (a) Will the Labour Secretary state if it is a fact that the first aeroplane was built in India by the staff and cadets of the Aeronautical Training Centre of India to be used for training the reserved forces?

(b) What is the cost of the plane, and did it make its first flight?

(c) Was only the assembling of parts done in India, or were the parts and the engine and the machinery imported, and if so, from which country?

(d) Have Government given any contribution for the building of the plane and, if so, how much?

(e) Has the experiment proved successful, and do Government propose to establish a Government factory for manufacturing aeroplanes in India? If so, when and, if not, why not?

Mr. A. G. Clow: The question should have been addressed to the Honourable Member for Communications.

COMPANIES CHARTERED IN INDIA FOR CARRYING ON COASTAL SHIPPING.

†422. ***Mr. Amarendra Nath Chattopadhyaya:** Will the Commerce Secretary be pleased to state the names of companies chartered in India for carrying on coastal shipping and when each of them had been started, and what are their respective capitals subscribed and authorised?

Mr. H. Dow: With your permission, Sir, I shall reply to questions Nos. 422 and 423 together. It is presumed that by the word "chartered" in each of these questions the Honourable Member means "registered". So far as is known, there are no Japanese, Chinese or American ships engaged in the Indian coastal trade. Information regarding Indian and United Kingdom shipping companies engaged in the coastal trade of India is being collected, and a statement showing the names of such companies will be laid on the table in due course. Such official statistics, as are available, relating to the dates of registration and the capital of the companies concerned, are contained in the following two publications issued by the Department of Commercial Intelligence and Statistics, India, copies of which are in the Library of the House.

(i) Joint Stock Companies in British India and in the Indian States of Hyderabad, Mysore, etc., 1933-34. (Twentieth issue).

(ii) Joint Stock Companies. (Monthly issue).

† Answer to this question laid on the table, the questioner being absent.

COMPANIES CHARTERED IN CERTAIN COUNTRIES CARRYING COASTAL SHIPPING IN INDIAN WATERS.

†423. ***Mr. Amarendra Nath Chattopadhyaya:** Will the Commerce Secretary be pleased to state the number of the companies chartered in the United Kingdom, Japan, China and America carrying coastal shipping in Indian waters and their respective subscribed and authorised capitals?

INDIA'S COASTAL TRADE.

‡424. ***Mr. Amarendra Nath Chattopadhyaya:** Will the Commerce Secretary be pleased to state if the volume of India's coastal trade amounted approximately to 250 crores some years ago? If so, will he be pleased to state what the volume of coastal trade in India was in December 1937?

Mr. H. Dow: The reply to the first portion of the question is in the negative. As regards the second part, the latest available figures are for October, 1937, in which month the value of coastal trade of India amounted to Rs. 594 crores.

PERCENTAGE OF COASTAL SHIPPING SECURED BY INDIAN COMPANIES.

†425. ***Mr. Amarendra Nath Chattopadhyaya:** Will the Commerce Secretary be pleased to state what percentage of the Indian coastal shipping Indian companies have actually secured and how many ships (Indian) are doing this trade?

Mr. H. Dow: Up-to-date information is being collected and will be laid on the table in due course.

INDIAN COASTAL SHIPPING.

†426. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Commerce Secretary please state what amount of capital has been invested already in the Indian coastal shipping by Indian capitalists up to date? What has been the result of this investment?

(b) Is it not a fact that Australian coastal trade has been reserved for Australian shippers only and is not open to shipping of any other nation or country, even the United Kingdom? If so, is the Commerce Secretary prepared to introduce a Coastal Shipping Bill for India on the lines of Australia?

(c) Does the Honourable Member propose to legislate against rate cutting competitions by foreign and the United Kingdom shippers carrying on coastal shipping in Indian waters before a comprehensive Coastal Shipping Bill is introduced by Government for the protection of Indian Coastal shipping?

† Answer to this question laid on the table, the questioner being absent.

‡ For answer to this question, see answer to question No. 422.

(d) Since separation of Burma as a separate Government, will trade between Burma and India carried on by seas be taken as coastal trade?

(e) Will the Honourable Member be pleased to state if he has in his contemplation any scheme for Indianisation of coastal shipping trade?

Mr. H. Dow: (a) There are no official statistics available, and Government do not see sufficient justification for instituting inquiries in the matter.

(b) It is presumed that by the word "shippers" in this question the Honourable Member means "ship-owners". As far as the Government of India are aware, the coasting trade of Australia is not exclusively reserved for Australian ships, and any British ship can engage in that trade either by obtaining a licence and complying with Australian conditions as to wages, hours of work, accommodation, etc., or by obtaining a permit under the provisions of the Commonwealth Navigation Act. Foreign ships, however, have both to obtain a permit and to comply with local conditions regarding wages, hours of work, etc. It will thus be seen that British ships are given preferential conditions in engaging in the Australian coastal trade.

(c) Government have not at present under consideration any proposal to legislate against rate-cutting. I should state, however, for the Honourable Member's information that rate-cutting is not a special prerogative of foreign or United Kingdom ship-owners, and that any legislation that Government might consider would not be discriminatory against the latter. The only rate war on the Indian coast which is at present being waged is, as far as Government are aware, that which is being waged on the West Coast between various Indian companies.

(d) No.

(e) I would refer the Honourable Member to the replies given to parts (b) and (e) of starred question No. 214 and part (b) of starred question No. 562 asked by Mr. Satyamurti on the 31st August, and 16th September, 1937, respectively.

FRANCHISE OF INDIANS IN CEYLON.

427. ***Mr. Thirumala Rao** (on behalf of Mr. C. N. Muthuranga Mudaliar): Will the Secretary for Education, Health and Lands be pleased to state:

(a) the present position of Indians in Ceylon in the matter of franchise; and

(b) how far the representation of the Government of India to exempt Indians from the operations of the Village Communities Ordinance has been successful?

Sir Girja Shankar Bajpai: (a) and (b). On the assumption that the Honourable Member has in mind the Village Communities franchise, I

would invite his attention to the reply given by me to part (a) of Mr. Badri Dutt Pande's question No. 185 on the 9th February, 1938.

APPOINTMENT OF MR. SALT AS ENTOMOLOGIST TO THE GOVERNMENT OF INDIA.

428. ***Mr. Thirumala Rao** (on behalf of Mr. C. N. Muthuranga Mudaliar): (a) Will the Secretary for Education, Health and Lands be pleased to state if it is a fact that Mr. Salt has been appointed as Entomologist to the Government of India?

(b) What are the qualifications of this gentleman and what post does he hold at present and on what salary per month? What is the salary offered to him by the Government of India, and what is the tenure of his appointment?

(c) Was the post advertised in the Press? If not, how was the selection made?

Sir Girja Shankar Bajpai: (a) No.

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

Mr. Manu Subedar: Was his appointment turned down by the Agricultural Research Council at one time?

Sir Girja Shankar Bajpai: I do not know whether his appointment was turned down by any particular organisation, but all that I know is he has not held any appointment under the Government of India.

Mr. Manu Subedar: Was there any proposal to appoint him at any time?

Sir Girja Shankar Bajpai: There has been no proposal to appoint him to the post of Imperial Entomologist, because that post has been held for the last two years by an Indian officer, Dr. Prithvi.

"INDIAN MUSEUM" IN ENGLAND.

429. ***Mr. Thirumala Rao** (on behalf of Mr. C. N. Muthuranga Mudaliar): (a) Will the Secretary for Education, Health and Lands be pleased to state if it is a fact that there is at present in England an "Indian Museum" where are exhibited valuable and unique works of art which left the shores of India from time to time?

(b) Is it a fact that there is a proposal to break up this collection for reasons of economy?

(c) Has the attention of Government been drawn to the views of eminent oriental savants like Professor H. G. Rawlinson published in the Press from time to time protesting against the breaking up of the Indian Museum in London?

(d) Do Government propose to consider the advisability of taking steps to transfer to India this valuable collection and to start a great national museum and art gallery in India, the collections from England forming its nucleus?

Sir Girja Shankar Bajpai: (a) to (d). The Honourable Member has presumably based his question on a leading article published in the *Hindu* newspaper, dated the 24th November, 1937. The Government of India have no information but have made enquiries and will communicate the result to the House as soon as possible.

ELECTRICITY AND WATER CHARGES IN NEW DELHI.

430. ***Mr. Thirumala Rao** (on behalf of Mr. C. N. Muthuranga Mudaliar): (a) Will the Secretary for Education, Health and Lands lay on the table a list of the establishment, superior and inferior employed by the New Delhi Municipal Committee?

(b) Will the Honourable Member state what are the charges for the consumption of electricity in New Delhi and whether these charges represent an increase on the charges levied some years back?

(c) Is it a fact that the water rate which is at present six annas per thousand gallons is proposed shortly to be raised to eight annas?

(d) What were the interests consulted or considered before the increase was decided upon?

(e) Is it a fact that during the summer months the consumption of water is greater than during the winter months and that the proposed increase will hit badly the establishment of the offices which are kept down in New Delhi?

(f) Will Government lay on the table a statement of receipts on account of (i) water rate and (ii) electricity for the years 1935, 1936 and 1937?

(g) Will Government state if it is proposed to increase the present minimum for the water rate per month?

Sir Girja Shankar Bajpai: (a) to (g). Information has been called for and will be furnished to the House in due course.

ELECTRICAL ESTABLISHMENT OF THE CENTRAL PUBLIC WORKS DEPARTMENT.

†431. ***Raizada Hans Raj:** Will the Labour Secretary please lay on the table a statement showing the names, dates of appointment, pay on appointment, and the present pay of each member of the Electrical Establishment of the Central Public Works Department for the maintenance of electrical installation in the Government buildings?

Mr. A. G. Clow: A statement giving the required particulars regarding the regular electrical establishment employed in the Central Public Works Department is laid on the table. Particulars regarding the work-charged establishment are not readily available.

† Answer to this question laid on the table, the questioner being absent.

Statement showing the particulars of the regular Electrical Establishment employed in the Central Public Works Department.

Name.	Date of appointment in the Central P. W. D.	Pay on appointment.	Present pay.	Remarks.
		Rs.	Rs.	
1. Mr. T. P. Gateley	1-2-1924	50	1,125	
2. Mr. A. V. Robey	5-6-1922	00	560	
3. Mr. H. P. Chatterji	22-10-1935	50	450	
4. Mr. Kesar Chand	1-7-1922	50	300	
			+30	Sub Divisional Allowance.
5. Mr. Sunder Singh . .	1-2-1923	70	300	
6. Mr. Narain Dev . .	1-4-1922	22	300	
7. Mr. E. Wyllie . . .	1-2-1923	90	301—	
			15	Personal Pay.
8. Mr. Mohd. Hayat . .	1-2-1923	29	260+30	Sub-Divisional Allowance.
9. Mr. Raghbar Dayal . .	Sept. 1918	29	240+30	Sub-Divisional Allowance.
10. Mr. F. D. Williams .	July 1924	10	200	
11. Mr. Habibul Rahman .	1-2-1923	15	150+10	Personal Pay.
12. Mr. Pooran Chand . .	1-2-1923	01	150	
13. Mr. Bua Datta Mal . .	1-2-1923	87	150	
14. Mr. Sant Ram . .	1-3-1932	70	95	
15. Mr. Mohd. Usman Chowdhry	8-3-1934	70	85	
16. Mr. O. P. Kohli . .	17-3-1934	70	85	
17. Mr. S. Ray Chowdhri .	13-10-1934	70	85	
18. Mr. Davinder Singh .	29-11-1934	70	120	Fixed.
19. Mr. R. P. Sareen . .	5-6-1936	70	75	
20. Mr. Dilbar Hussain. .	25-11-1936	70	75	
21. Mr. A. J. Raju . .	3-12-1936	70	75	
22. Mr. H. L. Datt . .	20-1-1937	70	75	
23. Mr. Ram Lal Vohra. .	16-8-1937	70	70	
24. Mr. Ram Behari Lal .	3-9-1937	70	70	
25. Mr. Jaginder Singh Naura	4-10-1937	70	70	
26. Mr. Kartar Singh Popli. .	1-12-1937	70	70	

Reservation of the Kenya Highlands for Europeans.

132. ***Mr. M. Asaf Ali** (on behalf of Mr. T. S. Avinashilingam Chettiar): Will the Secretary for Education, Health and Lands state:

(a) whether they have received a representation from the Imperial Citizenship Association about fears of issue of an Order in Council regarding reservation of the Highlands in Kenya for Europeans;

(b) whether Government have had any information from His Majesty's Government in this matter; and

(c) if not, whether Government have made sure that no action will be taken except with the previous consultation of the Government of India?

Sir Girja Shankar Bajpai: (a) Yes.

(b) and (c). The proposed Order-in-Council relating to the Kenya Highlands is the subject of correspondence with His Majesty's Government.

DAFTARIES IN THE GOVERNMENT OF INDIA DEPARTMENTS PROVIDED WITH QUARTERS IN NEW DELHI.

433. ***Mr. D. K. Lahiri Chaudhury:** Will the Labour Secretary please state how many daftries in each department of the Government of India have been provided, and the number not yet provided with daftries quarters in New Delhi?

Mr. A. G. Clow: A statement giving the required information is laid on the table.

Statement showing the demand and allotment of Daftries quarters in New Delhi for the Winter Season 1937-38.

Department or office.	Demand.	Allotment.
Home Department and Attached Offices	33	16
*Foreign and Political Department	23	8
Finance Department and Attached Offices.	50	29
Legislative Department	8	5
Legislative Assembly Department	10	5
Commerce Department and Attached Offices	16	9
Railway Department (Railway Board) and Attached Offices	28	15
Education, Health and Lands Department and Attached Offices	56	21
Imperial Council of Agricultural Research	9	3
*Industries and Labour Department and Attached Offices	104	61
Defence Department and Attached Offices.	67	38
Military Finance Department and Military Accountant General	14	7
Reforms Office	4	2
Office of the Executive Council of the Governor General	1	..
Land and Development Office	1	1
Total	424	220

* The External Affairs, Political, Labour and Communications Departments had not come into being when allotments were made.

NON-CONNECTION WITH ELECTRICITY OF DAFTARIES' QUARTERS IN NEW DELHI.

434. ***Mr. D. K. Lahiri Chaudhury:** Will the Labour Secretary please state why daftries' quarters are not connected with electricity? Are Government aware that daftries are prepared to pay for electric consumption?

Mr. A. G. Clow: The answer to the first part of the question is that the expense involved would be substantial. As regards the second part, a statement was made by the Record Sorters and Daftries Association to the effect that their members were willing to pay the usual charges for the consumption of electric energy, but I am not sure that this phrase was intended to include charges for the installation, or that all daftries are prepared to defray these charges.

Mr. D. K. Lahiri Chaudhury: If they are prepared to pay for the installation what is the difficulty in installing electricity there?

Mr. A. G. Clow: There are two kinds of charges: the charges for the current and the charge for the installation.

Mr. D. K. Lahiri Chaudhury: With reference to the charge for the installation, is there any charge for the installation in any other class of Government quarters?

Mr. A. G. Clow: It is paid normally in the rent, but the officers to whom the Honourable Member referred get quarters rent free.

SETTING UP OF A MEDICAL BOARD FOR INFERIOR STAFF.

435. ***Mr. D. K. Lahiri Chaudhury:** Will the Secretary for Education, Health and Lands please state the object for which a Medical Board has been set up for the inferior staff? Is he aware that the medical examination is now extra strict?

Sir Girja Shankar Bajpai: No Medical Board has been set up. Owing to the high incidence of mortality from tuberculosis among the members of the inferior staff of the Secretariat and Attached and Subordinate Offices, the Additional Civil Surgeon of Delhi conducts a medical examination with a view to devising means for their protection.

Mr. Abdul Qaiyum: Instead of appointing an extra well paid officer, is it not the better way to deal with this matter by increasing the pay of these subordinate officials?

Sir Girja Shankar Bajpai: My Honourable friend is not correct in assuming that an extra officer has been appointed merely to look after the inferior staff of the Government of India.

Mr. Abdul Qaiyum: Will the Government consider the desirability of increasing their pay with a view to save them from T. B.?

Sir Girja Shankar Bajpai: I do not think that arises out of purely medical needs.

Mr. B. Das: Will that medical examination go into the nutrition value of the food that this class of Indian servants take?

Sir Girja Shankar Bajpai: I do not think that it is specifically the function of this officer to inquire into the nutritional value of the foods which these duftries take.

Mr. D. K. Lahiri Chaudhury: May I ask whether he has made any inquiry as to what is the reason for these duftries suffering from T. B ?

Sir Girja Shankar Bajpai: We are awaiting a report from the officer who is conducting the examination.

Mr. Abdul Qaiyum: In view of the possibility of higher officials contracting T.B. from these people will Government consider the increase of pay of these subordinate officials?

Sir Girja Shankar Bajpai: I do not think it is necessary to increase their pay in order to save the higher officials from T.B.

FOOD RESEARCH INSTITUTE AT COONOOR AND NOURISHMENT OF INDIANS.

436. ***Mr. Akhil Chandra Datta:** Will the Secretary for Education, Health and Lands be pleased to state:

(a) whether Government have under them a Food Research Institute at Coonoor;

(b) whether Government have collected information regarding the percentage of the people in British India who are getting the following kinds of food, *viz.*, (i) rice and bread, (ii) milk, (iii) eggs, (iv) meat, (v) vegetables, and (vi) fruits, and if so, the amounts *per capita* thereof;

(c) what percentage of the Indian population of British India according to statistics and other facts within the knowledge of Government, are seriously under-nourished; whether it is a fact that over sixty per cent. of the population are under-nourished and

(d) what percentage of the Indian population in British India get food sufficient in quality and quantity for the building up of the body and preservation of health; whether it is a fact that semi-starvation is the lot of one half of the Indian population?

Sir Girja Shankar Bajpai: (a) The Honourable Member presumably means a Nutrition Research Institute. If so, the answer is in the affirmative.

(b) to (d). Information is being collected and will be furnished to the House in due course.

THE RAILWAY BUDGET—LIST OF DEMANDS—*contd.*

DEMAND NO. 1—RAILWAY BOARD—*contd.*

Composition of Staff attached to the Office of the Conciliation Officer—Col. Wagstaff—in Calcutta.

Mr. President (The Honourable Sir Abdur Rahim): Consideration of the Demands for Grants will now be resumed.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): Sir, I have very few words to add to what I said yesterday, except to bring to the notice of the Honourable Member for Communications what obtains today in railway disputes and enquiries. At all inquiries the accused is not allowed any representation, except by an active serving member of the railway and the accusing officer often sits on the Committee. This Conciliation Officer is appointed for the essential purpose of bringing grievances to an amicable settlement. What does the Railway Board do today in all enquiries undertaken by railway administrations? It allows the accused to be represented by a serving member of the railway. In larger issues it listens to a body called the Federation of Railway Unions—this

Federation is really more or less a caucus of members who are not employees of the railways at all; and yet the Railway Board insists that all railway unions must be manned by service railway men. This Federation is more or less a bogus union and does not represent railway views and opinions. It has eight or nine unions on its strength; many of them are unrecognised by Railway Agents. It has no money and most of its members are paper members. In short, they are sensation mongers and not *vox-populi*. I bring this to the notice of the Honourable Member with a view to point out that the measure he has taken in the shape of appointing a Conciliation Officer does not meet the needs of employees. Let me repeat for the information of the Honourable Member the stress for two or three subordinates or other people who are familiar with the men's point of view being attached to this Conciliation Officer's staff.

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

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

Mr. N. M. Joshi (Nominated Non-Official): Mr. President, I would like to say a word on the motion of my Honourable friend, Sir Henry Gidney, as placed before the House. I agree with him that the Conciliation Officer should not have been taken from the railway service. If a Conciliation Officer is going to do his work successfully, he must take an unprejudiced and independent view of the complaint which may be made to him by the railway employees. A railway employee who becomes a Conciliation Officer is at a disadvantage from that point of view . . . .

Dr. Sir Ziauddin Ahmad (United Provinces, Southern Divisions: Muhammadan Rural): He will not be under the Railway?

Mr. N. M. Joshi: No. He is not under the Railway Board. The point is that he should not be taken from the railway service. It is difficult for an officer who has worked on the Indian railways to take unprejudiced views on matters on which he had already made up his mind. Take for instance this gentleman, Col. Wagstaff. I do not say anything against him. But at the same time we know that this gentleman was responsible for framing what are called the Hours of Work Regulations on Indian railways. These Hours of Work Regulations are found to contain several defects which cause inconvenience to the railway employees. If any complaint is made to Col. Wagstaff regarding the Hours of Work Regulations, it is not right to expect him to change the views which he had already expressed and on which he had made up his mind. I, therefore, support the view that the Conciliation Officer should not be taken from the railway service.

There is another reason; and that is that the Conciliation Officer should be independent of the influence of the Agents. I fully recognise that by placing Col. Wagstaff under the Labour Department, that object has to some extent been achieved; but I feel that it is difficult for an officer of the Railway Department to be free entirely from the influence of the Railway Agents and the Railway Board. This independence of the Conciliation Officer is of great importance. Yesterday my Honourable friend, the Secretary for Labour, stated that there was nothing wrong if the Conciliation Officer refuses to deal with an unrecognised union. I cannot see why a Conciliation Officer should be made a sort of subordinate

[Mr. N. M. Joshi.]

to the Railway Agent in the matter of the recognition of the union. An Agent refuses to give recognition to a union. But why that non-recognition should be binding on Col. Wagstaff I cannot understand. Supposing the railwaymen on the Bengal Nagpur Railway have to make a complaint to the Conciliation Officer on the very fact that the Agent does not recognise the union: the Conciliation Officer will say, "Your union is not recognised and I cannot take your complaint".

Sir, the position is ridiculous. Moreover, the Honourable the Secretary for Labour said yesterday that although the Conciliation Officer may not take complaints from the unrecognised unions, he may take complaints from the members of the unrecognised unions as an independent group. Now, that leads to a very ridiculous position. Suppose I am the president of a union on the railways, and the union is unrecognised. If I make any representation to Col. Wagstaff, he will refuse to hear me, but suppose the members of that union as an independent group choose me to represent their grievance to Col. Wagstaff, what will he do? He will tell me that as the representative of the union he will not speak to me, but as the representative of the independent group of workers he will talk to me. Sir, this position is very ridiculous. My suggestion, therefore, is that the Government of India should give as independent a position as they could to the Conciliation Officer, and not make him dependent upon the views of the Agents of the Railways as regards the recognition of the union. I think that that independence of the Conciliation Officer can only be secured, at least it can be secured to a greater extent,—if that officer is not drawn from the railway service. I hope, Sir, therefore, the motion moved by my friend, Sir Henry Gidney, will be accepted.

Mr. A. G. Clow (Labour Secretary): Sir, I should like to begin by saying that I am glad that, while speaking yesterday, my friend, Sir Henry Gidney, with his very large experience of railway matters and his constant solicitude for those employed on the railways, recognised the value of the experiments that we have made. I am sorry that I cannot agree with him on the further points that he raised. His first plea was for the appointment of two or three assistants of railway experience as office subordinates. That seemed to me rather like creating the men and finding the work for them afterwards, whereas what we try to do in Government service is to appoint no more men than the work requires. I have not yet heard from Col. Wagstaff that he is finding it difficult to carry on without assistance, and I would emphasise also that work of this type, which is in essense pioneer work in India, is not work that can be effectively carried on by office subordinates. It is work that requires a special personality, for it is work that requires very close relations with both parties.

And that brings me to another point which I would like to emphasise. Both Sir Henry Gidney and Mr. Joshi have, I think, conveyed the impression that Col. Wagstaff is to convey the grievances of the men to the Agents.

Mr. N. M. Joshi: No, no.

Mr. A. G. Clow: I think Sir Henry Gidney talked about bringing grievances to an amicable settlement. Well, Sir, that is not exactly his position. He has got to have relations not merely with the men, but with the Agents, and if I may use perhaps not quite the appropriate word that Sir

Henry Gidney used, Agents too have their "grievances". If you want a man to be a successful Conciliation Officer, he has got to understand the mentality of the Agents in every profession,—I am casting no reflection on anybody for every profession has its own mentality—he has got to appreciate the mentality of the Agents as well as the mentality of the men.

The cut motion on the paper is headed "Composition of Staff attached to the Office of the Conciliation Officer—Colonel Wagstaff—in Calcutta", but both the last speakers went on, as far as I could see, to cast doubts on the qualifications of the Conciliation Officer himself.

Lieut.-Colonel Sir Henry Gidney: Sir, I repudiate that. I never said that. I would be the last person to say a word against Col. Wagstaff. I consider him an eminently suitable and able railway officer, but being a serving railway officer and under the Railway Board orders, he is pre-eminently an unsuitable Conciliation Officer because of his subordination to the Railway Board and Government.

Mr. A. G. Clow: Precisely; it is casting doubts on the qualifications of Col. Wagstaff for this post on the ground that he was a railway officer. I recognise that the work could be done by another officer, but I personally know of no one so well fitted as Col. Wagstaff to do this work, and I suggest to the House that in making the first appointment at least it is essential that we should have an officer who is thoroughly familiar with the working of the railways and who can approach in the light of his previous experience both the Agents and the men with a full knowledge of the conditions. When I look round on some of the trade unions in the country I see that they are manned by men of great enthusiasm, but they are handicapped when they are face to face with the manager of a mill, simply because he knows what he is talking about and they have not always full knowledge of the actual conditions. I feel myself that if I were to attempt the work that Col. Wagstaff is doing, I would be handicapped by the fact that I do not really have that intimate acquaintance with railway conditions which comes from almost, I might say, a lifetime of study.

There is also one other point as regards what Mr. Joshi stated about unrecognised trade unions. He seemed to think that Col. Wagstaff's value would be enhanced if he dealt with unrecognised trade unions and then put forward their point of view before the Agents. I would like to suggest that the duty of the Conciliation Officer is not to constitute himself as the channel between the men or their proper unions and the Agents. He is not there to cut out in any way direct contact between the leaders of the employees and the employers. It is rather to foster their relations. If you have a union which is unrecognised, it is not possible for a Conciliation Officer to bring them into contact until recognition is accorded. I see no reason whatever why, if there is an unrecognised trade union which feels that it has a claim for recognition, it should not consult Col. Wagstaff or rather men composing it. But I cannot see a Conciliation Officer entering usefully into the discussion of complaints or incipient disputes with unrecognised unions.

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

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

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim): It has been represented to me by Mr. Asaf Ali on behalf of the Congress Party that certain arrangement has been arrived at since yesterday as regards the order in which the Members belonging to different Groups in the House will discuss the cut motions in which they are interested. I find it is signed by Mr. A. C. Datta, Sir Muhammad Yamin Khan, Mr. Ghiasuddin, Mr. Asaf Ali and Mr. Buss. No one has signed it on behalf of the Government, and I do not find that the subjects or motions which will be discussed by different groups have been mentioned. Nor is there any mention as regards the time limit, if any, is sought to be imposed. The arrangement which I understand has been arrived at is that after Sir Henry Gidney's motions have been disposed of, that is, the four other motions that stand in his name, the rest of his morning will be devoted to discussing certain motions that have not yet been specified by the Nationalist Group, and the afternoon will be taken up by the Independent Group. Their motions also have not been specified. Tomorrow the Independent Group will resume discussion of other motions specified, and in the afternoon the Democratic Party comes in. On Thursday the Congress Party will move their motions, but, as I have said, none of the subjects are specified. If this arrangement is agreed to, and as far as an arrangement has been arrived at, then with regard to the subjects to be discussed, and the time limit . . . . . .

Mr. M. Asaf Ali (Delhi: General): Sir, there is general agreement about the time limit which you suggested yesterday.

Mr. President (The Honourable Sir Abdur Rahim): 20 minutes to the Mover, 15 minutes to other speakers, and half an hour to the Government. If that is also agreed to, I shall be very glad to regulate the debates accordingly. Is that all agreed to?

Several Honourable Members: Yes.

The Honourable Sir Thomas Stewart (Member for Railways and Communications): Is it your desire that the subjects to be discussed should be announced now?

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): So far as the Nationalist Party is concerned, we propose to move No. 99.

Mr. M. Asaf Ali: We have, so far as the Congress Party is concerned, already communicated to the Railway Member . . . .

The Honourable Sir Thomas Stewart: I am not aware of any communication.

Mr. M. Asaf Ali: There is a probability of four questions being taken up

Mr. President (The Honourable Sir Abdur Rahim): You must specify the motion.

Mr. M. Asaf Ali: One is Indianisation. It comes under various heads. Practically it will come to the same thing. Our day is on the 24th. You have ample time. We will let the Railway Member know sometime tomorrow morning.

The Honourable Sir Thomas Stewart: That will do.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): I understand that the Independent Party will take their cuts this afternoon and will continue till tomorrow afternoon. In that case, may I request you to allow Maulana Shaukat Ali to move No. 8 immediately this afternoon.

Mr. President (The Honourable Sir Abdur Rahim): That was not moved when called on.

Sir Cowasji Jehangir: I understand that Mr. Shaukat Ali did not move it yesterday because no arrangement had been arrived at by the Parties and he was persuaded not to move it till some arrangement was arrived at this morning. In the circumstances, I crave your indulgence to allow him to move it.

Mr. President (The Honourable Sir Abdur Rahim): That cannot be done, as the Honourable Member refused to move it. You have to take up some motions after 81.

Sir Cowasji Jehangir: A similar motion is in the name of Maulvi Muhammed Abdul Ghani, which is No. 3 on Late List No. 1. As regards the second and third cut motions, we will inform the Honourable Member before Lunch.

The Honourable Sir Thomas Stewart: That is extremely inconvenient. I may be called upon to deal with the motion this afternoon and I do suggest to the Honourable Member that the greatest possible notice should be given to Government in the matter. We have been very accommodating and our programme has been upset twice and I think that the Honourable Member might at least give that much consideration to these Benches.

Sir Cowasji Jehangir: How will 61 do for the second motion?

Mr. President (The Honourable Sir Abdur Rahim): That also was not moved when it was reached.

Sir Cowasji Jehangir: We will let the Honourable Member know in half an hour.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): I understand that our 56 goes away. In that case we have got only two more cuts, that is Nos. 131 and 177. We might take 177 first and 131 next if there is time left.

Mr. President (The Honourable Sir Abdur Rahim): Very well. Sir Henry Gidney will go on with his amendments now. What motion does he want to move?

Imposition of Undue Demands made by the Railway Board for House Rent of Railway Employees of G. I. P. Railway.

Lieut.-Colonel Sir Henry Gidney: Sir, I am deeply grateful to the House and appreciate the consideration shown to me regarding my remaining cut motions. I shall be as brief as possible in return. Out of the

[Lieut.-Colonel Sir Henry Gidney.]

17 motions in my name, I have selected 4 and with your kind permission I shall move No. 83. I do not propose to move 82. Sir, I move:

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

At the outset I would like to emphasize that when the State took over the G. I. P. and E. I. R. lines, one of the pledges given by the Government was that none of the employees enjoying certain privileges would be deprived of them and suffer any hardships thereby. The question is, have these privileges—vested interests been honoured and protected? I do not doubt that when contracts were entered into with the Secretary of State, the Railway Board honourably and seriously intended to fulfil their part of the terms of this transfer, but in practice things have worked the other way. The present state of affairs is due to the different interpretations which the Agents have put upon the Railway Board's orders. Those who are familiar with the working of the railway administrations know that Agents often devolve their powers on the heads who, in turn, devolve them on the divisionals who in their turn devolve them on to their assistants or the upper subordinates and the sufferer is the workman. This results in great hardships especially in connection with house rent of subordinates, not only the subordinates of the operating staff but other subordinates such as the medical staff. There are other instances in which the orders of the Railway Board have been either changed or flouted by the railway administrations. I refer to old scales of pay not being given to retrenched men who were got rid of after 1930-31 and who were promised the old rates of pay when re-engaged, also to the deprivation of education subsidies to the old servants of the G. I. P. Railway.

Let me take the rent question. In this matter it was one of the privileges that the old servants had; indeed it is a privilege which by usage has almost become a vested interest if not an accruing right. Apart from that, what we feel today is this, and I am concerned mainly with the G. I. P. Railway Administration. Sir, there was a time not long ago when railway quarters were free to almost all employees. Railway servants who had to pay rent were given the first quarter that was available, irrespective of the type of house and of the grade of the servant. Railway Agents were wise to realize that it would be better to have a quarter occupied than to have it lie fallow. These men were given these quarters, they did not ask for them and they were told that they would only have to pay rent at the usual rate of ten per cent. of their pay. Other orders have recently been issued—I understand they emanate from the Railway Board, I hope not, because whatever be the charges I have made against the Railway Board, I feel sure they are not guilty of such inhuman orders. But what is the actual position today? These subordinates till lately occupied quarters at ten per cent., they have suddenly been told that they must now pay the full rent of the quarters; in other words, they are called upon to pay thirty to thirty-five per cent. of their pay, and this hardship is accentuated by the fact that these orders are to have retrospective effect from April 1935! I wonder if the Honourable the Railway Member realizes the effect of this order,—no doubt such small matters very seldom come to his notice—but I would like him to realize what this means to these subordinates. It means that these people are now called upon to pay thirty to thirty-five per cent. of their salaries as house rent

and for no fault of their own, because they occupied the quarters in question and so saved the railway the loss they would have incurred had these quarters remained fallow and unoccupied. The Railway Board, when these things are reported to them, should, I submit, make inquiries. I do not know if any inquiries have been undertaken. This matter has been brought prominently to the notice of the G. I. P. Administration and I have heard from the Agent that it is being inquired into. Sir, these inquiries are generally very very infructuous, and I do ask the Railway Member to be so kind as to bring this to the serious notice of the G. I. P. Railway Administration and ask the Agent to inquire into the matter immediately.

Then the question of house rent also affects other railway servants. For instance the Medical Department. Railways indent on the Army and secure military assistant surgeons as medical officers. Those officers are generally senior men, they come on their own military pay not on railway rates of pay, old or new scales. But, they are considered for rent purposes as being on the new scales of pay. They have no new scales of pay at all. Formerly they were given rent free quarters, now they are denied that and I consider it is a matter that should be thoroughly enquired into and remedied. This again refers particularly to the G. I. P. Railway.

Mr. President (The Honourable Sir Abdur Rahim): I would remind the Honourable Member that he has already agreed to the arrangement under which the rest of this morning, after he has finished, will be taken up by the Nationalist Group to discuss their motions. I take it the Honourable Member will see that there is time left, for the purposes of the discussion of the Nationalist Group motions as agreed to by arrangement.

Lieut.-Colonel Sir Henry Gidney: I did not quite catch the purport of your remark, Sir. Do you ask me to be brief in my remarks?

Mr. President (The Honourable Sir Abdur Rahim): Certainly you have to allow time to the Nationalist Group in accordance with the arrangement which, as I undetstood, the Honourable Member himself accepted.

Lieut.-Colonel Sir Henry Gidney: I will,—very well, Sir.

Mr. President (The Honourable Sir Abdur Rahim): I only wanted to remind the Honourable Member.

Lieut.-Colonel Sir Henry Gidney: All right, Sir. With these remarks, I move my motion.

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

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

The Honourable Sir Thomas Stewart: Sir, Sir Henry Gidney appears to have based this cut motion on certain occurrences on the G. I. P. Railway. He suggests that we are aware of the facts in the Railway Department and further that in this connection we have issued a certain order. Now my information is that we are not in possession of information as to the details of the case and we have been quite unable to trace the order to which reference is made. But if Sir Henry Gidney will let us have the detailed facts of the case, I can promise him that there will be an investigation.

Lieut.-Colonel Sir Henry Gidney: Sir, in view of the Honourable Member's remarks, I would ask for leave of the House to withdraw this motion.

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

Salaries of Railway Improvers and Apprentices in Service before introduction of Pre-co-ordinated Rates of Pay and New Scales of Pay with special reference to E. I. Railway.

Lieut.-Colonel Sir Henry Gidney: Sir, I beg to move:

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

Sir, my remarks will, at your request, be very brief. On this subject I would like to refer to certain principles governing the pay and prospects of old employees of the E. I. R. I am not making a complaint against the railway, for I must admit that in Mr. Bell, the Agent, of the East Indian Railway the employees have an officer who, by his just dealings with the staff, has gained their entire respect, confidence and affection. I can personally vouch for this, although we have not been able to agree in a few matters. The matter to which I now refer is one in which he is unable to move in the face of existing rules. Prior to the introduction of the co-ordinated scales of 1928 on the East Indian Railway, there was a system by which apprentices were engaged in the various Loco. sheds for training as shed apprentices. After finishing their three years' apprenticeship and on attaining the age of twenty years they were classed as improvers and were paid Rs. 60, 70 and 80 per mensem as salary in their first, second and third years of service as improvers. After they had been in receipt of their maximum pay of Rs. 80 as improvers for one year, if they were considered efficient and deserving, they were permanently appointed and recognized as mechanics on the grade of Rs. 90—20—250. It appears that this system was suddenly discontinued in 1929. But the surprising part of it is that the apprentices who were under training in 1928 have been denied the privileges of the conditions under which they were originally recruited. All of them were treated as temporary men till 1937, *i.e.*, for oven ten years, when the present Agent confirmed them and for which act, I thank him, although, according to the rules governing their recruitment, they should have been confirmed as mechanics on the grade of Rs. 90—20—250 one year after reaching the salary of Rs. 80 as improvers, provided they were efficient, and none of them has been so confirmed. I submit, Sir, that this amounts to a serious breach of contract, in that the railway failed to abide by the rules under which these apprentices were recruited. Even in the case of those who had finished their first three years' apprenticeship prior to 1928, the railway has denied the grant of the per-co-ordinated scale of pay. This is against the very principles which the Government of India have laid down in the case of the new scales of pay. Surely, the Government of India cannot countenance the adoption of different principles for new scales of pay and pre-co-ordinated scales in respect of paid apprentices. This deprivation of salary and brand of inferiority is confined not only to these apprentices but in other classes of service, *e.g.*, the Lower Gazetted Service. The Lower Gazetted Service was created for certain specific purposes—mainly to replace the former Local Traffic Service, the Provincial Engineering Service which were abolished about 1930. But it seems that the main reasons for the creation of this service was to create a sort of leave reserve for officials and to secure high class labour at cheaper rates. These

people have also suffered. What has happened to the promises made by the Railway Board? The pay which is given to these officers is insufficient, especially when they officiate in official appointments. Lower Gazetted Service officers can rightly be called the convenience—*par excellence* —of officials—their leave reserve. One of the terms of this service is that 10 to 20 per cent. of the members would be promoted to the junior and senior scales of service. But has the Railway Board fulfilled this term? Certainly not. Except for a handful of promotions they have done nothing for the promotion of the Lower Gazetted Service to the superior service. These officers are performing the work of the superior services but are not drawing the salary of that service except some small allowances when officiating. These efficient officers who have proved their efficiency by their ability are being used mainly for the convenience of the superior services without paying the salary attached to the superior posts. This is the way in which the Railway Board is protecting the interests of the Lower Gazetted Service. I would like the Honourable Member to look into this matter. Why have they treated the members of the Lower Gazetted Service in this fashion? Again, why is it that the railways find it necessary even today to recruit more officers from England and pay them the Lee Concessions, etc., as has been done within the past month? I submit that it is not fair and I would ask the Honourable Member to remove their grievances and to look into these matters.

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

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

The Honourable Sir Thomas Stewart: Sir, I trust the Honourable the Mover will realise the difficulties with which we are presented in dealing with detailed matters on a somewhat indefinite motion. In his motion No. 88 he has given no indication of what were the precise grievances which he proposed to bring to our notice. We have been unable to find in our records—certainly at the notice we have had—any information which would enable me to reply to the Honourable Member's allegations. But I can give him in this case, as I have done in others, the assurance that any representations in these respects will receive our consideration.

Lieut.-Colonel Sir Henry Gidney: I am sorry the Honourable Member has found himself so handicapped. I should have thought . . . . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has no right to reply.

Lieut.-Colonel Sir Henry Gidney: I do not want to reply but with your permission and with the permission of the House and in view of what the Honourable Member has said, I wish to withdraw my motion.

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

Difficulty in obtaining Leave legitimately due to Staff owing to Reduction in Staff.

Lieut.-Colonel Sir Henry Gidney: Sir, the next motion standing in my name is what I consider to be one of the most important of the many motions of which I have given notice. Sir, I move:

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

[Lieut.-Colonel Sir Henry Gidney.]

In presenting this to the House I would invite the very serious consideration of all Parties, for it is one of the most serious grievances of railway employees. It is a position pregnant with danger; it is a position which endangers the safety of the public; and it is a position which has worked so harshly on the staff that their health is being seriously undermined. It is an indisputable fact that this position does exist today and that it is a most serious condition. The mere fact that we see so many advertisements appearing in the press, the total reduction of railway employees as seen from the blue books and the reduction of the cost of railway employees as seen in the economies effected, are proofs positive that there is a shortage of the staff. This shortage, I submit, has existed for years and it certainly is the result of this epidemic of retrenchment and economy which we see are being practised today. Now, how does this reduction affect the staff and their efficiency? It means that the staff are required to put in extra work for longer hours and they are not only deprived of rest but of the application of the Geneva rules regarding hours of labour. The result of all this is that their health is being undermined and what is more important is that this overworked staff is a danger to public safety. Because of the deterioration of their health, these people are compelled to apply for leave. It is the practice in all railway stations that these over-worked men are compelled to go to the railway doctor and ask for leave which means they want rest. The railway doctor is the man who usually saves them from this terrible situation—this tragedy. As a result of this, which I would call the connivance—I use the word deliberately—developes the interference between the Divisional Superintendent and the Medical Officer of the station. Men go sick and the doctor gives them certificates but many of them at the Divisional Superintendent's interference are more or less made or persuaded to go out on work. This is a direct outcome of the reduced staff of railways. The other day a statement was made by my Honourable friend on the other side who told the Honourable Member for Communications that members of the subordinate railway staff could not get leave either on account of serious illness or for urgent domestic reasons. Sir, this is a serious position and it must affect the efficient management of the railways. Men cannot get leave for health or for domestic reasons owing to the fact, as I have just stated, that there is no leave reserve. If there is a leave reserve, it is a very inadequate one. In other words, the men have to work on, well or ill. Sir, to my mind, the greatest defect of the railway administration of today is the utter absence of the human touch between officials and staff. And what do we find in its place? The "push touch", the "drive touch" and the men are the sufferers. The extra work demanded at all costs of a reduced staff must impair their health and efficiency. Now, Sir, contrast this position with that of the officers. There is no appreciable reduction in the number of officers employed. We know the familiar statement that jobs are kept in abeyance only waiting to be filled up when money is available. The divisional system has certainly increased the number of officers and the Lower Gazetted Service is always at hand to supply a leave reserve for officials. There is, therefore, no difficulty in officers getting leave. In fact, they get it for the mere asking, indeed their furlough passages are arranged without any difficulty months before they sail. I draw the attention of the Honourable Member to this contrast between the official and the subordinate not with any hostile purpose or with the

desire to create any bad feeling, but as a fact, an undeniable fact. Why should there be this difference between the official and the subordinate? Both are citizens of India and both are the servants of the Crown. Why, then, make fish of one and the flesh of the other? Why should you ruin the health of your subordinate staff and deprive him of his legitimate privileges and which are in his and the employer's interests? Surely, no such leave privileges were promised to the officers when they signed their contracts with the Secretary of State for India. Sir, I find myself bankrupt in words with which adequately to express my feelings of indignation on this subject. It baffles description as it exposes the dangers ahead unless it be rectified and adequate leave and sick reserves are provided on all railways. I, therefore, ask the Honourable the Communications Member to look into this matter. I know he is desirous of helping the poor humble railway servants. I beg of him to consider this matter very seriously and apply his whole-hearted attention to it. It can only be done by a thorough enquiry which I ask him to undertake at once. If the Honourable Member promises to enquire into the matter, I shall ask for leave to withdraw the motion, if not, I shall move for a division. I do hope this House will agree with me that no efforts should be spared in removing this serious grievance of the staff. Sir, I move.

12 NOON.

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

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

Mr. N. M. Joshi: Sir, I do not like to take up much of the time of the House, but I would like to make one or two remarks on this subject. My Honourable friend, Sir Henry Gidney, has drawn the attention of the Government to the real grievances. The subordinate employees and also the lowest paid employees are given certain leave privileges. Unfortunately the privilege cannot be enjoyed by a large number of them, for want of leave reserve. I should like the Government of India to give serious attention to this problem. I would suggest to the Honourable Member that he should make an enquiry as to the extent to which the privilege of leave already given by the rules is enjoyed by the railway men. It is no good making these rules and saying that the railway men can enjoy certain leave, if there is no provision for leave reserve. They cannot actually enjoy the leave. The rules are, therefore, no good. I would, therefore, urge upon the attention of the Honourable Member in charge of the Department to make some enquiry as to the extent to which leave is actually being enjoyed. I am quite sure that if he makes the enquiry, he will come to the conclusion that some provision will have to be made for employing leave reserve so that the option of leave could be well enjoyed.

The Honourable Sir Thomas Stewart: Sir, I had intended to deal at some length with this subject, but in deference to the wishes of my Honourable friend, Mr. Akhil Chandra Datta, I will content myself by saying that enquiries are already on foot to ascertain the extent, if any, to which these leave privileges are nullified by insufficiency of leave reserves.

Lieut.-Colonel Sir Henry Gidney: Sir, I thank the Honourable Member for his sympathetic reply and I beg leave to withdraw my motion.

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

Policy of Rates and Freights affecting Commerce and Industry.

Mr. Akhil Chandra Datta: Sir, I beg to move:

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

Sir, I want to discuss the policy of rates and freights so far as they affect our industry and commerce. I have been fighting year after year for the principle that in India the railways are the property of the people, and, therefore, it is their duty not merely to earn dividends, it is their duty not merely to balance the budget, it is their duty not merely to present a surplus budget, but that they have a higher and nobler duty to perform and that duty is to encourage and to foster and to promote the industries of India. But my complaint is that the railway policy of rates and freights has always been and is still such as to hamper and handicap our industries. Sir, this question of rates and freights is a very difficult question and a very complicated question. Last year the Honourable the Railway Member observed that this question could not be very conveniently discussed on the floor of this House in all its details. I do not, however, propose to go into details specially in a country where the whole system is a system of special rates and special rates are dependent upon many factors. In the circumstances it is impossible to get any light from any particular items. There are some items which will support one view and there are some other items which will support another view. The question, therefore, is not of individual special rates, but of the general policy and of the general principles. In dealing with this question, I must confess that I am not an expert at all. It is a subject which requires special and technical knowledge of the working of these rates to which I have no pretension whatsoever. Therefore, I propose not to rely too much upon the result of my own examination but upon the result of the examination by those people and by those Chambers who are competent to judge. It is a very very old question. I find, Sir, that more than a quarter of a century ago, Sir F. S. N. Lely, K.C.I.E., one of the most distinguished Members of the Indian Civil Service in a book written by him entitled, "Suggestions for the better governing of India" said:

"A Traffic manager wields irresponsible powers over the country commanded by his railway. By a slight readjustment of rates he can, and sometimes he does, crush a rising home manufacture in favour of a foreign customer."

That was said more than a quarter of a century before. That was the opinion of a non-Indian high official.

In 1910 the trade of the City of Broach in the Bombay Presidency was being killed as a result of the freight policy of the railways and there was a representation made by the merchants and citizens of Broach and that was forwarded to the Government of India by the Governor of Bombay. Sir James Clarke, the then Governor of Bombay, in absolute disgust, made these remarks: "The railways are made for India and not India for railways.".

Then, Sir, coming to 1911, we find this subject was discussed in the Imperial Legislative Council by the Honourable Mr. Sinha. In 1912, Sir Vithaldas Thackersy in a historic speech made a strong protest against the rates and freights policy of the Government of India and the Railway

Board. The Honourable Mr. (now Sir) Ibrahim Rahimtoolah made a similar protest in the Imperial Legislative Council in 1915. The question was raised again before the Industrial Commission and they complained bitterly against this policy which was calculated to discourage Indian industries and foster foreign industries. The system was condemned by the Industrial Commission and they recommended that at all events "the internal traffic and the external movements should be rated at least equally". Then, Sir, the same complaint was again repeated before the Indian Fiscal Commission. I shall read just two short paragraphs from their Report at page 73:

"The Indian Industrial Commission received much evidence in regard to the alleged handicap imposed on Indian industries by the railway rates policy: and devoted a Chapter of its report to considering this question. Similar evidence was given before the Railway Committee which sat last year, (*that is, the Acworth Committee*) and we have received complaints from persons interested in industries in many parts of the country to the effect that the system of railway rates operates to the disadvantage of Indian industry."

Then, after referring to the circular issued by the Railway Board in 1915, the Report goes on to say:

"But we feel bound to point out that this circular was issued in 1915, that the Industrial Commission reporting in 1918, drew attention to complaints indicating conditions quite inconsistent with the policy enunciated in the circular, that the Railway Committee in 1921 received similar complaints and that exactly the same complaints were made before us in 1922. We cannot believe that these complaints are entirely without foundation. In spite, therefore, of the sympathetic attitude of the Railway Board and in spite of the fact that this question has already been dealt with by two important Commissions within the last four years, we think it necessary to refer to the matter briefly in the hope of emphasizing the points which appear to be accepted generally in theory but do not appear to be translated into practice."

Then they quote the recommendation of the Industrial Commission and make recommendation on those lines.

Coming to recent times, the Public Accounts Committee, of which my Honourable friend, Mr. B. Das, was a member, raised this question again in 1935. An answer has been given by the Railway Board, and that answer shortly is this. If I understood it correctly, they plead guilty to the charge so far as the policy was in force some years before, but then they say that fiscal conditions have altered and as things have altered the railways have altered their policy and are adjusting themselves to the altered conditions. That is the whole case made by the Railway Board in answer to the charge brought against them by the Public Accounts Committee and that is also the case made by the Honourable the Railway Member last year on more than one occasion. My complaint is that it is not a fact that the policy has been changed in recent times. I shall not rely, as I said before, upon the result of any examination by myself. Recently there was the Wedgwood Committee, and these complaints were repeated before them. And they were not repeated by hostile critics or by professional agitators or interested individuals but by Chambers of Commerce who are competent to speak on this matter. For instance, this complaint was made by the Bombay Chamber of Commerce who in a written memorandum before the Wedgwood Committee said this:

"Railway freights *at present* appear designed to facilitate the transport of cotton for export rather than to further an increased consumption in the interior"

Allow me to remind the House, Sir, that this Bombay Chamber of Commerce is a European Chamber. But that Chamber does not stand

[Mr. Akhil Chandra Datta.]

isolated in this regard. There is the Upper India Chamber of Commerce which is another European Chamber, who said this in their memorandum:

"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 of 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 into line with the present day conditions."

This was the case made before the Wedgwood Committee by the different Chambers. Let us see what the verdict of that Committee is. We shall find it on page 83 of their report:

"Several Chambers of Commerce complained that rates had not been adjusted to changed fiscal conditions and that they facilitated import and export of traffic to the detriment of Indian industries. This general complaint was illustrated by reference to the rates on cotton from the cotton growing districts to the ports and to Cawnpore respectively. The case is substantially the same as that which was considered by the Acworth Committee in 1920-21 and described in the report of that Committee as being 'an Indian grievance of long standing'. It was dealt with more recently in a special Note by the Railway Board to the Public Accounts Committee," etc.

Then they go on to say:

"We do not think we can add anything to the comments of the Acworth Committee or to the arguments as set out in the Report of the Public Accounts Committee; but we were impressed with the feeling of grievance that appeared to exist in regard to these rates. A grievance of this character in Great Britain would, failing satisfaction, find its way, in natural course, to the Railway Rates Tribunal, where it would receive a thorough hearing and could be argued out in all its bearings. It is a pity that in India the Railway Rates Advisory Committee has not come to be regarded in the same light."

It does not appear whether the allegations made by the different Chambers before the Committee were in any way traversed by the Railway Board. At all events there is no mention of that in this report; and of course, according to the well-known principle, non-traversal of a charge is tantamount to a confession of that charge. I will then refer to another short paragraph in that report,—page 86, paragraph 133:

"In hearing the complaints placed before us by Chambers of Commerce and other bodies, we have formed the impression that the trading community feel themselves burdened by a sense of helplessness in trying to obtain a fair hearing, and that almost as much importance attaches to this as to the substance of their complaints."

There is still another passage in this report to which I am anxious to refer: at page 79, in paragraph 127 we find this:

"For whilst the classification is reasonably uniform for all railways there are surprising variations in the application of the schedules. Cement, for instance, is carried by twelve Class I Indian railways on seven different schedules, so that the charge for 300 miles varies from 51 pies per maund to 114 pies per maund. Salt is carried on ten different schedules, and the same is true of grains and pulses."

Then they say, Sir:

"We are nevertheless under the impression that the diversity of schedules on the Indian railways cannot altogether be justified by considerations of this character."

They proceed and say that:

"It will be incumbent on the railways to work steadily in the direction of simplification and to lose no opportunity of establishing themselves in a more logical and defensible position."

The railway position is indefensible according to the verdict of this Committee. Does the Government challenge this verdict of the Wedgwood Committee by which they swear in season and out of season?

Now, Sir, these are the charges, but I think we have almost a confession from no other than Mr. Jarrad, Agent of the Bengal Nagpur Railway. He said this only in 1936:

"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."

My grievance is that no heed has been paid all these years to this grievance. Of course, individual concessions have been granted in some cases, but they are more dangerous than beneficial as they give room for nepotism and back-door influence. If a particular gentleman has got influence with the railway authorities or Government he gets an advantage and special rates are quoted to him, but that is a thing which ought to be avoided.

Just one word about the rebate to Afghanistan and Iran. The question really is—whether imported foreign goods are given a rebate and not Indian manufactures: I want a specific answer from the Honourable Member whether or not this is so. Sir, what I want is a reorientation of the entire policy, not by quotation of special rates: it ought to be a cardinal principle of the railway policy that it must encourage and foster Indian industries: at all events the railway policy should not support foreign industries at the cost of Indian industries.

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

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

Mr. F. D'Souza (Government of India: Nominated Official): Sir, I hope the Honourable the Deputy President will not think it presumptuous if I venture to congratulate him on the moderate manner in which he has put his case. Had I not the privilege of being behind the scenes I should perhaps have been convinced, by his eloquent presentation of the case, that there was really something wrong with our rating policy. I shall, however, endeavour to explain to the House that the position is not quite as bad as it has been made out, and that our rating policy accords with the needs of the situation. The existing rates structure is not on a scientific basis. It has grown up in the course of time, and has been adapted, so far as human knowledge and experience can make it, to the varying needs of the day. It is admittedly somewhat intricate, and it is, therefore, that any ill-considered interference with some points of detail have reactions which, to those not in intimate touch with the position, seem almost incredible. I think, therefore, Sir, that the House would like to know what exactly is the rating structure to which I refer.

Broadly stated, commodities carried on railways are grouped in sixteen different classes, each class having a prescribed maximum and minimum. Within these maxima and minima railway administrations

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are allowed to alter freight rates at their discretion in order to meet conditions which arise from time to time. The maximum rate chargeable for a commodity is based on what is considered to be a reasonable rate to charge under normal conditions. For example, the ordinary rate for coffee is ·62 pie per maund per mile. It was suggested the other day, during the general discussion on the budget, that this rate was abnormally high. Now, the difference that the freight rate from Southern India to Northern India makes in the retail price of coffee is a little less than one anna per pound, after being carried for 1,600 miles or more. The price of coffee in Southern India is, I understand, about four annas per pound and in Northern India from twelve annas to a rupee. A difference of one anna in the retail price cannot make any appreciable difference in stimulating the consumption of coffee. I have given this illustration, Sir, to indicate how small relatively is burden of the freight charge on a commodity, and would suggest, therefore, that, viewed broadly, there is nothing seriously wrong with the rating of coffee, and this remark applies also to other commodities. The Honourable the Deputy President gave some details of the criticism which railway rating policy was subjected to during the last 30 or 40 years. I suggest, Sir, that it would serve no useful purpose if I endeavoured to explain the circumstances which gave rise to the criticisms to which the Honourable the Deputy President referred.

To turn now to the cases to which reference has been made more recently, I may take first the allegation in regard to traffic to and from Iran. The Honourable the Deputy President inquired whether the rebate on freight rates that is allowed for traffic to and from Iran is restricted in its application to foreign goods or applies also to Indian made articles. The Honourable Member for Railways explained the other day during the course of the general discussion, that this rebate was introduced 38 years ago at the request of Indian traders to enable them to get their consignments carried by rail through Baluchistan to Iran in competition with the sea route from Bombay and Karachi to Bunder Abbas in the Persian Gulf. The necessity, therefore, for the rebate arose only for traffic originating in Bombay and Karachi and the rebate arrangement was accordingly limited to traffic from Bombay over the B., B. & C. I. and Jodhpur Railways and over the North Western Railway. Subsequently, the concession was extended to traffic carried also over the East Indian Railway. But it is not limited to imported goods. Consignments booked from Amritsar, Delhi, Cawnpore and all other stations on the North Western and East Indian Railways are carried to the frontier of Iran at these concession rates. The suggestion that these rates favour foreign goods is, therefore, not correct.

Then the Honourable the Deputy President referred to complaints made by various chambers within recent years and suggested that these indicated that the railway rating policy which had been criticised many years ago had not in fact changed. General statements of this kind are difficult to prove or to disprove. But as the Honourable the Deputy President made a special reference to a representation of the Upper India Chamber of Commerce, it may interest the House to know that the representation was to the effect that various other industrial centres had concession rates for cotton which were being denied for traffic carried to Cawnpore. The Upper India Chamber of Commerce felt so very strongly in this

matter that they considered it desirable to make a representation on the subject to the Provincial Government. A careful examination of each one of the points detailed in the Chamber's representation and the Provincial Government's comments thereon was made by the Railway Board, and a detailed reply sent to the Provincial Government who forwarded a copy to the Upper India Chamber of Commerce. Every point made in the Upper India Chamber's representation was answered fully. This was over eighteen months ago and there has been no further reference since then from the Chamber. The conclusion, I submit, is that the Chamber are satisfied that they had not quite as good a case as they thought they had. The Honourable the Deputy President also referred to representations made by the Bombay Chamber to the Wedgwood Committee. This and the Upper India Chamber have been specially mentioned because they are European Chambers and, therefore, presumably not suspected of taking a biassed view. But during these several years that I have been in the office of the Railway Board I do not remember receiving any representation from the Bombay Chamber suggesting anything specifically wrong or needing rectification in connection with the rating policy.

The Honourable the Deputy President further said that the non-refutation of a charge is tantamount to its acceptance. Allegations of a very general nature cannot easily be refuted: but whenever there has been any occasion to examine charges of preferential treatment as between one centre and another, such examination has almost invariably justified what had been done, generally on the grounds of competition.

Mr. Akhil Chandra Datta: Did you place your case before the Wedgwood Committee?

Mr. F. D'Souza: My recollection is that the Committee could not find the time within the few months they were here to make any detailed investigation of the various points on which representations were made to them in connection with the rating policy . . . . .

Mr. Akhil Chandra Datta: But they heard the other side too.

Mr. F. D'Souza: They did, and they also heard our side, but they did not hear it in sufficient detail to be able to come to more definite conclusions . . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has to finish in two minutes more.

Mr. F. D'Souza: I am sorry for having taken up so much time. But I would like to add, Sir, that while the strength of the feeling against our rating policy generally is recognised, it is difficult to understand why those who feel they have a grievance in any individual case or in connection with any commodity generally, do not ask for their case to be put before the Railway Rates Advisory Committee, a body specially constituted to deal with grievances in connection with railway rates . . . .

An Honourable Member: It is so expensive and takes a long time to settle

Mr. F. D'Souza: We realise that the procedure leads to delays, but this is due to various causes, including the time taken by complainants in the presentation of their case and in the production of their evidence. If the Rates Advisory Committee is to investigate cases in accordance with what may be termed legal procedure, delays are inevitable. But if the grievances are of long standing, surely it is not reasonable to suggest that a few months more or less makes any appreciable difference to the case. May I suggest, therefore, to the Honourable the Deputy President that, in view of the avenues that are open to the trade interests to have their grievances redressed, there is no necessity for him to press his motion.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must remember that the Honourable the Railway Member is entitled to half an hour for his reply if he wishes to take up that time, so that the debate must be regulated accordingly. In the afternoon it is the Independent Party that will move their motion.

The Honourable Sir Thomas Stewart: If I may say so at this stage, Sir, I shall be unlikely on this occasion to take half an hour

Dr. P. N. Banerjea (Calcutta Suburbs: Non-Muhammadan Urban): Sir, the demand of the public in India with regard to the railway rates policy of the Government is a two-fold one: one negative and the other positive. As regards the negative side of it, the complaint is that the railway rates policy is so devised as to encourage the export of raw materials from India and the import of finished products from other countries. Now, on this question there was a debate the other day, and the Honourable Member in charge of Communications said that although this complaint had a foundation a quarter of a century ago, it had no foundation at the present moment. Is that correct?

The Honourable Sir Thomas Stewart: No, Sir, I made no such admission.

Dr. P. N. Banerjea: I may be mistaken then.

Mr. Akhil Chandra Datta: That was the note of the Railway Board.

Dr. P. N. Banerjea: He also complained that there were no specific instances pointed out to him. In this connection, Sir, I may refer to the specific instance which was pointed out on the 17th December, 1934, by Mr. Gavin Jones at the annual general meeting of the Associated Chambers of Commerce. He gave some very interesting figures. He stated that from Bombay to Cawnpore, a distance of only 840 miles, the freight rate for cotton per maund is Rs. 2-3-9, while from Cawnpore to Bombay over the same line and traversing the same distance, the freight is Rs. 1-10-11. The Honourable Member for Communications said that the Railways had laid down certain principles to guide their conduct, and these were competition between one railway and another, competition between a railway and a coasting steamer, long haul *versus* short haul and so forth. Now, do any of these principles apply to the particular case which was mentioned by Mr. Gavin Jones? I may incidentally mention that Mr. Gavin Jones is not a political agitator; he is not even an Indian; he is an Englishman or perhaps a Scotchman . . . .

Mr. F. E. James (Madras: European): No.

Dr. P. N. Banerjea: Then is he a Welshman? He is as much interested as the Honourable the Member for Communications in the maintenance of the British Empire in India. So he cannot be accused of any bias in this matter. This morning Mr. D'Souza referred to the evidence which was tendered by some of the Chambers of Commerce before the Wedgwood Committee. He said that the Wedgwood Committee had no time to go into the memoranda which were submitted to them by various bodies. Have the Government, I ask, gone into these memoranda, and have they come to the conclusion that there is no foundation for the complaints which they make? I want a definite answer.

Sir, it has been pointed out that there is a Railway Rates Advisory Committee. Everybody knows that this is not a judicial tribunal in the sense that a judicial tribunal exists in England or in other countries, and, as has been pointed out by my friend, Mr. James, it is very expensive to move this body and the procedure also is very cumbersome. For these reasons the public do not take advantage of this tribunal, if it at all can be called a tribunal. Now, if the Government is really willing to remove all feeling of want of confidence in such a tribunal, are they prepared to establish a really independent judicial tribunal which will investigate all cases of complaints? Besides this general charge, there are numerous anomalies in the rates fixed by the different railways. In Bengal the other day I heard a complaint that the rate levied on the transport of mustard seeds from Cawnpore to Calcutta was different from the rate levied on the transport of mustard oil. I do not know why this discrepancy should exist. However, I would ask the Honourable Member in charge of Communications to investigate this matter.

So far as regards the negative side of the question, I now come to the positive side. On the positive side we want that the railways should actively encourage the industrial development of the country through their rates policy. That is our demand, and that demand was accepted by the Tariff Board on chemical industries when it said, "A railway is a public utility service, and its objects must be to provide transport at the cheapest possible rate so that both industries and agriculture may develop and add to the prosperity of the country". Now, look at Japan. What is Japan doing? If we read the annual reports of the Trade Commissioner, we find that the Japanese railways, steamships, banks, and Government, all work in co-operation in order to foster the industrial advancement of the country. I want that such a policy should be adopted in India at present. It should be remembered in this connection that the real competitor against India at the present moment is not Britain but Japan; Germany is another competitor. So, in order that India may be able to compete on fair terms against these two powerful rivals it is necessary that a more enlightened policy should be adopted. As there is no question now between Englishmen and Indians, because the competition which at one time existed between India and England has become one of much less significance at the present moment, I would earnestly request the Government to take up the point of view of the Indian public so that the industrial development of the country may be advanced.

Dr. Sir Ziauddin Ahmad: Sir, there are three fundamental questions in this particular problem of rates and fares. The first is that the classification of rates as put down in the coaching tariff is very complicated. It

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is very difficult even for railway men to put down a particular item in a particular class. So much so, a commodity like cement is put under seven different classes by the 1st class railways. The same is the case with regard to salt. It is very difficult even for railway men to determine where to put in a particular commodity, and therefore this classification is exceedingly troublesome, and on account of putting them in different classes, the charges are also very different. Now, take the case of cement, the rates for the transport of cement vary very considerably. The classification should be simplified; it should be intelligible to the tradesman and it should be intelligible to the railway servants.

Now, the second point is this. The maximum and minimum are fixed by the Government and within this, the railway administrations are allowed to administer the rates. There is wide margin between maximum and minimum. As Mr. Mudaliar once said, that the margin is so wide that even an elephant can pass through these two. The difference is so wide. There should be at the most a ten per cent. latitude on either side. There should not be a very wide difference between the maximum and the minimum.

The third difficulty is that the present Rates Advisory Committee is a useless body. Two years ago, it had only four cases to try in the whole year and took long to determine those four cases. We have repeatedly demanded on the floor of the House that the Rates Advisory Committee ought to be replaced by a Rates Tribunal such as exists in the United Kingdom. It should be an effective body. My friend has cited certain cases which really ought to have been decided by a rates tribunal—the rate for cotton from Cawnpore to Bombay and from Bombay to Cawnpore. Last year, I drew the attention of the Secretary of the Railway Board to another case—piece goods. Here there are two different rates, one from Calcutta to Bombay and another from Bombay to Calcutta. This reminds me of a story about the Bhogaon station which is really famous for all kinds of foolishness. The Railway ticket from Bhogaon to Mainpuri was seven pice, while the rate from Mainpuri to Bhogaon was two annas. The railway authorities were confused by the atmosphere of Bhogaon and they took several years to rectify the mistake. This mistake deliberately exists in the case of rates in several places, between two stations they have got two different rates, one rate in one direction and another rate in the reverse direction; and in addition to this, there are so many complaints which are raised from time to time by tradesmen and others. These things ought to be expeditiously decided by some authoritative body. Therefore, it is very desirable that we ought to establish this rates tribunal which we have been demanding at a very early date. I hope that the Government would agree to modify these three things, the classification of the schedule, lowering the difference between the maximum and minimum and the establishment of a rates tribunal. It is only then that substantial improvement may be in sight.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, my friend, Mr. D'Souza of the Railway Department, knows very well the criticism that the commercial community of India has been levelling at the rates policy of the railways. I should like to inform the Honourable Member for Communications that European commerce and Indian commerce are of one mind in this matter, which has been given expression to by my friend, Dr. Banerjea. Mr. DeSouza said that the Wedgwood Committee

had no time to look into this matter. My friend, the Deputy President, referred to para. 127 of the Committee's report. It is very interesting. This is what it says:

"The problem no doubt calls for the best experience of the rates experts of the different administrations if a satisfactory solution is to be found, but we would urge that the movement as a whole should receive its impulse from higher quarters and that the Railway Board should give it their special attention and encouragement."

It is no use saying that everything is all right and that nothing need be done. Reference was also made to the Public Accounts Committee. The Public Accounts Committee also considered the Wedgwood Committee report and there was a minute approved by a majority with the exception of the Government representative, Mr. Nixon, who was Chairman of the Committee. On page 24, this is what the Committee say:

The Railway Enquiry Committee (paragraphs 122 and 123) say that individual rates should continue to be readily adjustable to meet varying conditions, but they cannot recommend any general reduction in charges. Until this question is far more carefully studied and its effects on railway receipts properly assessed, we recommend to the Government that they should not accept the proposition that there can be no general reduction in charges."

What I want to point out is that the Public Accounts Committee last year and the year before and also two or three years previous have been impressing upon the Railway Board that the rates policy should be revised and that the aim should be the development of Indian industries. Mr. D'Souza says "Why don't you go to that Committee", referring to the Rates Advisory Committee in Calcutta. The Acworth Committee wants a rates tribunal but instead the Government appointed an advisory committee. The Member for Communications ought to know that two cases were dealt with by this Committee last year at a cost of Rs. 80,000. Add to this the lakhs that the parties must have spent to fight out their cases. This is not a fair machinery which the Government have provided to revise the rates structure of the railways. The Honourable Member himself knows that three or four cases are pending. The machinery is so cumbersome and even if it comes to a decision it is not binding on the Government. It is better to scrap it and start a machinery which can try a case like any other judicial Court or any business tribunal and give its decision in a short time. Otherwise, the Rates Advisory Committee ought to be abolished. The Government have helped the Wedgwood Committee to make those reactionary recommendations but they have had no time to revise the rate structure policy for goods traffic. It should soon be done.

Mr. President (The Honourable Sir Abdur Rahim): I have just now been given to understand that the Independent Party have agreed to begin their motion at 3 o'clock today, instead of at half past two. So, there will be three quarters of an hour at the disposal of the Honourable Members.

Mr. Sami Vencatachelam Chetty (Madras: Indian Commerce): If I intervene in this debate, it is not to get any specific grievance ventilated but to express the anxiety of the commercial public to know exactly what is the policy of the Government in regard to the fixation of rates and freights on various commodities. It has been practically admitted that this structure is as old as the early fifties of the last century and that it was based upon the then prevailing commercial policy of the country, namely, exports of raw materials and import of finished goods. The structure no doubt served its purpose all these years, and as

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the Government would undoubtedly admit, the commercial policy of this country has undergone a radical change, making it also necessary that there should be a re-examination of the structure based upon that policy. It is a pity, Sir, that the Government did not listen to these complaints in time so that the commercial public might be assured that their interests are not neglected. It is easy for the Railway Board to answer the arguments that may be advanced from this side in respect of the freight on any particular commodity. For instance, my Honourable friend, Dr. Banerjea, has quoted the case of the difference of freight on cotton from Bombay to Cawnpore and *vice versa*. I am sure that the Railway Board will say that Bombay being the selling market, it is desirable that the freight on cotton from Cawnpore to Bombay must be certainly less than what it would be from Bombay to Cawnpore. Similarly, in the case of several other things the Railway Board may easily put forward arguments in plausible justification of their policy.

What we are now concerned with is that the whole policy must be re-examined with reference to the present-day movement of goods. I do not think India can dispose of the question of the export of raw materials in this light-hearted manner. We have to continue to be an exporter of raw materials to a certain extent and to that extent we desire that the freight on exportable articles must be comparatively lighter than on other articles which need not be exported. But on that ground the necessity for a re-examination of this policy does not disappear. There is yet the question of the movement of manufactured goods within the country from one end of the country to another. It is in respect of this particularly, that the Railway Board ought to make its policy quite intelligible to the ordinary merchant who may not have the equipment to understand the method or the procedure which he has to adopt in regard to the preferring of appeals to the so-called Rates Advisory Committee. Sir, in this particular matter I must point out that the south suffers a great deal more than upper India. I must congratulate my brethren of upper India, who are far better equipped in the matter of information as to the activities not only in the Railway Department but in various other Departments and thus have taken advantage of the concessions and privileges that they may be able to secure from the Departments concerned, but in the south, on account of various reasons, we suffer from a very severe handicap in many matters and also in the matter of freights fixed by the Railway Board. For instance, I may point out that in respect of cotton piecegoods it was after nearly fifteen years' struggle that only six months ago we were able to persuade the M. and S. M. Railway to re-adjust its freight on piecegoods from upper India to places like the city of Madras and Madura.

Sir, the Madras Presidency being an agricultural province has to depend upon upper India for various manufactured goods. It looks forward to a lightening of the freight rate on several goods manufactured in India and which have got to be exported to Madras. A different story awaits in respect of sugar. Sir, while factories in Madras Presidency have been allowed to grow on the strength of a particular tariff policy in regard to sugar, most of these factories have to allow their stocks to accumulate on account of the lighter rate on sugar from Bihar and Cawnpore to the Madras Presidency. These points should be attended to by the Railway Board and the Madras Presidency has been putting up a continuous fight in order to induce the Members of the Railway Board to look into this small demand

from the Madras Presidency. Sir, some instances may be quoted of such disparities in regard to freights and rates. There is, therefore, no good in the Railway Board advancing the same kind of arguments in respect of particular items that may be pointed out. The general demand is that there must be a committee of inquiry with regard to these rates and freight policy, and the policy must be laid down in order to make the manufactured goods of upper India available to the distant parts of this country, much cheaper than they are available now and also to adjust their rates and freights on commodities which have to be exported from ports and in regard to the necessity for such exports for this country. Moreover, the machinery that is established for the rectification of any such disparities in rates and freights, as has already been stated, is too cumbersome and a little more ponderous than we humble folk could possibly manage.

I have come across several instances where the Members of the Railway Board have visited various parts of this country, meeting the Chambers of Commerce, listening to their addresses and making very very vague replies, and in the end there was nothing doing except to note down the points, perhaps as a matter of courtesy to those gentlemen who happened to meet them. Sir, it is desirable that complaints of this sort must be expeditiously met, and a definite policy laid down so that the public might understand the somewhat complex working of these rules and tariffs. As has been stated by one of the previous speakers, the wide margin that there is between the maxima and minima operates also as a trade hindrance in certain quarters, giving a great deal of latitude to the individual railway Agents to exercise their rights, and it is desirable that that margin also should be narrowed. Sometime ago there was a demand for a revised classification in regard to these rates and fares. There was a Conference of the Agents of Railways and I do not think much has come out of that Conference. At any rate, the benefit of that Conference has not been felt by the commercial public. Finally, I want to conclude my remarks by appealing to the Government to re-examine the whole policy and make it quite suitable for the present needs of the commerce of this country. It is no good again saying that the railways have nothing to do with the tariff policy of the country. I think it is in this direction that there must be a fundamental change in the attitude of Government in regard to the trades and manufactures of this country. As long as the railways are a department of the Government, they can be looked upon quite legitimately to be a sort of help and aid to the commerce and the industry of this country. So, they cannot take up the attitude of saying that they have nothing to do with the commercial policy of the country and that they are only to run the department on commercial lines and to see whether a particular traffic will be paying or not. With these remarks I support the motion.

The Honourable Sir Thomas Stewart: Sir, do you wish that I should conclude my speech?

Mr. President (The Honourable Sir Abdur Rahim): You will have half an hour. The Independent Party have agreed to waive half an hour. But if the Honourable Member does not want to begin now, he can begin after Lunch.

The Honourable Sir Thomas Stewart: I should very much appreciate if you agree to that.

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

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

The Honourable Sir Thomas Stewart: Sir, in rising to answer this debate I find myself confronted with a certain number of difficulties. The first is the difficulty to which reference was made by Mr. D'Souza, that is to say, we are called upon to answer a charge which in its very nature is indefinite. Well, Sir, I have some sympathy not only with my own side but with the other in this matter and I can realise how difficult it is for them to press home a charge when they have so little material on which to rely. But I have still another difficulty and that is that there appears to be no great degree of unanimity amongst the speakers who have supported the charge. You, Sir, I think are one of those who hold that the railway policy should be so directed as to discourage export trade in the interests of internal commerce and industry. On the other hand, your colleague in your Party, Dr. Banerjea, called to my attention the case of Japan and the wonderful efforts towards organisation that had taken place in recent years in Japan. Now, Sir, unless I am mistaken the whole of that organisation is directed towards developing the export trade of Japan and not with a view to developing internal prosperity in the sense that you mean. There is still another difficulty and that is that industry within India is not entirely a happy family. We have the famous case that has been quoted so often, the Cawnpore complaint,—I intended in any case to quote that,—but my Honourable friend, Mr. Venkatachelam Chetty, has revealed to us other rifts in the lute—divergence of opinion between north India and South India as to whether the railway rating policy in regard to sugar and piecegoods is correct or not correct. I believe that if we consulted the sugar industry and the piecegoods industry, we would find that we would have our protagonists as well as our antagonists.

There is still another difficulty with which I am confronted because this rating question has two distinct aspects and I think that no speaker today has attempted to distinguish between the two or has even realised that there were these two aspects. The two aspects are these. First of all you have your tariff structure, the general scheme on which you work when you are fixing rates. The other aspect is the manipulation of rates within the framework that is laid down as a guide. Now, I shall treat those two separately. First of all I shall deal with the rate structure and will endeavour to tell the House what we are doing in that direction, and in this regard I propose to make my opponents a present of something which I should have thought that they for themselves would have discovered. In 1934, the then Railway Member, Sir Joseph Bhore, in reply-

ing to an observation by Diwan Bahadur Ramaswami Mudaliar in the budget debate on 24th February, 1934, said:

"I refer lastly to a very important matter which he, (*He is referring to Diwan Bahadur Ramaswami Mudaliar*) made mention of. He said that it is time that the classification of goods which has existed for so long should be reconsidered and revised. That, Sir, is a question of undoubted importance, and I can assure him that the matter has already been taken up for consideration. He will realise that a basic revision of this nature involves an effect on railway revenues and on trade which is so great that we cannot embark upon it without being in possession of all relevant statistics and the first steps towards an investigation into the subject will be the collection of these statistics. The Indian Railway Conference Association has taken up this matter and we hope that the collection of statistics which alone will enable us to go properly into the question of reclassification will be undertaken at the earliest opportunity."

Now, Sir, when my predecessor expressed that hope he was naturally unaware of the implications of the proposal. The question was taken up by the Indian Railway Conference Association in 1934 and their preliminary investigations of the problem revealed the somewhat disconcerting fact that in order to collect statistics it would be necessary to expend the no mean sum of 20 lakhs. Now, there is no doubt about it that probably the best way of tackling this problem of revision of the rates structure would be a really scientific investigation based on statistical material. But without any guarantee that anything useful would result,—it might be that the only result of this statistical investigation would be that we were doing approximately what was correct,—it was felt that to embark on the collection of statistical evidence costing us a great sum was in the special circumstances of those days a course of action which could not possibly be contemplated.

Mr. Manu Subedar (Indian Merchants' Chamber and Bureau: Indian Commerce): Was it felt by the Government or by the Railway Conference Association that it would cost 20 lakhs expenditure?

The Honourable Sir Thomas Stewart: I should be very glad if the Honourable Member would be relevant and allow me to proceed with my complicated reply to a very complicated debate. This is a very small courtesy that I ask of him. Though it was not possible to undertake this strictly scientific investigation, the possibility of more empirical methods was not lost sight of.

The Railway Conference agreed that a committee should investigate whether something might not be achieved by employing the methods that had been used by what was termed the Calcutta group of railways. The Committee were of opinion that these methods which involved consultation with commercial and industrial interests had already achieved something, and in July, 1935, there was called in Delhi a conference at which representatives of the Indian Railway Conference Association met representatives of commerce, of industry and of agriculture. As a result of this discussion the Committee came to the conclusion that really what the public wanted,—the public that was using the railways,—was not any scientific readjustment and reformation of the basic rate structure but something more direct. They looked in general for lower rates, and if possible, for some greater degree of promptitude in obtaining information as to the rates at which their goods could be carried. On the whole it was felt, therefore, that more could be done by instructing the railways to keep in touch with commercial and industrial interests in the relevant

[Sir Thomas Stewart.]

centres and to adjust the rate structure bit by bit according to the advice that they might there receive. That, Sir, is what is being done in regard to rate structure. In this connection I might refer to an opinion which has been quoted against me in this House, that is, the opinion of the late Sir Vivian Jarrad. Now, that was not an *ex-cathedra* pronouncement by which we who are less experienced than he was must be bound. That, I suggest, was rather an experimental expression of opinion which was contained in a paper which he read before the Indian Railway Conference Association. And the opinion he expressed is not one that has received universal acceptance. In fact, I believe that the majority of his colleagues were not in agreement with the sentiments expressed by Sir Vivian. The Wedgwood Report has been quoted against me. It is rather extraordinary how useful this report has proved to those who have so utterly condemned it. As one who has not condemned it, may I in better faith be allowed to quote a passage that I think has already been quoted, the end of paragraph 127?

"The problem no doubt calls for the best experience of the rates experts of the different administrations if a satisfactory solution is to be found. But we would urge that the movement as a whole should receive its impulse from higher quarters and that the Railway Board should give it their special attention and encouragement."

I think, Sir, that from what I have said this afternoon it can be deduced that this recommendation of the Wedgwood report has been fulfilled.

I come now to the question of the manipulation of rates within the rate structure; and here again, in passing, I would just refer to our difficulties in regard to indefinite charges, and in doing so I would remind Dr. Banerji of what was said by Mr. D'Souza earlier in the day. Dr. Banerji quoted the case which had been made out in, I think, a meeting of the Associated Chambers of Commerce by Sir Tracy Gavin Jones. I do not think that Dr. Banerji had realised that this was precisely the case to which Mr. D'Souza had made reference in the morning. Mr. D'Souza said that that case had been taken up by the Provincial Government and had been submitted to the Government of India. A very full reply traversing the case of Sir Tracy Gavin Jones was returned from the Government of India and to that we have had no rejoinder. Applying the principle that you, Sir, enunciated this morning, I take it that there is no rejoinder possible.

Dr. P. N. Banerjea: What is the substance of that reply?

The Honourable Sir Thomas Stewart: Had I had notice and time I should have produced the letter which we wrote and would have read it out, but that unfortunately is impossible at the present moment. But I should say that there would be no difficulty in letting the Honourable Member have a copy of the letter.

Sir, it is a truism to say that the prosperity of our railways is bound up with the prosperity of the country; and though I am not prepared to accept your particular formula that it is the duty of the railways to foster industry, I would put forward an alternative formula. I would say that

it is the duty of the railways to do what they can for Indian industry, subject always, however, to their commercial and national commitments and subject also to the other interests that may be affected by their working. I do not wish to rely merely on that statement of policy of obligation, which obligation, I claim, we are doing our best to fulfil. Nor am I going to rest on the more general denial that corresponds to the more general accusation. I think we have evidence that the railways have taken steps to encourage indigenous industries, and the most important example of all is that of the great steel industry. Without those special freight rates which were given by the Bengal Nagpur Railway and the East Indian Railway I doubt whether it would have been possible to establish the steel industry which is now at Jamshedpur. But it is not in regard to steel only that there have been concessions given. Cement, glass-ware, machinery, matches, piece-goods, sugar, biscuits, confectionery—these are among the manufactured products of India which are receiving concessional treatment: by concessional treatment I do not mean that there have been any backdoor influences at work; what I mean is that the railways, in order to encourage these industries, have reduced their rates.

Throughout this debate—I hope I am not wrong in saying this—throughout this debate we appear to have been concerned mainly with Indian industries. I do not know if there was one voice raised on behalf of Indian agriculture. I should be sorry to think that it was more than an oversight, but, whether it was oversight or not, it is one in which we have no share as the railways are at all times conscious of the necessities of agriculturists. They may not agree with individual defenders of agriculturists, but their general policy is to assist as far as possible in the proper and adequate movement of agricultural produce. The Agents do not merely sit back in their chairs at head offices and wait for representations from poor individual agriculturists. In this matter the railways have a definite policy, and they have definite instructions from us that they should keep in constant touch with the Directors of Agriculture and the Marketing Officers in the various provinces, and that they should co-operate with these officers in securing new markets for agricultural produce. But that in itself is not enough. Railways, as you know, run not merely in one province: they may run in two, and though it might be to the interests of Madras, for example, that low rates should be quoted for the conveyance of paddy to a district in Bombay, it is necessary also to consult the wishes of the authorities in Bombay to whom it might be a most embarrassing and depressing circumstance to have cheap supplies arriving which would affect the prices realised by the local cultivators. Therefore, the railways have a wider duty than merely to take parochial action: it is part of their duty to co-ordinate the transport of agricultural produce, so that there should be no inter-provincial interference of the kind to which I have referred.

I am now confronted with the last of my difficulties. By reason of the programme that has been fixed for this House, the next speaker is timed for 3 o'clock, and I am presented with the problem of filling up the time till then. In any case that is a matter with which I am not concerned: I simply regret my inability to meet the last of my difficulties.

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

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

The Assembly divided:

AYES 35.

Abdul Ghani, Maulvi Muhammad.
Abdul Qaiyum, Mr.
Abdul Wajid, Maulvi.
Abdur Rasheed Chaudhury, Maulvi.
Asaf Ali, Mr. M.
Azhar Ali, Mr. Muhammad.
Banerjea, Dr. P. N.
Bhagavan Das, Dr.
Chaliha, Mr. Kuladhar.
Chattopadhyaya, Mr. Amarendra Nath.
Chaudhury, Mr. Brojendra Narayan.
Chetty, Mr. Sami Venkatachelam.
Das, Mr. B.
Essak Sait, Mr. H. A. Sathar H.
Hans Raj, Raizada.
Jogendra Singh, Sirdar.
Kailash Behari Lal, Babu.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Malaviya, Pandit Krishna Kant.
Murtuza Sahib Bahadur, Maulvi Syed.
Paliwal, Pandit Sri Krishna Dutta.
Parma Nand, Bhai.
Raghubir Narayan Singh, Choudhri.
Rao, Mr. Thirumala.
Sant Singh, Sardar.
Scott, Mr. J. Ramsay.
Sham Lal, Mr.
Shaukat Ali, Maulana.
Sikandar Ali Choudhury, Maulvi.
Singh, Mr. Gauri Shankar.
Singh, Mr. Ram Narayan.
Subedar, Mr. Manu.
Umar Aly Shah, Mr.
Zafar Ali Khan, Maulana.

NOES 42.

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

The motion was **negatived.**

Mr. Deputy President (Mr. Akhil Chandra Datta): According to the arrangement that has been arrived at, it is now the turn of the Independent Party.

3 P.M.

Failure of the Railway Board to enforce the Home Department Resolution regarding 25 per cent. Services to Muslims in Railway Services.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir*, I beg to move:

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

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

Sir, my intention in moving this cut motion, as I have already indicated, is to discuss the failure of the Railway Board to enforce the Resolution No. F.-14/17-B./33, dated the 4th July, 1934, of the Home Department of the Government of India regarding reservation of 25 per cent. services to Muslims in Railways. Sir, on receipt of this Resolution the Railway Board adopted their own resolution on the subject, *vide* their resolution No. E. 34-C. M.-113, dated the 12th December, 1934. The Home Department Resolution runs as follows:

"In accordance with undertakings given in the Legislative Assembly, the Government of India have carefully reviewed the results of the policy followed since 1925, of reserving a certain percentage of direct appointments to Government service for the redress of communal inequalities. It has been represented that though this policy was adopted mainly with the object of securing increased representation for Muslims in the public services, it has failed to secure for them their due share of appointments and it has been contended that this position cannot be remedied unless a fixed percentage is reserved for Muslims.

The review of the position has shown that these complaints are justified and the Government of India are satisfied by the enquiries they have made that the instructions regarding recruitment must be revised with a view to improving the position of Muslims in the services."

Para. 7 (1) (i) of the above Resolution says:

"25 percent of all services to be filled by direct recruitment of Indians will be reserved for Muslims."

Section IV, para. 8 (1), says:

"The total reservation for India as a whole of 25 per cent. for Muslims and of 8½ per cent. for other minorities will be obtained by fixing a percentage for each Railway or local area or circle having regard to the population ratio of Muslims and other minority communities in the area."

The Government of India when decided to reserve 25 per cent. for the Muslims in Railway Services they adopted the different percentage for different railways as explained before. While fixing the desired percentage of Muslim services for every railway, I think, the scale was, perhaps, given in the hands of a Monkey Judge which took away some portion of 25 per cent. of reserved seats for Muslims as it is evident from the average percentage of all the percentages taken together, for different railways and I think, it comes down to 22·99 per cent. The matter did not rest there; when the scale was entrusted to the Railway Board again some portion of the various percentages was reduced and thus in rounding the figures the percentage fixed by the Home Department was further disturbed, as for instance, the percentage of the North Western Railway came down from 64·11 to 55 per cent. Thus you will find, Sir, how the Rule of the Monkey Judge was applied in the case of Muslims.

Now, Sir, you are fully aware that when this Resolution was adopted there was much agitation by the majority community against the said Resolution. Thus the different interests were set up to minimise its importance, and I assure you, Sir, that they succeeded to such an extent that the position of Muslims became still more worse than what it was before the said Resolution was adopted. I cannot say why there was so much howling against it. The Mussalmans were not allowed more than what was their due share on mere population basis. In India the Muslim population is just 25 per cent. according to the census of 1931.

[Maulvi Muhammad Abdul Ghani.]

I do not like to traverse the whole field of railway services, as I am not permitted by the time allotted to me. I will, therefore, confine myself to placing before you a few most convincing cases of deplorable state of affairs. For the present I must rely on the figures prepared by Government staffs as I am not in possession of full information how Muslims' fates are sealed as the Railway Board is to some extent miser in supplying us all their publications. If you will look at pages 84 and 85 of the Railway Administration Report, Vol. 1, of 1936-37, you will find the position of Muslims in the two classes of railway services very discouraging and disappointing.

The review of the progress made during 12 years is:

Particulars.	1925 (1st April).			1936 (31st March).			1937 (31st March).		
	Total.	Muslims.	Percentage of Muslims.	Total.	Muslims.	Percentage of Muslims.	Total.	Muslims.	Percentage of Muslims.
State Managed Railways.	1,142	36	3·15	1,062	66	6·21	1,075	68	6·32
Company Managed Railways.	806	9	1·12	788	29	3·68	777	38	4·89
Total .	1,948	45	2·31	1,850	95	5·14	1,852	106	5·72

Thus, you will find, Sir, the progress of Muslim representation in railway services during the period 1925—37, *i.e.*, 12 years is 3·41 per cent. more and it, therefore, means that the average progress comes up to ·28 per cent. and at this rate of progress Muslims will take 90 years to complete their representation to 25 per cent.

Now, let us take the position of Muslims so far as the subordinate services rising to Rs. 250 a month is concerned. The review of the progress made is:

Particulars.	1925 (1st April).			1936 (31st March).			1937 (31st March).		
	Total.	Muslims.	Percentage of Muslims.	Total.	Muslims.	Percentage of Muslims.	Total.	Muslims.	Percentage of Muslims.
State Managed Railways.	5,181	191	3·69	5,486	330	6·01	5,498	387	7·04
Company Managed Railways.	2,641	48	1·82	2,605	78	2·99	2,593	82	3·16
Total .	7,822	239	3·05	8,091	408	5·04	8,091	469	5·80

Thus, you will find, Sir, the progress of Muslim representation in railway services of this type is (5·80—3·05) 2·75 during the period 1925—37, *i.e.*, 12 years, and it comes up to ·229 per cent. per year and at this rate of progress Muslims shall require 105 years to complete their quota of 25 per cent.

In this connection I will refer you to page 80 of the same Report which speaks of progress made by various communities in superior services. The percentage is as follows:

	per cent.
Hindus	61·1
Muslims	11·1
Anglo-Indians and Domiciled Europeans	11·1
Sikhs	11·1
Indian Christians	5·6

I know, Sir, it is not at all difficult to find pleas for this lower representation of Muslims in directly recruited services. Their condition regarding promotion too is of utter helplessness.

Although I have attained the 53rd year of my life, I could not be yet able to find the proper meaning of the word "efficiency" in the British Dictionary, and it is this screen behind which the interested persons have to play their games in ousting the Muslims from their legitimate rights. In the name of efficiency it is said that Mussalmans cannot get share in higher grades of services. There is no fixed standard by which the whims and fancies of interested parties can be put an end to.

The second way of ousting the Muslims and debarring their claims is promotion. In most of the railway services, say under Loco., Engineering and Traffic Departments, persons are taken in as apprentices and trained for a certain number of years and then given permanent posts as mechanics, chargemen, P. W. I. and Inspectors of Ways and Works, etc., and it is given out that so and so have been promoted. Sir, may I ask the Honourable the Railway Member whether it is promotion under the shelter "efficiency". I say such jobbery the sooner is stopped the better. Hindus and Muslims alike are not taken in these services which are the keys for higher grade lifts. I have never seen any Indian taken as an A class apprentice in any of the Company-managed railways. The Bengal and North Western Railway have ever turned their deaf ears. It is the Anglo-Indians or Domiciled Europeans with home education who are taken in. Sir, the qualification "home education" is a recent innovation for lower primary qualification in our country. May I ask the Railway Authority in the name of Christian justice whether it is fair at all. Most of these home qualification men are occupying the higher services. The claims of Bihari Muslims and Hindus have ever been ignored by the railway authorities, say, Bengal Nagpur Railway and East Indian Railway, who derive more benefits from Bihar. The Bengal and North Western Railway's whole income is derived from Bihar, yet they are the foremost in ignoring the claims of Muslims of the soil.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): On a point of order. I would like to know whether when the Chair and the Member in Charge of the Railways do not know how to speak in Urdu . . . . .

The Honourable Sir Thomas Stewart: I beg the Honourable Member's pardon.

Mr. Lalchand Navalrai: I hope the Honourable Member will also speak in Urdu.

Mr. Deputy President (Mr. Akhil Chandra Datta): Nothing depends on whether the Government Member understands it or not. The determining factor is whether the speaking gentleman can speak in English with facility.

Maulvi Muhammad Abdul Ghani: Sir, my difficulty is not less than that of the Railway Member. It is not the case that I do not know English but if you can permit me I can use Urdu words wherever needed in my speech.

Mr. Lalchand Navalrai: Will that be in order?

Mr. Deputy President (Mr. Akhil Chandra Datta): He has not done so yet.

Maulvi Muhammad Abdul Ghani: Sir, I find that in countries abroad no foreign companies or concerns are allowed to employ their own men rather they are forced to employ the sons of the soil. But, here, in India the case is otherwise. All the foreigners have been and are invited to make India their common grazing ground and I cannot say how far such state of things will continue.

A novel plea, I find, has been raised by the Wedgwood Committee that Indians find it below their dignity to work in workshops as mechanics and hence foreigners should be imported in the railway services. I want to let the Railway Authority know that it is we Indians who can bear the hardships and heats of burning furnaces and not the foreigners who are mostly imported from cold countries and who are most accustomed to use fans and cold drinks. I think, time has come, if not, it is bound to come sooner or later when we will find our sons not deprived of the resources of our country. Sir, we are paying a huge interest over the railway capital of 750 crores and others are allowed to reap its fruits.

I appeal to the Honourable the Railway Member, who is a very reasonable and just man, to take up the cause of the poor community of Mussalmans and see that their legitimate grievances are sooner redressed.

With these words, I move my motion and hope to be supported by all Honourable Members.

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

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

Maulana Shaukat Ali (Cities of the United Provinces: Muhammadan Urban): Sir, I would not take much of your time. I am very grateful to my friend the proposer for giving me an opportunity to say a few words on this subject, when I myself could not move my cut motion in the interest of other Parties in the House. Before I go on further, I want to tell the House that I do not intend to offer any criticism for the sake of criticism. My object is this. My knowledge of railway affairs could in no way be near that of the Honourable Member in charge of Railways and other railway officials. Government have made a provision that 25

per cent. of the jobs on the railways should go to Muslims and they must see that in every grade, from the highest to the lowest, as far as possible they should get them and that there was no real grievance left to the Mussalmans. At one time the minorities were weak and not sufficiently educated, and thus the jobs had become the monopoly of certain people for which we had no right to grumble. The fact remains that we were backward and took to English education late. I am glad that in 1923 and later on in 1925, the Government realized this, and since then the minorities have been allotted 33 per cent. of the posts out of which 25 per cent. have been reserved for the Muslims. I for my part would not like that any harm should be done to any minority for the sake of the Muslims or even to the majority. Those who deserve let them get it but to those who are backward and who came in late and to whom you have given definite promises, you must use all your brains and all the expert knowledge in your power to see that these promises are fully carried out. I have got certain figures to put before the House. I speak subject to correction, because I have not the same resources as the Honourable Member in charge. In 1930, there were 8 lakhs of total employees and the Muslims were 1 lakh and 82 thousand. The percentage was 22·3. In 1931 we were 22·1 per cent. In 1932, it was 21.6 per cent. and it stayed there till 1935. In 1936 it was 21·8 and in 1937 we went down to 21·7 per cent. In these eight years we have been either retrenched or have lost over 27 thousand Muslim employees. In the last year's report, I find that 1898 people were retrenched. Of these, the Muslims total 905. That is 50 per cent. I cannot understand, why this reduction? Muslims are not inefficient and that inefficiency is not the monopoly of any one people. There are many administrative posts in the railway the duties of which the Muslims (and I also include the Sikhs) are perfectly capable of performing.

Mr. Lalchand Navalrai: Hindus of Sind?

Maulana Shaukat Ali: If they are in a minority, let them also come in. If promises were made to them, they must be carried out. I have no desire to rob any man. It is not a question of generosity but I want justice.

Sir, this is in the matter of the general services. Take the higher appointments. Taking the figures of 1937, there were 1,075 ordinary gazetted officers on State Railways, out of which Muslims were only 68, percentage 6·32; on company-managed Railways, there were 777 officials, the Muslims were only 38, percentage 4·8. In the case of senior subordinates, on State-managed Railways out of a total of 5,498, the Muslims were 387, percentage 7·04. On company-managed railways, out of 2,593, Muslims were only 82, percentage 3·16. Now, this was still worse. Sir, I do not want to bring in any discrimination; I have stated in this House before and I state it today that if you want to bring out men from abroad to train us, men whom you cannot get in this country, then by all means get such men out from Europe or America on high salaries, so that they can train up our young men, but I do object to the policy that new appointments should be made from people outside India. Irrespective of all other considerations, there are lots of young qualified people in this country who can fill such jobs. Only the other day I came across in the Press a notice about some British candidates on the railway or some other Department, the

[Maulana Shaukat Ali.]

qualification of the man appointed was that he went to a public School or Cambridge, played hockey and tennis and so on. Sir, there are any number of young men in this country who can play hockey, cricket, and football very well, and who had other qualifications also. We do not want to bring out such young men from outside to train for the benefit of foreign countries. If you want to get out efficient teachers, do it by all means and we shall have no objection, but this importing from outside India of new untrained officials should be stopped altogether, and everybody in India, whether Englishman or Anglo-Indian, Muslim or Hindu or Parsi, anyone who calls India his home, should be given a preference. Sir, many people have complained to me about partiality and communalism in railway offices, but I have made it a rule and I never asked a question in this House, and I do not criticize for the sake of criticism but I keep in touch with the Heads of Departments and bring such matters to their notice. Of course, other people do put questions and do this in a perfectly right manner and probably are more energetic but I go to the Heads of Departments and put our case before them and leave it to them to undo the wrong. I hope the Honourable the Railway Member will see that the officials do deal with the minorities, who are weak, more sympathetically and see that they do get a fair deal. It is often said—such and such an official is a Muslim, therefore, he appoints Muslims. I have not yet had much opportunity of looking into that because there are so few Muslims. Then, it is said—oh, somebody is a Hindu and he appoints all the subordinates from amongst Hindus. I do not know if there is any truth in all this but I mention it so that the officials in India must see that there should be no partiality and there should be a fair and square deal, all round. I request the Honourable Member to issue instructions on this point. I was assured the other day that in the Clearing Accounts Office, 13 new appointments were made, and only one Muslim was appointed. Sir, these are small things and I do not want to fight for crumbs but I feel that a department like the Railways, which employs a very large number of labour, should offer every opportunity of employment to educated young men of every community and I urge that men of our community should have a fair and square deal so that it should lead to an uplift amongst our own people and we may never be short of efficient officers to carry on the work in the railways. With these few remarks, I bring these points to the notice of the Honourable Member for Railways.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): Sir, in our traditional lore the name of "anti-Christ" has become a by-word. Now "anti-Christ" is associated in our traditions with the donkey. The donkey, according to an article of faith with a very interesting section of the community in the Punjab, is the railways. I am now concerned with the definition of the donkey as given by this interesting section of the community in the Punjab. (*An Honourable Member*: "Which community?") The Mirzais—the Kadianis. (Interruption.) Well, my remarks would have been thoroughly appreciated by the present Communications Member's predecessor, Sir Zafrullah Khan. Now this donkey, as everyone knows, happens to be a very obstinate animal. The present day's anti-Christ has let out his beast of burden on hire and plies a roaring trade. Europeans ride it, the Hindus ride it, and it is a very amiable animal. This donkey trots along at a swinging pace, but as soon as the Muslim comes near it, it

is seized with a fit of obstinacy and, it refuses to move. Thrash it soundly, flog it as much as you like, but it won't budge an inch, and when the Mussalman comes near the beast, he sometimes administers a sound kick.

Joking apart, Sir, it is a very serious matter and I bring it to the notice of my Honourable friend, the Railway Member,—who has produced a lasting impression upon my mind, and who is the very quintessence of courtesy. Sir, I had an occasion of seeing him the other day and I was so much impressed by his personality that I have not sufficient words to admire him. Well, Sir, this is a very serious matter. The Mussalman has been feeling it for a long time that, so far as his representation in the services is concerned, and especially in the Railway Department, he has been very shabbily treated. My learned friend, Maulvi Abdul Ghani in his Urdu speech has given you the facts and figures, and Maulana Shaukat Ali who followed him also placed before you some interesting statistics. I would not go through those statistics but I would only tell you that although the Government have from time to time realized the situation and issued circulars after circulars calling upon their subordinates to see to it that the Mussalmans are properly represented, that in the higher services and amongst subordinates of the all-India services their proportion in the services should be twenty-five per cent., that percentage is nowhere to be found. Their present proportion in the services is somewhere near 21 per cent. My Honourable friend, Maulana Abdul Ghani, thinks that it would take one hundred years before the Mussalmans can come into their own proper proportion. I am afraid, even in a hundred years this proportion would not be reached.

If we have a Prime Minister in England like Mr. Neville Chamberlain, a time will come when the Britishers will not be in India. Eden has gone and others have gone and the time is fast approaching when the weak-kneed policy of Great Britain in International affairs will make a mess of the whole situation. Japan will devour China and become a great Power and will then advance towards India and then will come the time when the Mussalman will get his proper share. So, I say again that this question of communal representation is a burning question; it is a standing grievance and I am bringing it to the notice of the Government. My friends, Maulana Abdul Ghani and Maulana Shaukat Ali, have tried their best not to make any remark that might injure the political and economic susceptibilities of our friends, the Congress Members. They have tried not to make it a Hindu-Muslim question and I will also not make it a Hindu-Muslim question. It is a purely economic question: it is a question of bread. Why should not the Mussalman have his share of the bread? Those who declare that the people of India are one nation, those who are after carrying on mass contact with the Mussalmans and those who think that the Mussalman is a part and parcel of the entire Indian nation,—I ask them whether this Mussalman is not entitled to his share of the loaf? When his share comes, you say "Inefficiency! thy name is Mussalman". The Mussalman is declared inefficient and unfit. *(Cries of* "No, no" from Congress Benches.) Then, why don't you plead his cause? It is the Congress which ought to have pleaded the cause of the Mussalman. What Maulana Abdul Ghani and Maulana Shaukat Ali have said the Congress ought to have said. If there is any sense of justice left in you, you should bring this matter to the notice of the Railway Member and see to it that the Mussalman gets his share and the Government fulfils its promise. This is justice pure and simple.

[Maulana Zafar Ali Khan.]

On the 13th of December, 1934, instructions were issued by the Railway Board to its subordinates that the proportion of the Mussalmans on the North Western Railway should be 60 per cent, on the Assam Bengal Railway, 35 per cent, on the Eastern Bengal Railway, 45 per cent, and on other Railways the proportion should be as it stood then. We thank the Honourable the Railway Member and the Department which is in his hands for all this, but we ask him whether these instructions have been acted upon? No, they have not been acted upon, and the Railway Board will have to reform itself in the matter of fulfilling the promises it makes before it can expect its subordinates to obey its orders. There is much to be done in this respect.

One thing more and I have finished. It is a fact that from Bengal right up to the North-West Frontier Province and from Karachi right up to Calcutta the Mussalman's position in the railways is pitiable and deplorable and you will just know how he feels. I have before me a small pamphlet issued by certain gentlemen in Calcutta and I will read out the headings which will show you what their feelings are in the matter:

"East Indian Railway—a Hindu concern: Mussalmans as helots of Hindu oligarchy: cases of grave injustice: total disregard of rules: communal allotment orders violated and defeated: complete failure of 1934 Government Resolution: irrefutable facts and figures: shameful situation in Howrah Division."

This is how the Mussalmans feel it and this is only one instance. Go to the Punjab, go to the North-West Frontier Province, go to Sind, go to Karachi, wherever you go you will find the Mussalmans crying. Several Mussalmans have come to me and asked me . . . (Interruptions.) There is a section of the people in India who think that the Britishers purposely provide the Hindus with more services than they have provided the Mussalmans with so that these two should fight amongst themselves and then they provide themselves. This is how they look upon this from another point of view. So, Sir, the situation is very critical and grave and it is becoming an all-India one.

I would, therefore, suggest that a small Committee should be appointed consisting of the Honourable Member for Communications as its head and two Muslim Members and two Hindu Members. All these five gentlemen should make a tour of India and examine the situation and see whether the grievances of the Mussalmans are imaginary or real. Then and then alone something could be done. In the meantime, positive orders should be issued to the subordinate departments of the Railway Board in which they should be told very plainly that if they do not obey the definite instructions and the policy enunciated by the Railway Board, they will be seriously dealt with. With these words, I support the cut motion of my friend and I hope and trust that it will be passed.

Bhai Parma Nand (West Punjab: Non-Muhammadan): Sir, on looking at this motion, my first impression was that the question of the distribution of services in the railway had been so much thrashed out for the last six or seven years in this Honourable House that this subject should have been dropped. That was my first impression. But on hearing the speech of the Mover, Maulana Abdul Ghani Sahib, there was a

little change in my view. Maulana Abdul Ghani did not bring in any communal matter in his motion. The motion had been worded on purely communal lines but the trend of his speech was that in higher services and the gazetted services the proportion of posts held by the Mussalmans was much less and although the percentage was increasing during the last few years from 3 to 4 and to 6, all the same, he thought that at this rate it will take about 100 years to complete their 25 per cent. proportion.

If the motion had been worded in this way that the superior and the gazetted services in the railways should be Indianised as soon as possible, I would certainly have supported the motion and felt no need for me even to intervene in this debate. Maulana Shaukat Ali too has taken a very reasonable attitude as he did not complain of any other community's share being greater. But his view was that as the promise has already been made to the Muslims and the order of the Government of India had been passed, railway authorities have failed to carry out that order in order to make up the proportion of Mussalmans in the railway services. Sir, we note these two different stages. When such motions were moved on purely communal lines, myself and my Honourable friend, Sardar Sant Singh, opposed them. Our position was that we should take the people of this country as a whole and should not make it a point to divide them into different compartments by means of distributing public services, fixing shares for different communities. To me public service means doing duty for the country or for the department in which one is employed. It is a matter of service, not of right. In such a case, one who is more efficient or who has got more experience should be taken in to do the duty. There are certain departments for which the Muslims are more fitted. There is the military service in which more than half is appropriated by the Muslims. There is the police service in the Punjab and in the United Provinces and even in Bihar where perhaps half or even more than half of the services in these provinces go to Muslims. Similarly, there may be other types of jobs for which the persons belonging to the Muslim community might be considered more fit. The Hindus took to education earlier and so they were taken in the railway service in large number. They got accustomed to the railway service for such a long time and were thus more experienced and trained in this line.

Now, Sir, according to the view propounded by my Honourable friend, Maulana Zafar Ali Khan, that we should divide the bread between Muslims and other communities, this being an economic question so far as the Muslims are concerned, the object is to argue that the Government have got certain revenues from the people and these revenues whether through railway service or through other ways, should be distributed to the Muslims and the other communities in a definite proportion. I said that the Muslims have other departments in which they have a preponderating share for themselves. I, therefore, submit that taking the country and the services as a whole the Muslims have got their full fair share and much more of services. They are not in any way losers in the distribution of shares. Some time it was suggested that if the revenues of railways are to be distributed among the various communities, we should then have separate tickets and see which community contributed more to the earnings of the railways. What was meant was this, that the railway earnings were either through passenger traffic, which amounted

[Bhai Parma Nand.]

only to 27 crores, and the other through the goods traffic which brought more than 62 crores and as the House is well aware the goods traffic was carried on by persons mostly belonging to the Hindu community. Therefore, I submit that the Hindus contribute a much greater share towards the revenue and they have thus a right to partake in the distribution of revenues of the country by way of jobs to be fixed for their community. I submit, however, that the other view is that it would lead us nowhere if we divide the people and the country into different compartments. The interest of the different classes is of course a different thing and we can see that interests of poor and working class are preserved and safeguarded.

My submission, therefore, is that the Muslims were not in any way losing in the communal distribution of the revenue of the country. On account of constant agitation carried on in this House for so many years, by means of interpellations and Resolutions, drawing the attention of the Government to the paucity of Muslims in the railway services, the Government of the day had to yield and they issued an Order in Council giving a certain award, namely, that 25 per cent. should be reserved for Muslims. All of us were opposed to that award, but all the same we thought if the Muslim community had demanded it as the Government had given them a pledge, we should have no objection if their demands were fulfilled. Now, Sir, there is another kind of demand and it is that the Government are failing to make up the deficiency in the distribution of services so far as Muslims are concerned. It is a mystery to me how the Government fail to fulfill its duty as laid down in the circular. I know something about the Punjab railway service. I can tell the House that I myself read in the newspaper advertisements calling for applications specifically from Muslim candidates only, and non-Muslims were specially told not to apply. Again, this circular was explained by the predecessor of the Honourabe the Railway Member and I saw that explanation. It said: if there are ten appointments to be made, the first one is to go to a Muslim, the second to a Christian, the next one to a Sikh and so on, with the result that out of 10 appointments, the Hindus were to get only one or two.

In this connection, I should like to draw the attention of the Honourable Member to another instance where communalism works great hardship to Hindus. There is a Railway Engineering College in Lahore, where the students have to undergo a four years course, spending at least Rs. 80 a month. Of course, some scholarships are given by the Railway Department. Last year 15 or 20 Hindu students came to me and complained that although all of them had come out of the college after undergoing four years course, not one of them has been absorbed in the railway. After spending such a large sum of money for four years, they are stranded without any job. I can only attribute it to the fact that they are Hindus and that is why they are deprived of getting any appointment. I know for a fact that the predecessor of the present Railway Member—I mean Sir Muhammad Zafrullah Khan—was laying so much stress upon department for the recruiting of Muslims and I therefore cannot understand how and where this distribution goes wrong and why the percentage of Muslims remains practically the same or, as claimed, is decreasing every year. This is a mystery to me. I think it

is up to the Honourable Member in charge of the Department to explain matters and thus clear the doubts of my Honourable friends, Maulana Shaukat Ali and Maulana Zafar Ali Khan.

Personally, I say I am opposed to this distribution of posts on communal basis. The Muslims have the monopoly of certain departments, the Hindus are recruited to certain other departments. But as the Muslims want communal representation in all the departments and as the Government also had pledged to give them such communal representation, let this pledge be fulfilled. However, it is impossible for me to understand how the Railway Department after having the principle of communal proportion admitted, has failed to satisfy the Muslims. That is a serious charge against the department and it is for the department to explain it. So far as I am concerned, I repeat, if there was no communalism in the services, that would have been the best and the right principle. But if this ideal is not to be followed because our friends want communal representation in services, let the Government who passed this Communal Order in Council carry it out in order to satisfy our friends here.

Sardar Sant Singh (West Punjab: Sikh): Sir, I stand to oppose this motion. As a matter of fact, as has been pointed out by my Honourable colleague, Bhai Parma Nand, we have never approved of this circular issued by the Government of India. As greed is never satisfied but tries to have more and more, the same is with regard to the proportion in the services. In order to prove my point I will just refer to the background of this motion. In 1932, Mr. Hassan issued his famous report about the proportion of the services occupied by Muslims in the various departments including railways. According to his recommendation, 50 per cent. of the posts on the North Western Railway, 25 per cent. on the Railway Board's office, 40 per cent. on the Eastern Bengal Railway, 30 per cent. on the East Indian Railway and 15 per cent. on the Great Indian Peninsular Railway were to be reserved for the Muslims. This circular has gone further than the recommendations and gives much more than even Mr. Hassan recommended. According to the circular which is the subject of debate today, Government gave 60 per cent. on the North Western Railway in place of 50, 45 per cent. on the Eastern Bengal Railway in place of 40; and then the other railways were divided into parts: 19 per cent. on the East Indian Railway, 10 per cent. on the G. I. P. Railway, 55 per cent. on the R. & K. Railway, 35 per cent. on the A. B. Railway, 19 per cent. on the B. & N. W. Railway, 12 per cent. on the B., B. & C. I. Railway, 12 per cent. on the B. N. Railway, 11 per cent. on the M. & S. M. Railway and 6 per cent. on the South Indian Railway. If we compare the figures we find that this circular gave to the Muslims much more than what Mr. Hassan recommended in his report. The result is that we find that recruitment is not confined within these limits but as a matter of fact on the North Western Railway, of which I have some knowledge, in new recruitment the Muslims are given much larger share than even 60 per cent. Not only this: things have come to such a pass that the interests of other communities are being entirely ignored. The North Western Railway has been manipulated in such a way as to include all the areas through which it runs,—the area of Sindh and the North-West Frontier Province which is an overwhelmingly Muslim area; and thus the percentage of other communities which are residing in the Central Punjab or in the

4 P.M.

[Sardar Sant Singh.]

Punjab itself has been reduced, with the result that a lesser percentage has been reserved for the Sikhs. In this inequitable circular which no administration should have issued, we find that while 8 per cent. are reserved for Anglo-Indians, a community which is less in number and population than the Sikhs, we find no reservation for the Sikhs as such who are included in other minorities.

Now, why I oppose this is very clear from the figures. My Honourable friend, Maulana Zafar Ali, calls it a critical situation. From the figures themselves I will explain what that critical situation is. In the superior services on the State-managed railways in 1925 the share of the Muslims was 3·15; in 1937 it has more than doubled itself, and is 6·32. In the superior services on the Company-managed railways the share of the Muslims has gone up from 1·12 to 4·89—that is, gone up four times as compared to 1925. In 1925, the Muslims had a share in the subordinate services of 3·69 on State-managed railways; it has gone up to 7·04 in 1937. In Company-managed railways the percentage of the Muslims rose from 1·82 to 3·16. This is the critical stage and critical situation which has been referred to by Maulana Zafar Ali in his speech. Figures have already been given by Maulana Abdul Ghani in his speech and I need not repeat them. What we find is that in this attempt to appease the Muslim community the rights of other minority communities are being simply ignored and trampled upon. It is time that we should record our protest; otherwise our case may go by default. If my friend, Maulana Abdul Ghani, had moved that Indianisation is slow and their share should come from the share allotted to Anglo-Indians and Europeans, I would have supported the motion and would have helped him. If we study the figures we find that in the State-managed railways in the superior services the Europeans occupy 52·56 per cent. of the whole service; the Muslims have 6·32 in the State-managed railways and 4·89 in Company-managed railways; and out of the total allotted to Indians which is 47·44, their share is 6·32. And if we take out of this 47·44 the share given to Anglo-Indians and domiciled Europeans, which is 8·46, that means that out of about 40 per cent. of Indians the Muslims have 6·32 per cent.—that is to say, between 6 and 7 per cent. of the share allotted to Indians.

Maulana Shaukat Ali: Instead of one-fourth.

Sardar Sant Singh: Why one-fourth? You go by the circular; I am condemning the circular. Out of the share allotted to Indians they get between 6 and 7 per cent. May I ask if it is a fair distribution of the crumbs as they call it? Where is the critical stage? I would surely like the shares to be given to all communities. I would not oppose that demand. But when the demand comes to get a share out of the other minority communities, and when I see that this distribution of shares has absolutely demoralised the services in the railways where other communities are also working, I certainly cannot but regard it my duty to oppose such a motion.

Does the Railway Department know that anybody belonging to the Hindu or the Sikh community on the North Western Railway has no security of tenure and is not sure when he is going to be turned out by the intrigues and the scheming that is going on in all the departments?

Do they know how many cases of injustice have occurred in the name of this circular? I know of cases wherein a person has come to be discharged not for any fault in the discharge of his duties, but because a Muslim has to be recruited in his place. We are coming to that state when Government should revise this circular—at any rate the Department should see that this circular is worked in a fair, unprejudiced and impartial manner. At present things are becoming intolerable in services. I receive complaints from various employees of the North Western Railway that it is becoming almost impossible for them to do their duty in the office. They are always afraid what their superior officer is going to do with them under one pretext or another. Pretexts are being sought to turn out Hindus and Sikhs from railways. Is this a state of affairs which the Department or Government would like to continue any longer. (Interruption.) You go to the services and ask their complaints. Complaints are becoming loud, and probably they will become louder still when recruitment goes on in the manner in which it is going on at present. It is unfortunate, Sir, to raise communal issues on the floor of the House, but concession is made to those who do cry and think that they are crying for something which they want: as a matter of fact they do not want what they are crying for: they are simply crying, for by crying they get what they want. If justice is the consideration, if regard is had for truth, then probably these circulars will not come in this House and on such occasions. Therefore, I oppose this motion.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, all this effusion and this force which my friend, Sardar Sant Singh, has shown on the floor of this House today would have been much better shown if he had discussed this matter on his own cut motion. To discuss this on a motion from my friend, Mr. Abdul Ghani, seems rather inappropriate. It looks as if the national spirit which he shows always is poles apart from the feelings he has expressed today. Sir, by this cut motion, if my Hindu and Sikh friends think that Mussalmans in this House want to have their own claims to be espoused, they are mistaken. Our object is not only to discuss the rights and claims of Muslims, but we hope and trust that when such motions are brought in this House it will be understood that we espouse the cause of Indianisation. It is not a question of Hindu or Muslim rights, but if Muslims ask for their rights, it is not right for our friends, Hindus and Sikhs and Indian Christians, to rise and oppose that motion. Probably the best thing would be that they should in their own turn come forward in this House with their own cut motions, and they should expect us to support them rather than to oppose us just as they are doing today. Sir, I am really surprised that we have made it a communal point: it is practically a point for Indianisation. Never mind the wording: we have today put it just as you had tried to do it, just as my friend, Sardar Sant Singh, puts it, just as Colonel Gidney does: we have always been doing it in the same way, but our object is Indianisation. You read between the lines and take it in future that these things are brought forward in this House not in a communal spirit, but in the spirit of Indianisation. I would not have taken part in this debate today but for the speech which my friend, Sardar Sant Singh, has made.

Mr. M. Asaf Ali: He does not mean a word of what he said.

Sardar Sant Singh: No, rather you do not mean a word of what you are saying now.

Mr. Muhammad Azhar Ali: When we see the red report, Volume I, page 80, we find the subject of Indianisation discussed in paragraph 77. We find here that direct recruitment for vacancies was as follows: Europeans 3; Hindus 11, Muslims 2; Sikhs 2; Anglo-Indians and Domiciled Europeans 2. Now, I ask my friend, Sardar Sant Singh, to note that it is a Government report and the heading is Indianisation. I ask him if Mussalmans and Sikhs are not in the same position. From the diagram on page 81 and from the wordings there and from the information subsequently given, the direct recruitment of Mussalmans to superior Railway services on the State and Company managed Railways was 32·4 per cent. Then it goes on to promotions. We find vacancies filled as follows: Hindus 1; no European; no Muslim; no Sikh; Anglo-Indians 2. Now, I refer to the third diagram on page 81. It refers to lower gazetted services; vacancies filled by Europeans 15, by Hindus 10, by Muslims 1, by Anglo-Indians 5 and by Sikhs one. Now, I ask my friends, Sardar Sant Singh and Bhai Parma Nand, to compare and study these figures and then come forward in this House and say that Mussalmans are more than they should be: they are not—I will prove it by these three diagrams, and it is the subject of Indianisation alone. Now, if you come to page 82, paragraph 78, what do you find: vacancies filled by Europeans 7, Hindus 6, Mussalmans 9, Sikhs 1, and by Anglo-Indians 9. If you raise your own claims or rights I have absolutely no objection: I shall be with you, but ask Government to give you your proper share. Now, Sir, when we come to Company-managed Railways, excluding H. E. H. the Nizam's Railway and Jodhpur Railway, what do you find: Europeans 8, Hindus 1, Muslims 1, Anglo-Indians 2, Sikhs 1. Now, I ask my friend, Sardar Sant Singh, to read this whole chapter of Indianisation. If he had stressed that point I would have been content; but I find that he is fighting for crumbs: we have all come with the beggar's bowl before the Government today and ask for our communal rights . . . .

An Honourable Member: Read the motion.

Mr. Muhammad Azhar Ali: I say that this is the real situation today. I say you have to see through this and not think merely that we are putting forward our claims merely on communal grounds. You have to read between the lines of the motion. If my friend, Sardar Sant Singh, gives notice of a similar cut motion I shall be very glad to support him if he proves that his case is as bad as the case of the Muslims. With these words, I support the motion.

Dr. Sir Ziauddin Ahmad: Sir, it is not the first time that I have heard the speech of my friend, Sardar Sant Singh, on similar questions. When the question of the P. W. D. in New Delhi comes up, then he swallows the whole thing because his community has monopoly in P. W. D. but now, in railway services he says we should go only by merit. . . . . .

Mr. Muhammad Azhar Ali: May I remind Dr. Sir Ziauddin Ahmad that in the Account and Audit Services they are 90 to 95 per cent.

Dr. Sir Ziauddin Ahmad: May I draw the attention of Sardar Sant Singh to page 85 of the Administration Report where we find that in the subordinate services the share of the Muslims in State Railways is 7·4 while the share of the Sikhs who are only 1 per cent. of the population is

3·02? The Sikhs, therefore, have got three times the share they deserve on the population basis and Mussalmans less than one-third. The Muslims want only justice: they do not want any unfairness or any special favour; but my friend who is submerged in injustice, having got thrice his share, comes forward and opposes us. Had it come from any other quarter I could have appreciated it, but coming from him I do not understand his position.

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

I will now give the actual figures in the N. W. R. and the E. I. R. and also of the railways as a whole. In the N. W. R. inspite of the circular of the Government of India, I actually see that the percentage is going down; in 1933, it was 54·88; in 1934, it became 55·39; in 1935, it was 54·82, and now it is 54·90. It has not in any way appreciated. Taking the E. I. R., in 1934, it was 20 per cent.; in the next year it fell down to 19·61 per cent. and then it became 19·87 per cent. and now it is 19·73 and so it has not appreciated there. Taking all the railways together, in 1934, it was 28·02, the next year it was 28·03 and then it became 28·40 and finally 28·17. So, during the last four years, the proportion of Muslims in the two main State Railways and in all the State Railways taken together has not appreciated inspite of the efforts of the Railway Board, inspite of the efforts of the Government of India.

I would now like to point out that when the Government of India passed the Resolution about 25 per cent. of fresh recruitment for the Muslims, the railway administration stopped recruitment altogether in the intermediate grade: in future every one will have to be recruited on Rs. 25 to Rs. 35. This was done in order to stop recruitment of minorities in the intermediate grades and what was the result? The result is that it has effectively lowered the efficiency of the E. I. R. I will draw attention at the proper time and point out that one of the chief reasons for the accidents in that railway is that they are now recruiting only in the lowest grade, and recruiting persons who really are not fit for the work they ought to perform and they are getting rid of intelligent people who were at one time recruited in the higher grade direct. This has been done inadvertently and I think the time has come when this rule ought to be revised and recruitment should not always be on the lowest pay, but should also be in the intermediate grades; this is absolutely essential for the efficient running of the railways.

Sir, we have been discussing the question of Mussalmans in railway services for the last ten years—it was first initiated by Sir Henry Gidney in 1927; at that time when I was not here—and year after year we have been discussing it on the floor of this House; but the position has not substantially improved. The causes have to be found out and should be remedied. We have really to take some more effective steps. It ought not to be made an annual issue if we are to progress. We must give a due share to every community in India. But my Honourable friend, Sardar Sant Singh, pocketing three times his due share criticises just claims of others. These criticisms have become in his case a chronic disease. During the past few years there has been no debate in which Sardar Sant Singh did not raise his voice against this demand for justice; but whenever a question arises about the P. W. D. here then he laughing in his sleeves quietly walks out. What I really want to suggest is that in

[Dr. Sir Ziauddin Ahmad.]

the interests of efficiency—not so much in the interests of recruitment of Muslims—I do implore the railways to start recruitment in the upper subordinate grade; I understand that the Agent of the E. I. R. has already made a recommendation to that effect and we should give a fair share to all the communities residing in India. It should not be the monopoly of one community alone.

The Honourable Sir Thomas Stewart: Sir, I do not think that the terms of the motion which has been moved require me to take any active part in the family discussion that has been going on for the last hour. The motion is by way of seeking to censure the Government of India for evading their obligations in regard to Muslims in the railway services. It is appropriate, therefore, that I should remind the House of what these obligations are. These obligations were laid down in the orders of 1934 under which 25 per cent. of the vacancies to be filled by direct recruitment were to be reserved for Muslims provided of course that candidates with the minimum qualifications were available. Now, Sir, it was obviously impossible to apply a flat rate percentage all over India. The uneven distribution of population made that course impossible, and for that reason the percentages which were read out by Sardar Sant Singh, which ranged from 60 per cent. in the case of the N. W. R. down to 11 per cent. in the case of the M. & S. M. Railway, were fixed as a level towards which the various Agents should work in their recruitment. Having shown that our obligation was to recruit as far as possible all over to the 25 per cent. level, though we had to depart from it, exceed or go below it, according to the situation of the various railways, here are the results that we have achieved. In 1934-35, on the State-managed Railways we recruited 367 Muslims out of 1,903. It will be remembered that the orders were issued about the middle of the year, and it was obvious that a certain time had to elapse before the orders were communicated to the various Agents and before they could make arrangements to re-adjust their recruitment programme. So, in 1934-35, there were 367 Muslims recruited out of a total of 1,903 representing 19·29 per cent. In the next year 1,123 Muslims were recruited out of a total of 3,166, being a percentage of 35·47. That was on the State-managed Railways. The corresponding figures on the Company-managed Railways, which of course were not under the same absolute obligation as the State-managed Railways, were 295 out of 1,891 in 1934-35 representing 15·6 per cent. In 1935-36, the figure was 297 out of 1,816 giving a slight rise of 16·35 per cent. The state of affairs in 1936-37 is that out of a total recruitment on all railways of 5,569, there has been a recruitment of 1,736 Muslims giving an all over percentage for India of 31·2 of Muslims. I claim, Sir, that so far as recruitment is concerned, the obligations laid down by the orders of 1934 have been more than fulfilled. It is perfectly true that the total number of Muslims in the services does not by any means approach the figure of 25 per cent. but there was never an undertaking by the Government of India that they should simply with the wave of a magic wand evict other communities and replace them at once by Muslims, but we have realised that the process of giving the Muslims a more adequate share in the services will be a very slow one if we confine our recruitment to recruitment in the lowest rank, and I think with the acquiescence of this House orders have been issued that there should be recruitment at intermediate stages up to the extent

of 20 per cent. of the vacancies,—recruitment of that 20 per cent. being of course divided up in the agreed communal proportions. I think it is not necessary for me to say any more in defence of the position of the Government of India in this matter.

Dr. Sir Ziauddin Ahmad: May I ask one question, Sir? While appreciating very much the steps you have taken for the liberal recruitment of Muslims, may I know why the total percentage has not changed? It has in fact deteriorated.

The Honourable Sir Thomas Stewart: Sir, I can answer that question. The corpus of employees is not a fixed one. There are changes in its composition not only owing to recruitment, but owing to wastage,—wastage of the nature of retirements, retrenchment or death.

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

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

Maulvi Muhammad Abdul Ghani (speaking in vernacular): Sir, in view of the assurance given by the Honourable the Railway Member, I beg leave of the House to withdraw my motion.

Mr. President (The Honourable Sir Abdur Rahim): The question is that leave be given to the Honourable Member to withdraw the motion.

Several Honourable Members: Yes.

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

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

The Honourable Sir Thomas Stewart: Sir, I move:

"That a sum not exceeding Rs. 9,89,85,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Working Expenses —Expenses of Traffic Department'."

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

"That a sum not exceeding Rs. 9,89,85,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Working Expenses —Expenses of Traffic Department'."

Economy.

Mr. Muhammad Azhar Ali: Sir, I move:

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

The Honourable the Member for Communications in his speech today expressed very great sympathies for the agriculturists of India. He was sorry to find that none from this side of the House raised any question about agricultural interests . . . . .

Dr. P. N. Banerjea: I did.

Mr. Muhammad Azhar Ali: If you did, I take it that you did so.

Now, Sir, it is indeed a good sign that the railways are taking a great interest in the agriculture of this country and are also taking effective steps for the transport of agricultural produce from one part of the country to the other. But what I find is this that even small traders who have to export things of local production from one place to another do not find those facilities which are afforded to big traders and merchants. I mean those exports which are made from local places to Bombay. Complaints have been made to me by people who export mangoes and melons from my own province. I find that there is absolutely no facility given to these people. They find it very difficult to export small merchandise, for instance, from Lucknow to Delhi or Lucknow to Calcutta. Small traders from Cawnpore and other places find the same difficulty. You must give facilities for the export of agricultural produce from one province to another or from a province to outside India by reduction in freight rates. Otherwise all this talk of helping agriculture and small traders will be of no avail. I am thankful to the Honourable Member at least for trying to do something.

Coming to my cut motion, I have to say that there are two happy families in the Railway Department and they are the Railway Board and the higher Government gazetted officers. Every year we find that grievances of the lower paid staff are ventilated but I find that neither the Railway Board nor the Railway Member attach any importance to the reduction of the large salaries of the railway officials at the top and their numbers. We find there is retrenchment of the lower staff but no retrenchment of the higher staff. Each railway has got a personal branch under the Deputy Agent. The Deputy Agent gets Rs. 1,950. There are four to six Superintendents under the Deputy Agents at headquarters and they are getting Rs. 1,350 each. Then there are Assistant Superintendents, eight to ten. They are drawing Rs. 900 each. At the same time in each division there is one Divisional Officer on Rs. 1,350 each, one assistant on Rs. 900 each and a large clerical staff both at headquarters and divisions. This is the way in which duplication of appointments is going on.

The Honourable Sir Thomas Stewart: On a point of information. I do not wish to interrupt the Honourable Member. Could he tell me which particular railway he is referring to?

Mr. Muhammad Azhar Ali: I am referring to all State Railways. Now, why was this personal branch created. It was created to deal with all staff matters, for instance, recruitment, promotion, seniority, punishment, transfers, postings, and so forth. Instead of this personal branch dealing with these affairs, we find that each divisional branch is dealing with the same subjects. Is it right that there should be this duplication of work? There is no retrenchment, there is waste of money. In the transportation, commercial and mechanical engineering departments, they are dealing with all these staff appointments and the duplication goes on there also. I want the Member in charge of Communications to look into this state of affairs. These officers are appointed and they are doing absolutely nothing and duplicating the work. The net result is that this personal branch has to carry out not the Railway Board's orders but the orders of the Agents and other Divisional Officers. Therefore, I urge that this personal branch is absolutely redundant and should be done away with. I lay on the

table a list* of cases showing how duplication is going on. If the Honourable Member goes through it, he will find how much useless duplication is going on.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member ought to give the House some indication as to what is contained in the list.

Mr. Muhammad Azhar Ali: I have given some cases where duplication is going on. I did not want to take up the time of the House by reading the whole thing.

I come to another subject. The number of passengers who travelled in the first class in the year 1930-31 was 670,000. In 1935-36, it came down to 384,000. What is this reduction due to? The Railway Board may say anything but the reason that I would give is that this decrease is due to the competition of motor traffic. Sir, the officials and especially the higher officials take to motor driving and motor travelling far more than they travel by the first class compartments on the railways Now, on whom will the responsibility lie? Will it lie on the low paid staff or the Indian public? I submit that the responsibility will lie upon the higher grade officials who travel more not by the first class on railways but who travel by motor and even send their luggage by motor lorry. Sir, in spite of all this I find that the Railway Board is, in accordance with the Wedgwood Report's recommendation, going on with the re-building of coupé compartments for first class travel. The Railway Board very willingly acceded to this desire and recommendation of the Wedgwood Report, as I find from page 5 of the statement showing the action taken by the Railway Department. In paragraph 73, it is mentioned that "the possibility of adopting coupé compartments more generally for first class travel is under consideration" and various designs and layout of new coaching stock are being re-examined. Sir, the result is that money is already being spent on devising ways for perfection of the coupé compartments in spite of the fact that first class travel has been reduced by that big amount which I have just mentioned.

Then I find also that the Honourable Sir Guthrie Russell in his speech in the other House has deprecated to a certain extent the Wedgwood Report. Now, that report which has been derided to a certain extent is being followed by the Railway Board and its recommendations as regards such matters even, *viz.*, that the coupés should be built for the first class compartments, are being adopted. If you will refer to Sir Guthrie Russell's speech in the Council of State on page 5 thereof, he says:

"Without implying any disrespect to the Committee I would like to make it clear that action had already been taken on many of the recommendations of the Report."

Now, Sir, it shows very clearly that the Wedgwood Report is fit only for the waste paper basket. Many of the so-called recommendations of the Wedgwood Report, as Sir Guthrie Russell mentioned, had already been acted upon and they had already been put forward for adoption by either of the two former Committees,—the Pope Committee and the other Committee. Then, further on, in paragraph 8, page 5, Sir Guthrie Russell says that "I think a safe summing up of the recommendations would be

* Not printed in these Debates; placed in the Council Library.

[Mr. Muhammad Azhar Ali.]

that the main theme of the report, at least so far as the purely railway parts are concerned, is better service to the public". This better service to the public is a matter which somehow is not liked by our friends either in the Railway Board or in the Government of India itself, and therefore those other things which the Wedgwood Committee reported about with regard to "better service to the public" were not taken up, but they took up the construction of coupés for the first class travellers although there has been a great reduction, as I have shown, in such travel. So, what I find out is this that this Wedgwood Report has not found any favour with the Government of India so far as the majority of their recommendations are concerned, although lakhs of rupees of the tax-payer's money have been spent upon it. Then, Sir, on page 6, paragraph 9, Sir Guthrie Russell says:

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

Sir, I take it that the general public ought to do its level best, but unless the officials themselves look into the corruption and unless the complaints brought forward are dealt with in due time and speedily, it would be impossible for the general public to do anything. Unless our voice is heard when we place before the Honourable Member or the other officials of the Railway Department the complaints, and unless they stop brushing aside these on some small note of the Railway Agent that "this thing does not exist", and so forth, unless these matters are looked into either by some responsible committee or by the Honourable Member himself, the Members of this House and the public cannot do anything. Sir, the Members of this House are always prepared to place before the Honourable Member the real state of affairs but we are sorry . . . . .

Mr. President (The Honourable Sir Abdur Rahim). The Honourable Member has got two minutes more.

Mr. Muhammad Azhar Ali: . . . .but we are sorry nothing is done. Sir, since last year, 2,017 non-gazetted staff were reduced but the gazetted staff increased by 13, whereas the work for the gazetted staff, I should say, is not that much which is done by the lower paid staff. Sir, my time is very short and I would like to refer to some points but I am sorry it would be too late and I shall not be able to finish what I have to say. Sir, by increasing this gazetted staff the efficiency has not increased. As the Honourable House knows, accidents have on the contrary increased, and it is clear from a reference to page 110 of this red volume, the Administration Report, that accidents increased by 74. If you will refer to Chapter VIII you will find:

"That the total number of accidents shows an increase of 74 as compared with the previous year."

Sir, you go on increasing the higher staff, you go on giving them high salaries but what do we find? We find from your own report that accidents are increasing every day. Sir, besides that, what is the business of this higher staff if they do not look into the framing of a proper time

table policy? Sir, in the case of the E. I. Railway I find that the branch line trains are not even connected with the important main lines and *vice versa*. If the time table is not even framed properly, the passengers have to wait and the result is that they take to road, instead of going by the train. So, if these matters are not looked after by the higher staff, then what is the good of keeping all this higher staff and paying them such fat salaries?

5 P.M.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Mr. Muhammad Azhar Ali: Sir, I move my motion.

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

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

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, the following Message has been received from the Council of State:

"I am directed to inform you that the Bill to amend the Durgah Khawaja Saheb Act, 1936, which was passed by the Legislative Assembly at its meeting held on Thursday, the 3rd February, 1938, was passed by the Council of State at its meeting held on the 21st February, 1938, with the amendments shown in the enclosed statement.

The Council of State requests the concurrence of the Legislative Assembly in the amendments."

Sir, I lay on the table the Bill, as amended by the Council of State.

Statement showing the amendments made in the Bill to amend the Durgah Khawaja Saheb Act, 1936, by the Council of State at its meeting held on the 21st February, 1938.

In clause 3, in proposed section 5—

(*a*) in sub-section (*1*)—

(*i*) for the words "Hanafi Muslims, of whom" the words "Hanafi Muslims, namely" were substituted;

(*ii*) in clauses (*a*) and (*b*) the words "one shall be" were omitted;

(*iii*) in clauses (*c*), (*d*), (*e*) and (*g*) the words "shall be" were omitted; and

(*iv*) in clause (*f*) the words "may be" were omitted; and

(*b*) after sub-section (3) the following sub-section was added, namely :—

"(*4*) If any authority or body entitled to elect, nominate or co-opt a member fails to do so within six months, the Central Government may nominate a member to fill the vacancy from among persons qualified to be elected, nominated or co-opted in respect of the vacancy."

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 23rd February, 1938.

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